



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

**City of Homer
Agenda
City Council Regular Meeting
Monday, October 14, 2019 at 6:00 PM
Council Chambers**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

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 September 23, 2019. City Clerk. Recommend adoption
- b. Memorandum 19-130 Liquor License Renewal for Homer Brewing Company
- c. Ordinance 19-44, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY2017 State Homeland Security Program Reallocation Award for an Amount no to Exceed \$53,324.58 to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

Memorandum 19-131 from Fire Chief as backup

- d. Ordinance 19-45, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY2019 State Homeland Security Program Grant in the Amount of \$255,005 for a Back Generator at the Fire Hall and a Dispatch Console for the Police Department and Appropriating \$24,704 from the Police Station Reserve Account to Purchase a Computer Hardware Integrated Workstation to House the Dispatch Console. City Manager. Recommended dates Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019

Memorandum 19-132 from Police Chief as backup

- e. Ordinance 19-46, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.60, Parks, Art, Recreation, and Culture Advisory Commission, Section 2.60.010(A) Created-Membership, to Reduce the Number of Members from Nine to Seven. Aderhold. Recommended dates Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019
- f. Ordinance 19-47, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 2.76 Economic Development Advisory Commission, Requiring Economic Finding to Accompany Recommendations from City Commission, Establishing an Official Mayoral Appointment to the Kenai Peninsula Economic Development District Board of Directors City of Homer Seat and Encouraging Appointment of Task Forces to Address Timely Community Issues, and Amending Homer City Code 2.58.020 Creation of City Boards and Commissions to Delete (e) Economic Development Advisory Commission. Lord/Erickson. Recommended dates Introduction October 14, 2019 Public Hearing and Second Reading November 25, 2019
- g. Resolution 19-070, A Resolution of the City Council of Homer, Alaska, Amending the Parks, Art, Recreation and Culture Advisory Commission Bylaws by Renaming Articles in a Manner that more Efficiently Outlines the Commission's Internal Operations; and Amending Articles Titled Name and Authorization, Purpose, Members, Officers, Meetings, Committees, Bylaw Amendments, and Teleconferencing. Aderhold.

Memorandum 19-133 from PARCAC as backup

VISITORS

- a. 2018 Audit Report - BDO (10 Minutes)

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Worksession Report
- b. Committee of the Whole Report
- c. Mayor's Report
- d. Borough Report
- e. Library Advisory Board
- f. 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 19-42, An Ordinance of the City Council of Homer, Alaska, Instituting the Industrial Pretreatment Discharge and Waste Disposal Manual. City Manager. Introduction September 23, 2019 Public Hearing and Second Reading October 14, 2019
- d. Ordinance 19-43(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020, "Use of Improperly Muffled Engine Brakes Prohibited", to Prohibit the Use of Muffled Engine Brakes to **Except on** Certain Roads within the City of Homer. City Manager/Police Chief. Introduction September 23, 2019, Public Hearing and Second Reading October 14, 2019.
- c. 2020-2021 Budget

ORDINANCE(S)

- a. Ordinance 19-48, An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. Smith/Stroozas. Recommended dates Introduction October 14, 2019 Public Hearing and Second Reading October 28, 2019
- b. Ordinance 19-49, An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith. Recommended dates Introduction October 14, 2019 Public Hearing and Second Reading October 28, 2019

CITY MANAGER'S REPORT

- a. City Manager's Report

PENDING BUSINESS

- a. Resolution 19-068, A Resolution of the Homer City Council Adopting the Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension Permit, Water Filling Station Permit, and Utility Construction Project Permit as Part of the Public Utility System Application Process. City Manager.

Resolution 19-068(S), A Resolution of the Homer City Council Adopting the Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension Permit, **and** Water Filling Station Permit, and Utility Construction Project Permit as Part of the Public Utility System Application Process. City Manager.

NEW BUSINESS

- a. Memorandum 19-134 from City Clerk Re: Affidavit filed to Initiate a Contest of the Residency of a Candidate in the October 1, 2019 Regular Election.
- b. Memorandum 19-135 from City Clerk Re: Travel Authorization for Mayor and Councilmembers to Attend the Alaska Municipal League 69th Annual Local Government Conference in Anchorage, Alaska, November 18-22, 2019.

RESOLUTIONS

- a. Resolution 19-071, A Resolution of the City Council of Homer, Alaska Accepting the 2018 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO, USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director.
- b. Resolution 19-072, A Resolution of the City Council of Homer, Alaska Awarding the Contract for Third Party Accounting Analysis of HAWSP History and Reporting to the firm of Altman Rogers & Co. in the Amount of \$12,500 plus \$300 for Travel and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Finance Director.

Memorandum 19-138 from Finance Department as backup

- c. Resolution 19-073, A Resolution of the City Council of Homer, Alaska Imposing a Moratorium for Cutting, Clearing or Removal of Trees and Vegetation located Within the Vehicle Right of Ways Between October 1, 2019 and May 1, 2020. Mayor.

Memorandum 19-137 from Mayor as backup

- d. Resolution 19-074, A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 1, 2019 to Elect Two Councilmembers and Decide one Proposition. City Clerk/Canvass Board.

Resolution 19-074(S), A Resolution of the City Council of Homer, Alaska Certifying the Results of the City of Homer Regular Election held October 1, 2019 to Elect Two Councilmembers and Decide one Proposition.

Memorandum 19-136 from City Clerk as backup

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 Monday, October 28, 2019 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 19-28 a Regular Meeting of the Homer City Council was called to order on September 26, 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.

Mayor Castner announced Councilmember Smith made a timely request for telephonic participation.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH (telephonic), STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY WELLS

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

The following changes were made: **Consent Agenda Memorandum 19-123** from Mayor Re: Appointment of City Representative to the Cook Inlet Aquaculture Association. **Memorandum 19-123(S)** from Mayor Re: Appointment of City Representative to the Cook Inlet Aquaculture Association for a term of 3 years. **Ordinance 19-43**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020 Use of Improperly Muffled Engine Brakes, to Identify Permitted Areas for Use of Muffled Engine Brakes in the City of Homer. City Manager/Police Chief. **Ordinance 19-43(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020, "Use of Improperly Muffled Engine Brakes Prohibited", to Prohibit the Use of Muffled Engine Brakes to Certain Roads within the City of Homer. City Manager/Police Chief and Memorandum 19-130 from Police Chief as backup; **Mayor's Report** October is Domestic Violence Month; **City Manager's Report** Request for Legal Opinion Re: Email from Councilmember Erickson from September 21, 2019, Subject: Easy Street.

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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 Special Meeting Minutes of August 28, 2019, September 4, 2019 3:00 and 5:30 meetings, September 5, 2019 and Regular Meeting Minutes of September 9, 2019. City Clerk. Recommend adoption.
- b. Memorandum 19-123 from Mayor Re: Appointment of City Representative to the Cook Inlet Aquaculture Association. Recommend approval.

Moved to New Business item d. Aderhold

- c. Ordinance 19-42, An Ordinance of the City Council of Homer, Alaska, Instituting the Industrial Pretreatment Discharge and Waste Disposal Manual. City Manager. Recommended dates Introduction September 23, 2019 Public Hearing and Second Reading October 14, 2019
- d. Ordinance 19-43, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020 Use of Improperly Muffled Engine Brakes, to Identify Permitted Areas for Use of Muffled Engine Brakes in the City of Homer. Recommended dates Introduction September 23, 2019, Public Hearing and Second Reading October 14, 2019.

Moved to Ordinances item a. Aderhold

- e. Resolution 19-063, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Resolution 2019-047 to Recognize the Recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and Directing Staff to Explore Implementation of the Recommendations, and Signing Kenai Peninsula Borough Joint Resolution 2019-001. Aderhold/City Clerk. Recommend adoption.

Moved to Resolutions item a. Aderhold

- f. Resolution 19-064, A Resolution of the City Council of Homer, Alaska, Amending the Library Advisory Board Bylaws by Removing Article III, Section 4 Regarding Attendance at Friends of the Homer Library Board Meetings. City Clerk. Recommend adoption.

Memorandum 19-124 from Library Advisory Board as backup

- g. Resolution 19-065, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for General Legal Counsel Services to the Firm of Jermain, Dunnagan & Owens, P.C. of Anchorage, Alaska, in the Monthly Fixed Fee Amount of \$12,500 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.
- h. Resolution 19-066, A Resolution of the City Council of Homer, Alaska, Supporting the Construction and Operation of the Alaska Liquefied Natural Gas Project in Response to the Federal Energy Regulatory Commission's Solicitation for Comments Regarding the Project's Environmental Impact Statement. Stroozas. Recommend adoption.

Moved to Resolutions item b. Aderhold

- i. Resolution 19-067, A Resolution of the Homer City Council Amending the Homer Accelerated Roads and Trails (HART) Policy Program Manual to Update Referenced Sections of Homer City Code and Improve Clarity throughout the Manual. City Manager. Recommend adoption.
- j. Resolution 19-068, A Resolution of the Homer City Council Adopting the Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension Permit, and Utility Construction Project Permit as Part of the Public Utility System Application Process. City Manager. Recommend adoption.

Moved to Resolutions item c. Aderhold

- k. Resolution 19-069, A Resolution of The City Council Of Homer, Alaska, Approving a Lease Assignment from John and Margaret Chapple DBA Homer Spit Campground to Truxton Management Inc. and Authorizing the City Manager to Execute the Appropriate Documents for a Seven Year Three Month Lease with Options for Two Consecutive Three Year Renewals for a Portion of Lot 49, Homer Spit Subdivision Amended According to Plat No. 89-034, And Lot 50, According to Plat No. 89-034, at an Initial Annual Rate of \$42, 473.44. City Manager. Recommend adoption.

City Clerk Jacobsen read the consent agenda with its recommendations and changes.

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

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

Tim Dillon, KPEDD Executive Director, gave a tour of the new KPEDD website <https://kpedd.org/> and highlighted key features and dashboards that are available.

b. HERC Innovation Proposal - Jeremiah and Joshua Riley (10 minutes)

Joshua Riley presented the concept of an Innovation Plaza in Homer using the HERC building. He explained innovation programs provide the framework, support, and facilities that entrepreneurs need to turn their ideas into successful businesses. These range from simple business incubation programs to plazas. They stimulate the economy by attracting and retaining talent, encouraging business growth, and promoting economic diversification. Innovation programs build off existing economic drivers, while encouraging new industries. Funding is available through the U.S. Economic Development Administration (EDA) and other Federal agencies for programs like these. Jeremiah Riley participated telephonically and highlighted the benefits of an Innovation Plaza, potential with the HERC building, and answered questions from Councilmembers.

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

a. Worksession Report

City Manager Koester reported on the September 16th worksession on Ordinance 19-23(S) Title 14 and 17 re-write, and on the 4:00 p.m. worksession regarding Seawall Maintenance and Planning.

b. Committee of the Whole Report

Councilmember Aderhold reported Council discussed consent agenda items, a request for a legal opinion regarding Easy Street, and Preliminary Budget Assumptions for the 2020-2021 biennial budget.

c. Mayor's Report

Mayor Castner announced October is Domestic Violence Awareness Month and Breast Cancer Awareness Month. He also reported on the North Pacific Fisheries Conference being held in

Homer September 30th through October 9th, and gave a brief update on the new Police Station building status.

- d. Borough Report
- e. Library Advisory Board

Marcia Kuszmaul, Library Advisory Board Chair, commented regarding their bylaw amendment and their continued relations with the Friends of the Homer Library. She noted there will be a Candidate Forum on Wednesday at the Library.

- f. Homer Advisory Planning Commission
- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission

Jon Sharp, Parks Art Recreation and Culture Advisory Commissioner, reported at their last meeting they approved funding to order a new plaque for a park bench that was donated, had great presentations from Deputy City Planner Engebretsen and Parks Maintenance Coordinator Steffy, and discussed the Karen Hornaday Park and road improvements and the need to replace the bathroom at the park.

- i. Port and Harbor Advisory Commission
 - i. Memorandum from Port & Harbor Advisory Commission Re: 2020-21 Budget Item-Lot 42 Amortization Schedule
- j. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Resolution 19-061, A Resolution of the City Council of Homer, Alaska, Adopting the 2020-2025 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for Fiscal Year 2021.

Memorandum 19-126 from City Clerk as backup

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

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-061 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 19-40, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.27.040, Dimensional Requirements, to Allow Commercial Buildings up to 75 Feet in Height in the East End Mixed Use District with a Conditional Use Permit. Introduction September 9, 2019, Public Hearing and Second Reading September 23, 2019.

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

VENUTI/ERICKSON MOVED TO ADOPT ORDINANCE 19-40 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 19-41, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.24.020, Permitted Uses and Structures; and Homer City Code 21.26.020, Permitted Uses and Structures, to Expand Manufacturing Activities in the General Commercial 1 & General Commercial 2 Zoning Districts. Introduction September 9, 2019 Public Hearing and Second Reading September 23, 2019.

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

ERICKSON/VENUTI MOVED TO ADOPT ORDINANCE 19-41 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Ordinance 19-23(S) An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled "Homer Public Utility Systems" and Homer City Code Title 17 to be Entitled "Public Assessments" to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms; and 3) Create Uniformity between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility

Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas.

Ordinance 19-23(S-2) An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms; and 3) Create Uniformity between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas.

Memorandum 19-125 from City Attorney as backup

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

Mayor Castner announced there is a motion on the floor from June 10th to adopt Ordinance 19-23(S).

LORD/VENUTI I MOVE TO SUBSTITUTE ORDINANCE 19-23(S-2) FOR 19-23(S).

Councilmember Lord explained the S-2 ordinance incorporates items that were addressed at their August and September worksessions.

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

Motion carried.

STROOZAS/LORD MOVED TO AMEND LINES 226-235 AS FOLLOWS: 14.01.090 WATER AND SEWER RATE SCHEDULE **AND SECOND WATER METER USAGE**. A. THE CITY COUNCIL SHALL ADOPT, RENEW, REVIEW AND AMEND, AS NECESSARY, A WATER AND SEWER RATE SCHEDULE ANNUALLY VIA RESOLUTION. COPIES OF THE RATE SCHEDULE SHALL BE AVAILABLE AT THE PUBLIC WORKS DEPARTMENT. THE SCHEDULE MAY ALSO BE AVAILABLE ON THE CITY’S WEBSITE. B. THE CITY WILL ALLOW, UPON APPROVAL OF A WRITTEN APPLICATION AND PAYMENT OF THE FEE ESTABLISHED BY CITY COUNCIL, A SECOND WATER USAGE METER TO MEASURE THE FLOW OF CITY WATER THAT IS NOT DISCHARGED TO THE SANITARY SYSTEM. THIS SECOND METER WILL BE READ MONTHLY **DURING THE SUMMER** AND SEWER CHARGES WILL BE CREDITED MONTHLY. **THE METER MAY NOT BE SUBJECT TO READ DURING THE FALL**

AND WINTER MONTHS. ANY CHARGES ACCRUED DURING THAT PERIOD WILL BE REFLECTED THE FIRST BILLING CYCLE THE METER IS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/ERICKSON MOVED TO AMEND LINES 630-633 AS FOLLOWS: 14.08.070 FROZEN PIPES– CITY NOT LIABLE. CUSTOMERS WILL BE SOLELY RESPONSIBLE FOR ALL ON-PROPERTY FROZEN WATER CONNECTIONS AND ~~EXTENSIONS~~ **ON-SITE WATER CONNECTION LINE’ WHICH IS DEFINED IN THE CODE AS “PART OF THE WATER CONNECTION LINE LOCATED ON THE PROPERTY BEING SERVED BY THAT LINE.**

City Attorney Wells commented this amendment creates more room or misinterpretation and potential for argument on what is and what is not within the liability of the property owner. It makes the language less precise and enforceable, and she does not recommend the change.

Councilmember Smith questioned how City Attorney Wells defines extensions because with the code, extensions are defined as the portion of the line from the main to the water valve, which is also defined as not being within the ownership of the property owner.

City Attorney Wells replied the current code provision is seen in codes throughout the State. Her understanding from discussions with Public Works is that this provision is specific to all connections and extensions on property. If there is something that is not on property, the property owner isn’t held liable, which makes sense. It’s all-encompassing and concise, and is more comprehensive as it refers only to on-property connections and extensions.

Councilmember Lord noted we don’t use the term extensions to talk about anything other than the mains that aren’t going to be on someone’s property.

City Attorney Wells explained the City’s definition of extensions will never be on someone’s property. But this is referring to the freezing of extensions and connections as they are attached to the City’s water system. What someone else might consider “an extension” is one that’s an illegal version, like a spaghetti line. There are mechanisms people use to install “extensions” on property. The most important thing here is the language “on property”. What this says is there is a connection or extension on your property and it freezes, you will be held responsible for it and the City will not. She explained the amendment is acceptable but it needs to be more specific.

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

Mayor Castner did not vote.

Motion failed.

There was no further discussion on Ordinance 19-23(S-2) as amended.

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

Motion carried.

Mayor Castner called for a five minute recess at 7:27 p.m. and called the meeting back to order at 7:33 p.m.

ORDINANCE(S)

- a. Ordinance 19-43, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020 Use of Improperly Muffled Engine Brakes, to Identify Permitted Areas for Use of Muffled Engine Brakes in the City of Homer. Recommended dates Introduction September 23, 2019, Public Hearing and Second Reading October 14, 2019.

Ordinance 19-43(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020, "Use of Improperly Muffled Engine Brakes Prohibited", to Prohibit the Use of Muffled Engine Brakes to Certain Roads within the City of Homer.
City Manager/Police Chief

Memorandum 19-130 from Police Chief as backup

STROOZAS/VENUTI MOVED TO INTRODUCE ORDINANCE 19-43 BY READING OF TITLE ONLY.

STROOZAS/LORD MOVED TO SUBSTITUTE ORDINANCE 19-43(S) FOR 19-43.

There was no discussion on the motion to substitute.

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

Motion carried.

City Attorney Wells recommended an amendment to the title.

LORD/ERICKSON MOVED TO AMEND LINE 9 TO DELETE "TO" AND INSERT "EXCEPT ON"

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion.

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

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester commented that at Committee of the Whole there was discussion regarding a request for a legal opinion and per the discussion she will not be working with the Attorney for the legal opinion. She noted that she will have a place for these type of requests in her report going forward. She reported that she learned this afternoon the City was awarded a grant through Homeland Security to fund a backup generator for the Fire Hall and radios for the Police Station.

There was brief discussion about relocating a generator to the new Police Station and installing the new one at the Fire Hall, and about scheduling tours to see the progress of the new Police Station.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 19-127 from Councilmembers Aderhold and Venuti Re: Council Retreat Planning

Councilmembers discussed dates for scheduling a retreat and settled on a proposed date of January 11, 2020. There was consensus for Councilmembers Aderhold and Venuti to continue working with the City Manager in planning a Council Retreat.

- b. Memorandum 19-128 from City Manager Re: Third Party Analysis of HAWSP History and Reporting

It was suggested that the \$10,000 fiscal note included in the memorandum is too high. Discussion ensued regarding the complexity and significance of the HAWSP fund, and the need for extensive review to ensure the Council gets an appropriate analysis of the fund.

ERICKSON/VENUTI MOVED TO AUTHORIZE THE CITY MANAGER TO SOLICIT FOR A THIRD PARTY ANALYSIS OF HAWSP AS OUTLINED IN MEMORANDUM 19-128.

At the request of Councilmember Aderhold, City Manager Koester explained the memo includes her best effort to take the comments and concerns that were expressed at the September 16th worksession and develop a scope of work for a successful applicant. It would be appropriate for Council to make any amendments to the scope of work they may feel necessary to ensure they get the work product they are looking for.

There were brief comments in support of the scope provided.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Memorandum 19-129 from City Clerk Re: Economic Development Advisory Commission Councilmember Appointment

Mayor Castner explained Councilmember Smith submitted his resignation as the Councilmember appointed to the Economic Development Advisory Commission and reviewed the information provided on the history of the Councilmember appointment that's included in City Code. He explained no action is needed at this time, but Councilmembers may apply for the seat or bring forward a code amendment.

- d. Memorandum 19-123 from Mayor Re: Appointment of City Representative to the Cook Inlet Aquaculture Association. Recommend approval.

VENUTI/ADERHOLD MOVED TO APPROVE MEMORANDUM 19-123.

VENUTI/ADERHOLD MOVED TO SUBSTITUTE MEMORANDUM 19-123(S) FOR 19-123.

There was no discussion on the motion to substitute.

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

Motion carried.

Councilmember Lord noted that the substitute memorandum establishes a three year term for the seat.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- a. Resolution 19-063, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Resolution 2019-047 to Recognize the Recommendations of the Kenai Peninsula Borough's Election Stakeholders Group and Directing Staff to Explore Implementation of the Recommendations, and Signing Kenai Peninsula Borough Joint Resolution 2019-001. Aderhold/City Clerk.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 19-063.

Councilmember Aderhold gave a thorough review of the recommendations of the Kenai Peninsula Borough Election Stakeholders Group and responded to questions from Council.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- a. Resolution 19-066, A Resolution of the City Council of Homer, Alaska, Supporting the Construction and Operation of the Alaska Liquefied Natural Gas Project in Response to the Federal Energy Regulatory Commission's Solicitation for Comments Regarding the Project's Environmental Impact Statement. Stroozas.

STROOZAS/ERICKSON MOVED TO ADOPT RESOLUTION 19-066.

Councilmember Aderhold commented regarding a resolution that was brought forward regarding submitting comments to the ACOE regarding the Pebble Mine asking them to conduct an analysis. The body at that time had discussion on not commenting on that EIS and that we as a body shouldn't comment on these sorts of things and that resolution was voted down. She doesn't understand why they should vote on this request when they have chosen not to comment on other EIS's.

Councilmember Stroozas commented about a year or so ago Council sent a similar comment to AGDC, supporting the location of the LNG terminal in Nikiski and this is a Federal Regulatory Commission (FRC) comment period that closes October 5th. Because the resolution was supported last year, this is comments to FRC in regards to the draft EIS. He noted the resolution includes verbiage that identifies the benefits to the City of Homer.

Councilmember Lord expressed her preference that Council not weigh in on this.

VOTE: YES: STROOZAS, SMITH

NO: LORD, ADERHOLD, ERICKSON, VENUTI

Motion failed.

- b. Resolution 19-068, A Resolution of the Homer City Council Adopting the Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension Permit, and Utility Construction Project Permit as Part of the Public Utility System Application Process. City Manager.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-068.

Councilmember Lord commented she has questions for staff regarding the permits but didn't have time to get them address before tonight's meeting.

LORD/VENUTI MOVED TO POSTPONE TO THEIR NEXT MEETING.

There was no discussion.

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

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells, on behalf of Birch Horton, expressed appreciation for allowing the firm to be a small part of the City for the last decade, and commended the Council on their new legal counsel who she's sure will represent the City effectively and with excellence. On a personal note, she thanked the City employees, Council members, and community members she has worked with over the last 11 years. She commended City Manager Koester, recognizing her leadership, professionalism and dedication, and recognized City Clerk Jacobsen as well.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced there are seats open on the Economic Development Advisory Commission and the ADA Compliance Committee, and openings for Student Representatives on the Parks Art Recreation and Culture Advisory Commission and Port and Harbor Advisory Commission. Absentee in Person voting is open during normal business hours through September 30th. She thanked City Attorney Wells for the support from her and her firm over the years, she has been great to work with in dealing with the issues that come through the City Clerk's office.

COMMENTS OF THE CITY MANAGER

City Manager Koester said it's been a pleasure to work with City Attorney Wells and appreciates the professionalism of her and her firm in the transfer to the new firm.

COMMENTS OF THE MAYOR

Mayor Castner hopes they can put together an extended worksession on budget policies in early November as they work through the budget. He looks forward to engaging with the two year budget cycle and incorporating the best way Council wants to receive reports during the cycle.

COMMENTS OF THE CITY COUNCIL

Councilmember Venuti congratulated Dan Miotke on his promotion to Assistant Fire Chief and thanked City Attorney Wells for all her work. She reminded everyone to drive with their headlights on, it's getting harder to see now that it's darker in the mornings.

Councilmember Smith commented about his travels into British Columbia and the beautiful scenery. He noted under the sign when you get in to British Columbia it says "Super Natural". He suggested the thinking about a new catch phrase for Homer. He noted that the polls are open and next Tuesday is Election Day. He encouraged everyone to get out and vote and recognized Councilmembers Stroozas and Erickson for all they've done during their term.

Councilmember Lord congratulated Dan Miotke on his promotion to Assistant Fire Chief and thanked Tim Dillon for presenting the new KPEDD website. She was pleased the schools didn't close and shared appreciation for our local School Board Members for being available to answer questions during the negotiations. She thanked City Attorney Wells for her work on the title 14 and 17 re-write and for all of her and her staffs support. She'll be attending the Alaska Association of Harbormasters and Port Administrators Conference in Juneau next week.

Councilmember Erickson thanked Councilmembers Lord and Stroozas for their work on the title 14 and 17 re-write and City Attorney Wells for her OMA trainings. She thanked Debbie Speakman for her work with the Chamber of Commerce and Jan Knutson for stepping in as Interim Director. Lastly she thanked all the volunteers who work in our visitor industry for all they do to promote Homer.

Councilmember Aderhold thanked City Attorney Wells, she appreciates all she's done for the City. She said there is a Tesla car charging station at Art Shop Gallery. On Saturday she participated in the Inlet-wide Beluga's Count Project on Baycrest Hill. It was fun and there were people from other countries, states, and communities in Alaska. On Friday she attended the Homer High School Climate Strike and was impressed with the adults who came and listened, and also with the students and what they had to say.

Councilmember Stroozas thanked City Attorney Wells and announced Councilmember Lord is presenting tomorrow at the Chamber luncheon. He thanked Joshua and Jeremiah Riley for their presentation and interest in the HERC. He reminded everyone to vote on October 1st and said today is the autumnal equinox, where there is 12 hours of light and 12 hours of darkness.

ADJOURNMENT

Next Regular Meeting is Monday, October 14, 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.

Mayor Castner adjourned the meeting at 8:41 p.m.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-130

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: OCTOBER 8, 2019
SUBJECT: LIQUOR LICENSE RENEWAL FOR HOMER BREWING COMPANY

The City Clerk's Office has been notified by the AMCO Board of a Liquor License Renewal within the City of Homer, for the following business:

License Type: Brewery
License #: 4136
DBA Name: Homer Brewing Company
Service Location: 1411 Lake Shore Drive Homer, AK 99603
Licensee: Homer Brewing Company, Inc.

RECOMMENDATION: Voice non objection and approval for liquor license renewal.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: RENE KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

DATE: OCTOBER 7, 2019

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR HOMER BREWING COMPANY

The Homer Police Department has no objection to the Liquor License Renewal Application within the City of Homer for the following business:

License Type:	Brewery
License #:	4136
DBA Name:	Homer Brewing Company
Service Location:	1411 Lake Shore Drive
Licensee:	Homer Brewing Company, Inc.
Contact Person:	Karen Berger, 907-399-8060



October 4, 2019

City of Seldovia

Via Email: clerk@cityofhomer-ak.gov
jblankenship@kpb.us
tshassetz@kpb.us

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Brewery	License Number:	4136
Licensee:	Homer Brewing Company, Inc.		
Doing Business As:	Homer Brewing Company		

We have received a completed renewal application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable.

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Homer Brewing Company	License Number:	4136
License Type:	Brewery		
Examiner:	<i>Carie</i>	Transaction #:	1148789

Document	Received	Completed	Notes
AB-17: Renewal Application	10/2	10/2	
App and License Fees	10/2	10/2	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

Waive
 Protest
 Lapsed

LGB 2 Response:

Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17: 2020/2021 Renewal License Application

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that are is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.

Section 1 – Establishment and Contact Information

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	Homer Brewing Company, Inc.	License #:	4136
License Type:	Brewery		
Doing Business As:	Homer Brewing Company		
Premises Address:	1411 Lake Shore Drive		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		
Mailing Address:	Same		
City:		State:	ZIP:

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Karen Berger	Contact Phone:	907-399-8060
Contact Email:	homerbrew96@gmail.com		

Optional: If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



Form AB-17: 2020/2021 Renewal License Application

Section 2 – Entity or Community Ownership Information

Licenses who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by vising the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>**

Alaska CBPL Entity #:	94436
-----------------------	-------

You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

KB

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

- If the applicant is a **corporation**, the following information must be completed for each **shareholder who owns 10% or more** of the stock in the corporation, and for each **president, vice-president, secretary, and managing officer**.
- If the applicant is a **limited liability organization**, the following information must be completed for each **member with an ownership interest of 10% or more**, and for each **manager**.
- If the applicant is a **partnership**, including a limited partnership, the following information must be completed for each **partner with an interest of 10% or more**, and for each **general partner**.

Important Note: The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Stephen Forrest McCasland			
Title(s):	President	Phone:	907.235.3626	% Owned: 50
Mailing Address:	1111 Lake Shore Dr.			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Karen Elizabeth Berger			
Title(s):	Secretary/Treasurer	Phone:	907.235.3626	% Owned: 50
Mailing Address:	1411 Lake Shore Dr			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



Form AB-17: 2020/2021 Renewal License Application

Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an: applicant affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

Read the line below, and then sign your initials in the box to the right of the statement:

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

	2018	2019
The license was regularly operated continuously throughout each year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was regularly operated during a specific season each year.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input type="checkbox"/>	<input type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.</i>	<input type="checkbox"/>	<input type="checkbox"/>



Form AB-17: 2020/2021 Renewal License Application

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Yes No

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

Yes No

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

Section 7 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

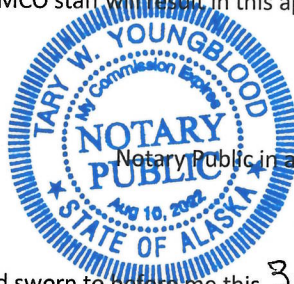
I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

Karen E Berger
Signature of licensee

Karen E. Berger
Printed name of licensee



Tary W. Youngblood
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 8/10/22

Subscribed and sworn to before me this 30 day of Sept, 2019.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 1000.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1300.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
PROFESSIONAL LICENSING**

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Homer Brewing Company, Inc.

Entity Type: Business Corporation

Entity #: 94436

Status: Good Standing

AK Formed Date: 6/9/2005

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: 1411 LAKE SHORE DR, HOMER, AK 99603

Entity Physical Address: 1411 LAKE SHORE DR, 1411 LAKE SHORE DR, HOMER, AK
99603

Registered Agent

Agent Name: Karen Elizabeth Berger

Registered Mailing Address: 1411 Lake Shore Dr, Homer, AK 99603

Registered Physical Address: 1411 Lake Shore Dr, Homer, AK 99603

Officials

Show Former (None on file)

AK Entity #	Name	Titles	Owned
	Karen Elizabeth Berger	Director, Secretary, Treasurer, Shareholder	50.00
	Stephen Forrest McCasland	President, Director, Shareholder	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
6/09/2005	Creation Filing	Click to View	Click to View
7/18/2005	Initial Report	Click to View	
10/04/2005	Initial Report	Click to View	
10/10/2006	Biennial Report	Click to View	
1/08/2009	Biennial Report	Click to View	
12/30/2010	Biennial Report	Click to View	
12/31/2012	Biennial Report	Click to View	
2/10/2015	Biennial Report	Click to View	
12/19/2016	Biennial Report	Click to View	
12/26/2018	Biennial Report	Click to View	

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License Detail

LICENSE DETAILS

License #: 738966

[Print Business License](#)

Business Name: HOMER BREWING COMPANY, INC.

Status: Active

Issue Date: 11/15/2006

Expiration Date: 12/31/2019

Mailing Address: 1411 LAKE SHORE DR
HOMER, AK 99603

Physical Address: 1411 LAKE SHORE DR
HOMER, AK 99603

Owners

HOMER BREWING COMPANY, INC

Activities

Line of Business	NAICS	Professional License #
31 - Manufacturing	312120 - BREWERIES	

Endorsements

No Endorsements Found

[Close License Detail](#)

[Print Friendly Version](#)

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-44

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY2017 State Homeland Security Program Reallocation Award for an Amount no to Exceed \$53,324.58 to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting October 14, 2019 Introduction

Memorandum 19-131 from Fire Chief as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 19-44

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY2017 STATE HOMELAND SECURITY PROGRAM REALLOCATION AWARD FOR AN AMOUNT NOT TO EXCEED \$53,324.58 TO REPLACE MOBILE RADIOS IN CITY'S RADIO COMMUNICATION SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City's entire radio communication system is aging and must be replaced soon to keep up with technological advances in order to support the City of Homer's ability to prevent, protect against, respond to and recover from all hazard events ; and

WHEREAS, Radio communication system upgrades is a project in the City of Homer 2020-2025 Capital Improvement Plan; and

WHEREAS, The Alaska Division of Homeland Security & Emergency Management (DSH&EM) recently solicited local jurisdiction grant project managers to apply for FY2017 State Homeland Security Program reallocation funds; and

WHEREAS, the City is pleased to have been awarded \$53,324.58 from the DSH&EM to replace vehicle mounted mobile radios in the two Command Vehicles and several response apparatus in the Homer Volunteer Fire Department (HVFD) fleet;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates an FY2017 Reallocation State Homeland Security Program Grant from the DHS&EM in an amount not to exceed \$53,324.58 for the purpose of replacing mobile radio units for the HVFD as follows:

Revenue:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	State Homeland Security Grant Program	\$53,324.58

Expenditure:		
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	HVFD Mobile Radio Replacements	\$53,324.58

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

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

46
47 Section 4. Sole source procurement from the manufacturer is hereby authorized.

48
49 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2019.

50
51

CITY OF HOMER

52
53

KEN CASTNER, MAYOR

54
55

56
57

58 ATTEST:

59
60

61 _____
62 MELISSA JACOBSEN, MMC, CITY CLERK

63
64

YES:

65

NO:

66

ABSTAIN:

67

ABSENT:

68

69 Introduction:

70 Public Hearing:

71 Second Reading:

72 Effective Date:

73

74

75 Reviewed and approved as to form:

76

77

78 _____
Katie Koester, City Manager

79 _____
Michael Gatti, Attorney

79

80 Date: _____

81 Date: _____

81

82



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Memorandum 19-131

TO: City Council and Mayor Castner

THROUGH: Katie Koester, City Manager

FROM: Mark Kirko, Fire Chief

DATE: October 8, 2019

SUBJECT: HVFD Mobile Radio Replacement Grant Award

We have been awarded an FY2017 reallocation grant award from the Division of Homeland Security and Emergency Management in the amount of \$53,324.58 to continue the upgrade of the City of Homer's emergency communications radio equipment.

This grant will nearly complete an upgrade to the Homer Volunteer Fire Department's vehicle mounted mobile radio system, including mobile radio and repeater units for our two Command Vehicles and nearly all response apparatus. HVFD's mobile units are fifteen years old and are aging out of their expected functional life span. They are subject to the daily wear and tear of constant exposure to temperature fluctuations, a harsh coastal climate, dust, dirt, saltwater and unimproved bumpy roads common in our area. With each passing year, the units experience more frequent break downs that take them out of service for repair. Due to their age, the manufacturer (Motorola) no longer supports the radios with spare parts or software upgrades.

We are very pleased to have been awarded the grant. I recommend Council authorize the City to accept this grant and ask for further authorization to enter into a sole source contract with ProComm Alaska for the equipment. ProComm is the only full service Motorola dealer in the state and the Motorola equipment is the only equipment compatible for use with our system and the State of Alaska's Land Mobile Radio System, commonly referred to as ALMR.

There is no other option for us to pursue when it comes to replacing our radio equipment. ProComm provides us 24/7 response services and is also the only radio service provider that fields public safety certified technicians with Motorola factory training. I understand they have provided superb service to us over the years. For these reasons, I request a sole source contract be awarded to ProComm Alaska.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-45

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY2019 State Homeland Security Program Grant in the Amount of \$255,005 for a Back Generator at the Fire Hall and a Dispatch Console for the Police Department and Appropriating \$24,704 from the Police Station Reserve Account to Purchase a Computer Hardware Integrated Workstation to House the Dispatch Console.

Sponsor: City Manager

1. City Council Regular Meeting October 14, 2019 Introduction

Memorandum 19-132 from Police Chief as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 19-45

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY 2019 STATE HOMELAND SECURITY PROGRAM GRANT IN THE AMOUNT OF \$255,005 FOR A BACKUP GENERATOR FOR THE FIRE HALL AND A DISPATCH CONSOLE FOR THE POLICE DEPARTMENT AND APPROPRIATING \$24,704 FROM THE POLICE STATION RESERVE ACCOUNT TO PURCHASE A COMPUTER HARDWARE INTEGRATED WORKSTATION TO HOUSE THE DISPATCH CONSOLE.

WHEREAS, The Alaska Division of Homeland Security and Emergency Management (DHS&EM) makes funds available to strengthen a City's ability to prevent, protect against, respond to and recover from all hazard events; and

WHEREAS, Backup power is vital to the continuity and effectiveness of communications and response operations during emergency events; and

WHEREAS, The Homer Volunteer Fire Department will soon be without backup power generation capability when the backup generator they use is moved to the new Homer Police Station; and

WHEREAS, Effective emergency response operations is equally dependent on the delivery of timely communications; and

WHEREAS, with only two dispatch stations, Homer Police Department has no backup dispatch capability; and

WHEREAS, Additional dispatch stations provide immediate backup dispatch capability, making our emergency response system more resilient and readily able to:

- immediately expand to handle a larger volume of calls during emergency event,
- recover from a failure in either of the two other position, and
- maintain compliance with the National Fire Protection Agency's two-position requirement; and

WHEREAS, The City is pleased to have been awarded \$255,005 from the DHS&EM to purchase a generator for backup power generation at the Fire Hall and one backup dispatch console for the Homer Police Department; and

43 WHEREAS, DHS&EM stated that computer hardware integrated workstations to house
44 dispatch consoles are no longer eligible for grant funding; and

45
46 WHEREAS, One computer hardware integrated workstation is required to house the the
47 backup dispatch console; and

48
49 WHEREAS, Quotes received from the manufacturer indicate the cost (including shipping
50 and installation) for the dispatch workstation is \$24,707;

51
52 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

53
54 Section 1. The Homer City Council hereby accepts and appropriates an FY2019 State
55 Homeland Security Program Grant to the City of Homer in the amount of \$255,005 for the
56 purposes as follows:

57
58 Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7018	FY19 State Homeland Security Grant Program	\$105,500
151-7019	FY19 State Homeland Security Grant Program	\$149,505

62
63 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7018	Homer Fire Department Back-Up Generator	\$105,500
151-7019	Homer Police Department Dispatch Console	\$149,505

67
68 Section 2. The FY2019 Capital Budget is hereby amended for the purpose of funding
69 one computer hardware integrated workstation for the dispatch console as follows:

70
71 Account No. Description Amount

156-0394	Police Depreciation Reserve Account Fund	\$24,704
----------	--	----------

73
74 Section 3. Homer City Council hereby authorizes The City Manager is authorized to
75 execute the appropriate documents.

76
77 Section 4. This is a budget amendment ordinance, is temporary in nature, and shall
78 not be codified.

79
80 Section 5. Sole source procurement from the manufacturer is hereby authorized.

81
82 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2019.

83
84

CITY OF HOMER

KEN CASTNER, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Michael Gatti, Attorney

Date: _____

Date: _____



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 19-132

DATE: September 24, 2019
TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
SUBJECT: Dispatch Console Grant

We have received a grant award from Homeland Security for an additional dispatch console. This will increase our active consoles from two to three. We have been in need of an additional console for quite some time. We always try to staff two dispatchers 24/7 but are limited in our ability to do so by manning levels. However we are able to staff two dispatchers during our busiest times of the day. Having a third console will give us a fully functional back-up position in case one goes down. It will also allow us to have two dispatchers working when the third position is occupied by a trainee, something that happens frequently. More importantly, the third console will be of great benefit when coordinating an area wide emergency response such as a tsunami evacuation of the spit. I request we obtain council approval to accept this grant and authorize a sole source purchase for this project to ProComm Alaska and for permission to enter into a contract with them and obligate funds.

The amount of the grant is \$149,505. This will fund the cost of the electronic equipment which makes up a console position and the installation and testing of it. It will not pay for the workstation required to mount the equipment on. We tried to obtain grant funding for the workstation but we learned Homeland Security will not provide funding for workstations. The workstations for dispatch consoles are highly specialized. They provide mounting surfaces for 6 computer monitors and the various associated equipment. They are fully ergonomic allowing the dispatcher to electrically adjust the position of the work surfaces, monitors and keyboards. This is very important for dispatchers that are often seated at the station for many hours with no opportunity to get up and move around. The cost of one workstation is \$24,704. I request funding for the purchase of a workstation be approved with the money coming out of police station reserves. I also request that this purchase be approved for a sole source purchase through ProComm Alaska.

ProComm Alaska has been doing our radio maintenance work for approximately 18 years. ProComm is the only full service Motorola dealer in the state and the Motorola consoles are the only ones compatible for use with the State of Alaska's Land Mobile Radio System, commonly referred to as ALMR. The police department utilizes ALMR on a daily basis. There is no other option for us to pursue when it comes to replacing our console system. ProComm provides us 24/7 response services and is also the only radio service provider that fields public safety certified technicians with Motorola factory training. They have

provided superb service to us over the years. For these reasons, I request a sole source purchase to ProComm Alaska be approved.

To help ensure we are receiving the best possible pricing we will correspond with the Motorola factory representative for Alaska and ensure the pricing offered by ProComm is the same as the competitively bid contracts for Motorola Equipment utilized by the GSA and the Department of Defense. We will not issue any purchase orders until this confirmation is obtained.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-46

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.60, Parks, Art, Recreation, and Culture Advisory Commission, Section 2.60.010(A) Created-Membership, to Reduce the Number of Members from Nine to Seven.

Sponsor: Aderhold

1. City Council Regular Meeting October 14, 2019 Introduction

1 CITY OF HOMER
2 HOMER, ALASKA

Aderhold

3
4 ORDINANCE 19-46

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 2.60, PARKS, ART,
8 RECREATION, AND CULTURE ADVISORY COMMISSION, SECTION
9 2.60.010(A) CREATED-MEMBERSHIP, TO REDUCE THE NUMBER OF
10 MEMBERS FROM NINE TO SEVEN.

11
12 WHEREAS, The Parks, Art, Recreation, and Culture Advisory Commission voted
13 unanimately to reduce the membership to seven voting members at their April 18, 2019 regular
14 meeting.

15
16 NOW, THEREFORE, The City of Homer Ordains:

17
18 Section 1. HCC Chapter 2.60 Parks, Art, Recreation, and Culture Advisory Commission
19 Section 2.60.010(a), Created-Membership is hereby amended to read as follows:

20
21 a. There shall be a City of Homer Parks, Art, Recreation and Culture Advisory
22 Commission, hereinafter referred to as the Commission. The Commission will be
23 composed of ~~nine~~ **seven** voting members, who shall be appointed by the Mayor and
24 confirmed by the City Council, plus one nonvoting member who shall be a Homer area
25 high school student selected by his or her student body. Up to three voting members of
26 the Commission may be nonresidents of the City, but City resident applicants shall be
27 preferred for all Commission member appointments.

28
29 b. A Chair and Vice-Chair of the Commission shall be elected annually from and by the
30 voting members of the Commission. The Chair shall preside at meetings of the
31 Commission. In the absence of the Chair, the Vice-Chair shall perform the duties of the
32 Chair. [Ord. 16-22 § 2, 2016].

33
34 Section 2. This ordinance is of a permanent and general character and shall be included
35 in Homer City Code.

36
37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
38 2019.

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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.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date:_____

Date:_____

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-47

An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code 2.76 Economic Development Advisory Commission, Requiring Economic Finding to Accompany Recommendations from City Commission, Establishing an Official Mayoral Appointment to the Kenai Peninsula Economic Development District Board of Directors City of Homer Seat and Encouraging Appointment of Task Forces to Address Timely Community Issues, and Amending Homer City Code 2.58.020 Creation of City Boards and Commissions to Delete (e) Economic Development Advisory Commission.

Sponsor: Lord/Erickson

1. City Council Regular Meeting October 14, 2019 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Lord/Erickson

ORDINANCE 19-47

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING HOMER CITY CODE 2.76 ECONOMIC DEVELOPMENT ADVISORY COMMISSION, REQUIRING ECONOMIC FINDINGS TO ACCOMPANY RECOMMENDATIONS FROM CITY COMMISSIONS, ESTABLISHING AN OFFICIAL MAYORAL APPOINTMENT TO THE KENAI PENINSULA ECONOMIC DEVELOPMENT DISTRICT BOARD OF DIRECTORS CITY OF HOMER SEAT AND ENCOURAGING APPOINTMENT OF TASK FORCES TO ADDRESS TIMELY COMMUNITY ISSUES, AND AMENDING HOMER CITY CODE 2.58.020 CREATION OF CITY BOARDS AND COMMISSIONS TO DELETE (E) ECONOMIC DEVELOPMENT ADVISORY COMMISSION.

WHEREAS, The strength of Homer’s economy, including the business community and quality of life, is an overarching consideration for all of the City’s Commissions and the City Council; and

WHEREAS, City representatives participate with the Homer Marine Trades Association, the Homer Chamber of Commerce, and the Kenai Peninsula Economic Development District (KPEDD); and

WHEREAS, The City of Homer Comprehensive Economic Development Strategy (CEDS) overlaps in many ways with the Homer Comprehensive Plan, including within Chapter 7 Economic Vitality; and

WHEREAS, on behalf of the Kenai Peninsula Borough, the KPEDD regularly produces and annually updates a CEDS inclusive of the entire Kenai Peninsula Borough; and

WHEREAS, The Kenai Peninsula Borough CEDS 2019 Update includes many of the tenants of the Homer CEDS (last updated in 2011) that may not be included in the Homer Comprehensive Plan; and

WHEREAS, The majority of the tasks within the Homer CEDS are targeting actions for the City Council, and when recommendations for City Council actions are needed they would be best drafted by specific-issue Task Forces created by Council and the Mayor; and

WHEREAS, The few tasks identified for the EDC in the Homer Comprehensive Plan are providing reviews and updates; and

43 WHEREAS, CEDS reviews and updates should be completed in partnership with the
44 KPEDD, and Comprehensive Plan updates occur on a 5-10 year cycle and are not best suited
45 for the time and expense of a standing City Commission; and
46

47 WHEREAS, City Commissions can recommend to City Council and Council can appoint
48 Task Forces to address timely issues of concern to the community, including those related to
49 economic development; and
50

51 WHEREAS, Focusing limited City resources is critically important to ensure the efficient
52 and productive response to concerns and answering questions; and
53

54 WHEREAS, Maximizing citizen involvement to answer specific questions and provide
55 recommendations through the Task Force model will enhance public engagement and provide
56 for targeted efforts that are most viable for City action.
57

58 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
59

60 Section 1. HCC 2.76 is repealed.
61

62 Section 2. HCC 2.58.020 is amended as follows:
63

64 2.58.020 Creation of City boards and commissions.
65

66 The following commissions and boards have been created by City Council and are
67 subject to this chapter unless otherwise provided in this title:
68

- 69 a. Library Advisory Board;
 - 70 b. Parks, Art, Recreation, and Culture Advisory Commission;
 - 71 c. Port and Harbor Advisory Commission;
 - 72 d. Planning Commission;
 - 73 e. ~~Economic Development Advisory Commission.~~
- 74

75 Section 3. City Council shall consider creating Task Forces in accordance with the City
76 Council Operating Manual (per Resolution 19-051) in proactive response to timely issues of
77 concern to the community.
78

79 Section 4. Recommendations from the Planning Commission, Port & Harbor Advisory
80 Commission and the Park, Arts, Recreation and Culture Advisory Commission should include
81 any relevant economic development nexus information for City Council review.
82

83 Section 5. The Mayor shall appoint a member of the Homer Business Community to fill
84 the City of Homer seat on the KPEDD Board of Directors who shall report to the City Council on
85 a quarterly basis.
86

87 Section 6. This ordinance is of a permanent and general nature and shall be included in
88 Homer City Code, effective January 1, 2020.
89

90 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2019.
91

92
93 CITY OF HOMER
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96 _____
97 KEN CASTNER, MAYOR
98

99 ATTEST:
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101
102 _____
103 MELISSA JACOBSEN, MMC, CITY CLERK
104
105

106 YES:
107 NO:
108 ABSTAIN:
109 ABSENT:
110

111 Introduction:
112 Public Hearing:
113 Second Reading:
114 Effective Date:
115

116 Reviewed and approved as to form:
117

118 _____
119 Katie Koester, City Manager
120

Michael Gatti, City Attorney

121 Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 19-070

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION BYLAWS BY RENAMING ARTICLES IN A MANNER THAT MORE EFFICIENTLY OUTLINES THE COMMISSION'S INTERNAL OPERATIONS; AND AMENDING ARTICLES TITLED NAME AND AUTHORIZATION, PURPOSE, MEMBERS, OFFICERS, MEETINGS, COMMITTEES, BYLAW AMENDMENTS, AND TELECONFERENCING

WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission reviewed their Bylaws at their March 21, 2019 and April 18, 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 added to identify the Commission's purpose as defined in Homer City Code; and

WHEREAS, Article II – Purpose is added to succinctly identify the responsibilities of the Commission as defined in Homer City Code; and

WHEREAS, Article III - Members is amended to reduce the overall number of members on the commission effective November 1, 2019 in order to accommodate the current terms of existing members; and

WHEREAS, Article IV – Officers is amended to provide clarity on how and when officers are elected, lengths of office and the responsibilities with the office elected to; and

WHEREAS, Article V - Meetings is amended to clarify the months that meetings will be held; clarify the process for calling a worksession; and clarify the verbiage regarding quorum and voting; 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

42 WHEREAS, Article VIII – Teleconferencing is amended to clarify how members
43 participate in meetings telephonically; and

44
45 WHEREAS, Article IX – Is added to provide clarification on the section related to public
46 art programs and adopted policies; and

47
48 WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission approved the
49 Bylaw amendments at their April 18, 2019 regular meeting by unanimous consent of the
50 Commission.

51
52 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska amends the
53 Parks, Art, Recreation and Culture Advisory Commission Bylaws by renaming Articles in a
54 manner that more efficiently outlines the Commission’s internal operations; and amending
55 articles titled Name and Authorization, Purpose, Members, Officers, Meetings, Committees,
56 Bylaw Amendments, and Teleconferencing.

57
58 PASSED AND ADOPTED by the Homer City Council this 14th day of October, 2019

59
60 CITY OF HOMER
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62
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64 _____
65 KEN CASTNER, MAYOR

66 ATTEST:
67
68
69 _____
70 MELISSA JACOBSEN, MMC, CITY CLERK

71
72 Fiscal note: N/A



Memorandum 19-133

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: APRIL 29, 2019

SUBJECT: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION BYLAW AMENDMENTS

The Parks, Art, Recreation & Culture Advisory Commission at their March 21, 2019 and April 18, 2019 regular meetings reviewed bylaw amendment recommendations from the City Clerk's Office and made their own additional changes. Excerpts from the minutes of those meetings are as follows:

Regular Meeting March 21, 2019

NEW BUSINESS

A. Bylaws Amendments and Review

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

Deputy City Planner Engebretsen suggested that the Commission consider two items:

- Reduction in the number of members to seven members since the large membership lends itself to very long meetings
- Section 2 under Meetings that is highlighted she would prefer to keep the review of items flexible as the Commission has the Annual Calendar that is referred to and used to schedule reviews of their documents and address budget, etc.

Deputy City Clerk Krause reported in response to Commissioner's questions that the format is a standardization of all Commission and Board Bylaw changes that is being recommended by the Clerk's Office with the exception of the Planning Commission. The yellow highlighted section is just a suggestion and the Commission can omit that section if they desire. She added that as far as the reduction in membership, she noted that previously Commissioner Sharp announced that he would not be requesting reappointment when his term expires this year and they have had an existing vacancy so it would be simple to reduce the membership to seven if that is the desire of the Commission.

A discussion ensued on the following:

- The number of commissioners on the Commission and Student Representative as an additional or included member
- Providing the right of a Student Representative to have full voting privileges
- Including in the Bylaws specific topics for review or discussion or staying with the Annual Calendar method currently used by the Commission.

LEWIS/LOWNEY – MOVED TO REDUCE THE NUMBER OF PEOPLE ON THE COMMISSION FROM NINE TO EIGHT WITH ONE OF THOSE MEMBERS BEING A STUDENT MEMBER WITH THE RIGHT TO VOTE.

Discussion ensued regarding the proposed changes to the membership clarifying that it would be seven adult members and one student member; and changing the student representative to give them full voting rights since those students put in the time and effort just as much as a regular commissioner and this would give future student representatives a sense of purpose and valid reason to participate fully. Clarification was provided by Staff that the Commission can forward these recommendations/changes to Council and if Council approves the changes then they would be put into effect but it would also require an Ordinance to change City Code which was one of the reason why the Bylaws were being amended for the most part to reflect correctly what was already defined in City Code.

The Commission questioned how the membership would be reduced since terms did not expire until October. It was noted that the membership could be reduced to eight since there was one vacancy already and then if a commissioner decided not to request reappointment when their term expired they could make additional changes to the bylaws.

Further discussion ensued on giving the Student Representative full voting privileges. There was some comparison provided between the Library Advisory Board and surrounding issues. Further comment was made on the Commission being advisory and a student being allowed to vote on their recommendations does not really impact the decisions, the membership reduction effects the quorum requirements by one.

Chair Harrald inquired if there was any dissent to the motion.

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

Motion carried.

There was no further discussion on the draft bylaws and amendments.

LEWIS/LOWNEY MOVED TO FORWARD THE BYLAWS FOR FINAL REVIEW, FURTHER AMENDMENTS AND APPROVAL AT THE NEXT MEETING OF THE COMMISSION.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Regular Meeting April 18, 2019

PENDING BUSINESS

A. Draft Bylaws Amendment and Review

Chair Harrald introduced the item into the record by reading of the title and opened the floor to discussion noting the memorandum submitted by the City Clerk regarding the proposed amendment to the Student Representative position.

A discussion followed on the points brought forth by City Clerk Jacobsen and previous discussion on the number of commissioners including the Student Commissioner.

Deputy City Planner Engebretsen recommended a new motion.

Further discussion ensued on the following:

- reducing the membership and the possibility of having tie votes with a voting membership of even numbers
- Acknowledgement of the upcoming vacancies with Commissioner Ashmun and Sharp, stating that they did not intend to request re-appointment at the last meeting.
- Requirements to obtain a majority and quorum would be five with either eight or nine voting members
- Requirements of a membership of seven would be four
- Future Student Representatives may not be as willing and interested and if they change the position to be a voting member it may have negative results

LEWIS/LOWNEY MOVED TO AMEND THE MEMBERSHIP TO SEVEN VOTING MEMBERS AND ONE STUDENT REPRESENTATIVE MEMBER.

Chair Harrald restated the motion and opened discussion on the motion.

LEWIS/LOWNEY MOVED TO AMEND THE MOTION TO IDENTIFY THAT THE STUDENT REPRESENTATIVE IS A NON-VOTING MEMBER.

There was a brief discussion on specifying that the Student Representative will be a non-voting member in this motion.

It was brought forward that currently they have more members and when would this be effective.

Staff suggested amending the motion to be effective November 1, 2019.

LEWIS/LOWNEY MOVED TO AMEND THE MOTION TO ADD EFFECTIVE NOVEMBER 1, 2019

There was no further discussion.

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

Motion carried.

Chair Harrald asked if there was any further discussion on the amendment as amended. Hearing none she asked if there was any dissent to the motion.

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

Motion carried.

Chair Harrald requested the Clerk to read back the motion on the floor.

Ms. Krause read the motion:

MOVED TO AMEND THE MEMBERSHIP TO SEVEN VOTING MEMBERS AND ONE STUDENT REPRESENTATIVE THAT IS A NON-VOTING MEMBER TO BE EFFECTIVE NOVEMBER 1, 2019.

There was a brief discussion on addressing the other sections related to majority and quorums if they are changing the membership and those sections can be addressed later in the year.

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

Motion carried.

Chair Harrald inquired if there were any further amendments to the draft bylaws.

Commissioner Roedl inquired about getting the sidewalks constructed if that should not be listed under their duties.

Deputy City Planner Engebretsen responded that there was a Transportation Committee but the Planning Commission was given those duties noting that the pedestrian connectivity is not usually a concern for the Planning Commission but forwarding recommendations on pedestrian connectivity can be done by this Commission.

Chair Harrald noted the work that was accomplished as a Commissioner by Commissioner Roedl.

Commissioner Roedl next requested clarification and concern with the notification process on teleconferencing reciting his recent experience of his flight being canceled at the last minute. He felt that prior notice would be adequate and that the five day and three day notice requirements were restrictive.

A discussion ensued on amending the process for notifications to participate by teleconference to allow for some leeway when last minute cancelations may cause members not to be present at a meeting unexpectedly without their absence affecting their overall attendance.

LEWIS/LOWNEY MOVED TO AMEND SECTION 2 A UNDER ARTICLE EIGHT, TELECONFERENCING, BY DELETING THE WORDS, AT LEAST FIVE DAYS AND AMEND SECTION 2 B BY DELETING THE WORDS, THREE DAYS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrald asked if there were any additional amendments to the Draft Bylaws.

Amending other sections in the bylaws that addressed majority and quorums was briefly discussed by the Commission and determined that those sections could be addressed when the membership was reduced officially.

Commissioner Roedl requested clarification on the time period for absences – calendar year versus appointment year. Then referred to the allowances of two teleconferences only per year.

Deputy City Planner Engebretsen responded that for the Planning Commission they use the calendar year.

Commissioner Lewis commented that all a Commissioner had to do was to call in or email staff or the Clerks and the absence would be excused. That attendance requirement only applied to unexcused absences.

Further discussion on how strict the application of two teleconference opportunities per year, inactive commissioners, the procedure to allow attendance by teleconference is conducted before the start of each meeting by the Commission and the requirement that a quorum is physically present ensued.

Deputy City Clerk Krause explained that this Commission as it stands really has not presented any issues over attendance and participation. But in the future if there was a Commissioner that was not as productive and did not attend meetings on a regular basis, their attendance could then be addressed by the Commission.

Commissioner Lowney inquired about the section of the bylaws pertaining to the Arts and if it is stated or outlined on how and where the advertisements are placed. She was concerned with the low responses received in the past and felt that even at a higher expense if they should advertise with a widely known entity instead of just the local papers.

Deputy City Clerk Krause responded that the advertising requirement is outlined in Title 18.07 of city code and the procurement policy. She noted the listing of a recent request for proposals on a new website that allows a free solicitation and is world-wide.

Chair Harrald requested a motion to approve the Draft Bylaws as amended hearing no further amendments from the Commission.

LEWIS/SHARP MOVED TO ADOPT THE PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION BYLAWS AS AMENDED AND FORWARD TO CITY COUNCIL FOR APPROVAL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATION:

Approve Resolution 19-0XX adopting the amended Parks, Art, Recreation & Culture Advisory Commission Bylaws.

**CITY OF HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
BYLAWS**

~~The Commission is established to act in an advisory capacity to the City Manager and the City Council on the problems and development of parks and recreation facilities; public beaches and trails; support of the arts; acquisition, maintenance and disposition of works of art; land use and future development related to parks and recreation facilities and administration of the public arts fund established by HCC 18.07.090 and those duties and powers as set forth in Chapter 2.60 of the Homer City Code~~

~~The Commission's jurisdiction is limited to the area within the city boundaries except for those extra territorial interests, such as trails and city properties, subject to city jurisdiction.~~

~~The Commission consists of nine members; up to three members may be residents from outside the city limits, preference shall be given to City resident applicants.~~

~~Members will be appointed by the Mayor for three year terms (except to complete terms) subject to confirmation by the City Council.~~

~~One Homer area High School student selected by his or her student body can serve as a consulting member of the Commission in addition to the nine appointed members, and may attend and participate in all meetings as a consultant, but shall have no vote.~~

~~There will be regular monthly meetings February through June and August through November of the Commission and permanent records or minutes shall be kept of the proceedings. The minutes will record the vote of each member upon every question. Every decision shall be filed in the office of the City Clerk and shall be public record open to inspection.~~

HISTORY

~~The By laws were passed by the Commission on August 18, 2016 and approved by the City Council on September 12, 2016, and shall be in effect and govern the procedures of the Commission.~~

~~The duties and responsibilities of the Commission are:~~

~~A. Act in advisory capacity to the City Manager and the City Council on matters involving:~~

- ~~_____ 1. City parks~~
- ~~_____ 2. Recreation facilities~~
- ~~_____ 3. Public beaches and trails~~
- ~~_____ 4. Support of the arts~~
- ~~_____ 5. Acquisition, maintenance and disposition of works of art~~
- ~~_____ 6. Land use and future development related to parks and recreation facilities~~
- ~~_____ 7. The administration of the public arts fund established by HCC 18.07.090~~

~~B. Consider any specific proposal, problem or project as directed by the City Council.~~

~~C. Perform the functions prescribed in HCC Chapter 18.07 related to funding works of art in public spaces.~~

~~D. Further development and awareness of the arts in the City.~~

~~E. Solicit donations of money and property in support of its duties under this section. Donations of money to be deposited into separate fund designated for parks, art, recreation or cultural purposes. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council and shall be held or disposed of for parks, art, recreation or cultural purposes as the Council may direct.~~

~~The Commission may make recommendations to the Council for the disposition of money or property so received.~~

BY-LAWS

ARTICLE I – NAME AND AUTHORIZATION

This organization shall be called the Parks, Art, Recreation and Culture Advisory Commission, established via Ordinance 16-22, existing by virtue of the provisions of Chapter 2.60 and Chapter 18.07 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 18, 2019 and shall be in effect and govern the procedures of the Parks, Art, Recreation and Culture Advisory Commission.

ARTICLE II – PURPOSE

Section 1. Act in an advisory capacity to the City Manager and the City Council on the problems and development of the following:

- **City Parks**
- **Recreation Facilities**
- **Public Beaches and Trails**
- **Support of the Arts**
- **Acquisition, maintenance and disposition of works of art**
- **Land Use and Future Development related to Parks and Recreation Facilities**
- **Administration of the Public Arts Fund**

Section 2. Perform the functions as outlined in Homer City Code Chapter 18.07 Funds for Works of Art in Public Places.

Section 3. Direct recommendations to the City Council directly or through the City Manager via memorandum from the Parks, Art, Recreation and Culture Advisory Commission.

Section 4. Consider any specific proposal, problem or project as directed by the City Council and any report or recommendations thereon shall be made directly to the Council, unless otherwise directed by the Council.

Section 5. Solicit donations of money and or property in support of the commission purpose.

Section 6. Make recommendations to Council for the disposition of money or property donated.

ARTICLE III – MEMBERS

Section 1. The Commission will be composed of ~~nine~~ seven members, comprised of at least ~~six (6)~~ four (4) members that reside inside city limits, who shall be appointed by the Mayor and confirmed by the City Council Effective November 1, 2019.

Section 2. One (1) Homer area high school Student Representative Commissioner may be appointed by the Mayor, subject to confirmation by the City Council, as a consulting, non-voting member.

Section 3. The Mayor, City Manager, Public Works Director or City Planner may serve as non-voting, consulting members of the Commission.

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

Section 4. ~~1.~~ A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission. ~~2.~~The Commission shall declare a vacancy when the person appointed:

- Fails to qualify to take office within 30 days after his/her **their** appointment;
- ~~B.~~ Resigns and the resignation is accepted;
- ~~C.~~ Is physically or mentally unable to perform the duties of his/her **their** office;
- ~~D.~~ Misses ~~three~~ **two (2)** consecutive regular meetings ~~without notice unless excused;~~ or
- E. Is convicted of a felony.

ARTICLE IV – OFFICERS

Section 1. A Chair and Vice-Chair shall be selected **elected** annually ~~(November meeting)~~ by the ~~appointive members~~ **from and by the voting members of the Commission.**

Section 2. The Chair shall preside at all meetings of the Commission, **authorize** calls for any special meetings in accordance with the by-laws, sign **execute all** documents **authorized by** of the Commission, **serve as ex officio/voting member of all committees, and generally perform all duties associated with that office.** ~~see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.~~

Section 3. The Vice-Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her **their** absence, disability or disqualification of office. **In the event that both Chair and Vice Chair are absent, and a quorum of members are present, the senior member shall assume and perform the duties and functions of the Chair.**

Section 4. The Vice-Chair will succeed the Chair if he/she vacates the office **is vacated** before the term is completed, to complete the unexpired term. A new Vice-Chair shall be elected at the next regular meeting.

Section 5. Officers shall serve a term of one year from the November meeting at which they are elected and until their successors are duly elected. Officers may be re-elected in subsequent years.

ARTICLE V - MEETINGS

C. ~~REGULAR MEETINGS:~~

Section 1. Regular meetings shall be open to the public and held on the third Thursday February through June and August through November on the third Thursday of the month at 5:30 p.m. in the designated location and shall be posted for public information as required by Homer City Code and Alaska State Statutes.

Section 2. Section held for designation certain months to review specific topics such as budget, strategic plan, policies, etc.

Section 3 2. Items will be added to the agenda upon request of staff, through the Chair or upon approval by the Chair and in the absence of the Chair, the Vice Chair. Agenda deadline is the Wednesday of the week preceding the meeting date at 5:00 p.m. **Allowances will be made for holidays.**

~~3. Removing items from the published agenda will be by consensus of the Commission. No items may be added once the agenda has been published and distributed.~~

~~4. Commissioners will give staff or Chair a minimum of two weeks notice or as soon as possible regarding their potential absence from a meeting.~~

~~5. A Quorum is required to conduct a meeting of the commission.~~

~~6. Meetings will be conducted in the Cowles Council Chambers or alternative location as designated or required.~~

Section 3 4. 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
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. PENDING BUSINESS
10. NEW BUSINESS
11. INFORMATIONAL MATERIALS (NO ACTION MAY BE TAKEN ON THESE MATTERS, THEY MAY BE DISCUSSED ONLY).
12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)
13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)

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

14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)

15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)

16. COMMENTS OF THE COMMISSION

17. 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.

~~A. To abide by existing Alaska State Law, Borough Code of Ordinance, where applicable, and Homer Municipal Code;~~

~~B. To abide by Robert's Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.~~

Section 4 5. 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 5 6. Special Meetings and Worksessions may be called by the Deputy City Planner, Clerk, Chair or a majority of the Commission. Worksessions do not require a quorum, however, no action may be taken at a worksession; items on the agenda are for discussion only. Notice of such meetings shall be posted in the same manner as that of regular meetings.

Section 6 7. A quorum for the transaction of business at any meeting shall consist of five (5) members. For the purpose of determining the existence of a quorum, honorary members shall not be counted.

Section 7 8. Five 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/motion before the Commission.

Section 8 9. 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 Roberts Rules of Order, current edition, in so far as this treatise is consistent with Homer City Code.

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

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 its meetings.

D. COMMITTEES

- ~~1. Committees will be formed upon approval of City Council.~~
- ~~2. The Chair shall appoint committees for such specific purposes as the business of the Commission may require. Committee membership shall include at least two Commissioners. Other Committee members may be appointed from the public.~~
- ~~3. One Committee member shall be appointed Chair and be responsible for creating an agenda and working with the Deputy City Clerk in regards to establishing meeting dates so they may be advertised in accordance with Alaska State Law and Homer City Code.~~
- ~~4. One Committee member shall be appointed responsible for furnishing summary notes of all Committee meetings to the Deputy City Clerk.~~
- ~~5. Committees shall meet in accordance with Commission bylaws and Robert's Rules.~~
- ~~6. All committees shall make a progress report at each Commission meeting.~~
- ~~7. No committee shall have other than advisory powers.~~
- ~~8. Per Roberts Rules, upon giving a final report, the Committee is disbanded.~~

E. COMMISSION MEETING PUBLIC COMMENT/TESTIMONY AND AUDIENCE COMMENT TIME LIMITS

- ~~1. The meeting Chair shall note for the audience's benefit that there is a three minute time limit each time there is a place in the agenda for public comment/testimony or audience comments.~~
- ~~2. Any individual wishing to address the Commission shall adhere to a three minute time. It is the responsibility of the Chair to announce under Public Comments, Public testimony on public hearing items and Audience Comments that there is a 3 minute time.~~
- ~~3. Time limits may be adjusted by the 2 minutes up or down with the concurrence of the body in special circumstances only such as agenda content and public attendance.~~

F. SPECIAL MEETINGS:

- ~~1. Called by Chair or majority of the Commission conducted only upon approval of Council.~~

G. DUTIES AND POWERS OF THE OFFICERS:

- ~~1. A Chair and Vice Chair shall be selected annually (November meeting) by the appointive members.~~
- ~~2. The Chair shall preside at all meetings of the Commission, call special meetings in accordance with the by laws, sign documents of the Commission, see that all actions and notices are properly taken, and summarize the findings of the Commission for the official record.~~
- ~~3. The Vice Chair shall perform all duties and be subject to all responsibilities of the Chair in his/her absence, disability or disqualification of office.~~
- ~~4. The Vice Chair will succeed the Chair if he/she vacates the office before the term is completed, to complete the unexpired term. A new Vice Chair shall be elected at the next regular meeting.~~

H. MOTIONS TO RECONSIDER:

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

- ~~1. Notice of reconsideration shall be given to the Deputy City Clerk and copied to the Chair or Vice-Chair, if the Chair is unavailable, within forty-eight hours from the time the original action was taken.~~
- ~~2. A member of Commission who voted on the prevailing side on any issue may move to reconsider the Commission's action at the same meeting or at the next regular meeting of the body provided the above 48-hour notice has been given.~~
- ~~3. Consideration is only for the original motion to which it applies.~~

I. ~~CONFLICT OF INTEREST:~~

- ~~1. A member or the Commission shall disqualify himself/herself from participating in any official action in which he/she has a substantial financial interest.~~
- ~~2. Should the Commission member not move to disqualify himself/herself after it has been established that he/she has a substantial financial interest, the Commission may move to disqualify that member by a majority vote of the body.~~

J. ~~QUORUM; VOTING:~~

- ~~1. Five Commission members shall constitute a quorum.~~
- ~~2. Five affirmative votes are required for the passage of a resolution or motion.~~
- ~~3. Voting will be by verbal vote, the order to be rotated. The final vote on each resolution or motion is a recorded roll call vote.~~
- ~~4. The City Manager, Mayor and High School student shall serve as consulting members of the Commission but shall have no vote.~~

K. ~~CONSENSUS:~~

- ~~1. 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.~~

L. ~~ABSTENTIONS:~~

- ~~1. All Commission members present shall vote unless the Commission, for special reasons, permits a member to abstain.~~
- ~~2. A motion to excuse a member from voting shall be made prior to the call for the question to be voted upon.~~
- ~~3. 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.~~
- ~~4. A member may not be permitted to abstain except upon the unanimous consensus of members present.~~
- ~~5. 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.~~

M. ~~VACANCIES:~~

- ~~1. A Commission appointment is vacated under the following conditions and upon the declaration of vacancy by the Commission:~~
- ~~2. The Commission shall declare a vacancy when the person appointed:~~
 - ~~_____ A. fails to qualify to take office within 30 days after his/her appointment;~~
 - ~~_____ B. resigns and the resignation is accepted;~~
 - ~~_____ C. is physically or mentally unable to perform the duties of his/her office;~~
 - ~~_____ D. misses three consecutive regular meetings without notice unless excused; or~~
 - ~~_____ E. is convicted of a felony or of an offense involving a violation of his/her _____~~
~~_____ oath of office.~~

N. ~~GENERAL ORDER OF BUSINESS:~~

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

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~~
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- ~~12. COMMENTS OF THE AUDIENCE (3 MINUTE TIME LIMIT)~~
- ~~13. COMMENTS OF THE CITY STAFF (not required) (Staff report may be at this time in the agenda.)~~
- ~~14. COMMENTS OF THE COUNCILMEMBER (If one is assigned)~~
- ~~15. COMMENTS OF THE CHAIR (May be combined with COMMENTS OF THE COMMISSION/BOARD since the Chair is a member of the Commission/Board.)~~
- ~~16. COMMENTS OF THE COMMISSION~~
- ~~17. 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)~~

~~O. **PROCEDURE FOR CONSIDERATION OF AGENDA ITEMS:**~~

- ~~The following procedure will normally be observed pursuant to Robert's Rules:~~
- ~~1. A motion is made to discuss the item OR to approve the staff recommendation. The item may then be discussed, amended or voted on.~~
 - ~~2. If there are questions of staff or an appropriate audience member, a Commissioner may request permission from the Chair to ask the question. The Chair, upon with consensus approval, may grant the request.~~

P. ARTICLE VII - BYLAWS AMENDED: AMENDMENTS

Section 1. The bylaws may be amended at any meeting of the Commission by a majority plus one vote of the members present, provided that notice of 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.

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

ARTICLE VIII TELECONFERENCEING

Section 1. Teleconference meetings:

- a. The preferred procedure for Commission meeting is that all members be physically present at the designated time and location ~~within the City~~ for the meeting. However, physical presence may be waived ~~by the Chair or Commission~~ and a member may participate in a meeting by Teleconference. **This allowance is limited to two (2) meetings per year.** ~~when it is not essential to the effective participation or the conduct of business at the meeting.~~
- b. There must be a quorum of members physically present. In addition to the telephonic member.**
- c. A Commission member 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.

~~1.~~ **Section 2. Teleconference procedures.**

- a. A Commission member who cannot be physically present for a regularly scheduled meeting shall notify the ~~Deputy City Clerk~~ at least five days prior to the scheduled time for the meeting of his/her **their** intent to appear by telephonically. ~~means of communication.~~
- b. ~~The Deputy City Clerk shall notify the~~ **other Commissioners members of the Commissioner's intent to appear by teleconference** ~~three days prior to the scheduled time~~ **of the meeting.** ~~for the Commission meeting of Commission members intending to appear by teleconference.~~
- c. The means used to facilitate a teleconference meeting ~~of the Commission~~ must enable each Commissioner ~~er member~~ appearing telephonically to clearly hear, **and be heard by** all other Commissioners ~~members and members of the public,~~ attending the meeting as well as ~~be clearly heard by all other Commission members and members of the public.~~
- d. ~~The Deputy City Clerk shall note in the attendance record all Commission members appearing telephonically.~~

ARTICLE IX – PUBLIC ART PROGRAM AND THE MUNICIPAL ART COLLECTION

1% FOR THE ARTS PROGRAM

The State has recognized through the enactment of AS 35.27.010, and the City of Homer hereby recognizes by the enactment of Ordinance 02-25(A), Chapter 18.07, the responsibility of government to foster the development of culture and the arts through the purchase or commissioning of works of art for municipal buildings and facilities. It is therefore declared to be municipal policy that a portion of appropriations for capital expenditures for municipal buildings and facilities be devoted to the acquisition of works of art to be permanently placed or incorporated in such buildings or facilities.

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

Definitions

The following words, terms and phrases, when used, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

"Art" and "work of art" mean all forms of original creations of visual art, including but not limited to the following:

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.
2. Painting: all media, including portable and permanently affixed works, such as murals.
3. Graphic arts: printmaking and drawing.
4. Mosaics.
5. Photography.
6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.
7. Calligraphy.
8. Mixed media: any combination of forms or media, including collage

"Construction, remodeling or renovation of municipal buildings and facilities" means any capital improvement projects paid for wholly or in part by the municipality to build, rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

"Total cost of construction, remodeling or renovation" means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental clean-up or remediation. (Ord. 02-25(A), 2002.)

The Parks, Art, Recreation and Culture Advisory Commission shall be responsible for the following:

- A. Determine the dollars allocated for art within the budget of each eligible project;
- B. Name a Selection Committee for each project;
- C. Develop and monitor policies related to the selection and installation processes;
- D. Develop plans that insure the preservation of the art collection;

Procedures for the 1% for the Arts Program

Eligible Projects

1. Upon approval of the City budget, the City Manager will provide a copy of the capital improvement budget to the Commission notating all projects he/she believes to be eligible for the 1% for Art Program.
2. Eligible projects include remodeling, renovation, new construction to municipal buildings or facilities when the cost of the project exceeds \$250,000.
3. Staff will update the Commission at least quarterly regarding any new capital improvement projects City Council has approved and will indicate whether the City Manager believes the 1% for Art Program is applicable.

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

Project Budget

1. 1% of the project cost will be allocated for the purchase of art, with a minimum project value of \$250,000 and a maximum of \$7,000,000. Therefore, the minimum budget is \$2,500 and the maximum is \$70,000. The budget may be increased by the addition of private funds or donations from non-city public funds.
2. Project cost is defined as the cost of the original contract awarded, excluding land acquisition, site investigation, environmental cleanup or remediation. Subsequent change orders and amendments to the contract do not increase or decrease the amount of funding available for artwork.
3. The art budget will include all costs associated with design, construction, installation, and acquisition of works of art.

Selection Committee

1. The Commission will submit to the Council for its approval members of a new Selection Committee for each eligible project. Appointments will be made as early as possible in the construction process to encourage integration of art into the architecture of the building and design of the outdoor spaces.
2. A Selection Committee will be composed of at least five (5) members, including
 - a. One member(s) from the Commission,
 - b. One Artist
 - c. One member from the architectural/design team
 - d. One member from the user department
 - e. Director of building in question or his/her designated representative.

The scope of the project may require the appointment of additional members.

3. The Deputy City Clerk for the Commission will also assist the Selection Committee. This will facilitate clear communication and cooperation between the two advisory bodies.
4. Diversity. The Commission will specifically include members of the community who share a commitment to the goals of the 1% for Art Program yet represent the diverse citizenry in our community.
5. Responsibilities of the Selection Committee
 - a. Selection Committee members will suggest the most suitable locations for artwork within the building or on the site, often in discussion with the architect or chief designer. It is also appropriate to allow artists to submit proposals for locations not identified by the committee.

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

- b. The committee will organize interaction between the design team and artists to ensure that artists are sufficiently briefed about the project opportunities and restrictions. The goal is to generate top quality, responsive proposals.
- c. Carefully review each eligible submission. This will frequently be a multi-step process, with time between meetings for personal reflection.
 - d. If necessary, a specific member of the committee or the Deputy City Clerk may be directed to discuss modifications to a specific proposal with the artist. All such discussions shall be confidential, and members must exercise care so a specific artist does not construe such discussion as acceptance of work.
 - e. Prepare list of Recommended Artwork for the named project and a short list of runners-up, if possible. (Occasionally 1st choice work will not be available and this process may preclude the need to reconvene the jury.)
 - f. Selection Committee Chair will be present when the Resolution is before Council for final approval and award. Responses to Council questions may include a brief summary of the selection process, including number of submittals, names of the selection committee members and other information that encourages final acceptance by City Council members.
 - g. Deputy City Clerk will notify all selected artists of their award and thank all participants.
 - h. All participants, including Committee members and all artists who submitted proposals will be offered a formal opportunity to comment on the process. The Commission will receive these comments.

NOTE: The entire selection process must be handled confidentially. No decisions are final until approved by City Council and final contracts are negotiated with the artists. (Reso. 10-80, 2011.)

ADDITIONAL OVERSIGHT UNDER THE 1% PROGRAM

1. Requests for Proposals (RFP)

The Selection Committee with the assistance of the Deputy City Clerk will prepare an RFP for each eligible project. (See sample in Exhibit A). The Clerk's Office will circulate the RFP as required by City code under the City's Procurement Policy. Packets of additional information that describes the project will be available in City Clerk's Office and on the City's website. It will include the brochure, "Special Considerations for Art in Public Places" (See Exhibit B)

2. Establishing Selection Criterion

- a. Each member of the Selection Committee will be provided with a complete RFP, including the "Special Considerations" brochure. Members will be asked to remember these considerations in their art selections.
- b. The Selection Committee will be provided with an Evaluation Checklist (see Exhibit C).

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

- c. The Selection Committee may specify that certain projects will show a preference for art by local or Alaskan artists.

3. Legal Considerations.

The Selection Committee and the Parks, Art, Recreation and Culture Advisory Commission are liaisons between artists and the City, the principals in this program. These guidelines will clarify the understanding between them:

- a. Ownership of the Art: All art purchased under the 1% for Art Ordinance will be owned by the City of Homer.

- b. Artist’s Rights: Public artwork and art concepts will not be altered, modified, removed or moved from a site which is integral to the concept for the work without prior notice to the artist. If the City’s best and reasonable efforts to contact the artist have failed, the City may proceed without such notice.

- c. Artist’s Promise to the City of Homer: The art is unique and original and does not infringe upon any copyright. Neither the art nor a duplicate has been accepted for sale elsewhere. The art is free and clear of any liens. The fabricated and installed art will be free of defects in material and craftsmanship. Maintenance requirements have been accurately described;

4. Contract with an Artist:

The City of Homer will enter into a contract with each artist whose work is selected for inclusion in a City project. It will address description of the project, payment schedule, payment of special engineering or installation costs, due date. (See sample in Exhibit D). (Reso. 10-80, 2011.)

ACCESSION POLICY

To establish an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection ensuring that the collection is comprised of artwork of the highest quality.

Definition

Accession is to accept artwork in to the Municipal Art Collection

Policy

- 1. Accession procedures insure that the interests of all concerned parties are represented including the Parks, Art, Recreation and Culture Advisory Commission, the Public, the Artist, the Arts Community and the City of Homer.

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

2. Artwork shall be distinctive artistic merit and aesthetic quality and will enhance the diversity of the Municipal Art Collection.
3. Artwork shall be appropriate in and for its site, scale, material, form, and content for both its immediate and general social and physical environment.
4. Artwork shall be reasonably durable against theft, vandalism, weather, and excessive maintenance costs.
5. Accession implies the responsibility to preserve, protect, and display the artwork for public benefit.
6. Accession implies a work's permanency within the Municipal Art Collection, providing that the work retains its physical integrity, identity and authenticity.
7. Artwork will be acquired without restrictions as to its future use and disposition except as provided in contracts with artists.
8. Artwork will be accessioned into the City of Homer's Municipal Art Collection only upon completion of all facets of the Commissioning or purchasing contract and final approval of City Council.
9. Each accessioned work into the Municipal Art Collection will be documented to the fullest extent possible, including artist's last known address and when available photograph.
10. The artist's signed contract or release transferring title for the artwork and clearly defining the rights and responsibilities of all parties will accompany every accessioned work and shall be in the documented records of the work.
11. In the case of interagency or inter-local agreements a copy of the agreement and signatures of all parties will be kept in the office of the City Clerk.
12. Accession results from projects and purchases generated as part of the Municipal Art program except in case of donations which will be reviewed in accordance with the City of Homer policy on gifts and if accepted will be accessioned pursuant to this accession policy. (Reso. 10-80, 2011.)

GIFT POLICY

Purpose

To identify a procedure and criteria for the Parks, Art, Recreation and Culture Advisory Commission to review proposed gifts of artwork.

Definition

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

Gifts are personal or real property that is donated or bequeathed with or without restrictions to the City of Homer for actual artwork, property for placement or funds for the acquisition of artwork.

Policy

1. The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts as defined above and will evaluate the suitability of proposed gifts and make recommendations to the Homer City Council in accordance with Homer City Code which allows acceptance of donations.

2. Each Proposed gift will be reviewed for the following:

- a. Aesthetic Quality – the proposed gift has significant aesthetic merit.
- b. Appropriateness of Chosen Site or Location – scale of artwork is appropriate for the site including relationship between the artwork and the site and obstacles of the site.
- c. Restrictions from the Donor – any restrictions must be clearly identified and may be a factor in determining whether to accept a gift.
- d. Originality of Artwork – artworks must be one of a kind or part of an original series reproductions of originals are not considered eligible for acceptance.
- e. Relationship to the Collection as a Whole – the Commission is committed to creating a diverse collection of art. The proposed gift must be compatible with the Municipal Art Collection without being over represented.
- f. Technical Feasibility – the realistic ability for the proposed project to be built and installed as proposed in the selected location.
- g. Technical Specifications – the Commission must review the actual work if available or a scale drawing and or model consisting of site plans and elevations describing the following:
 1. Surrounding site conditions if applicable
 2. Dimensions
 3. Materials and finishes
 4. Colors
 5. Electrical, Plumbing, or other utility requirements
 6. Construction and installation method
 7. Additional support material such as text verbally describing the artwork and specifications, models, or presentation drawings by a licensed engineer may be required.
- h. Budget – cost to manage the project, prepare the site, deliver and or install the work, funds for signage/recognition, and any other cost should be disclosed by the donor in a budget. The Commission will determine if the costs are accurate and realistic and that the donor has clearly delineated responsibility for all costs associated with the project.
- i. Timeline – expected timeline for donation or installation should be proposed by the donor. The Commission will determine if the timeline is realistic.

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

j. Durability – expected lifetime and staying power of the material used to create the artwork especially if set in the out of doors or in a non-archival exhibition setting and exposed to the elements.

k. Warranty – the donor agrees to be responsible for a warranty period of one (1) year from the date of final installation of the artwork to insure the integrity of the material, fabrication and installation when installed in or on a city owned facility or property.

l. Vandalism and Safety – the artwork will not be prone to vandalism or pose a safety hazard.

m. Maintenance and Preservation – donor’s agreement to provide a technical and maintenance record including a plan for routine care with estimated costs. The donor must indicate if there are any unusual or ongoing costs to maintain artwork.

3. Donors proposing gifts will be informed of the importance of the above criteria in the Commission consideration.

4. The Parks, Art, Recreation and Culture Advisory Commission will have final authority through the City Manager to review and recommend to Homer City Council to accept or reject the donated artwork.

5. All gifts that are recommended for acceptance will only be accessed into the Municipal Art Collection pursuant to the Accession Policy. (Reso. 10-80, 2011.)

PROCEDURE TO PROPOSE A DONATION OF ARTWORK TO THE CITY OF HOMER

The Parks, Art, Recreation and Culture Advisory Commission is charged with the responsibility of evaluating the suitability of a proposed artwork and making recommendation to the City Council as to whether or not to accept it as a gift. If accepted, the donated work becomes the responsibility of the City of Homer, which will inventory, insure, maintain and repair it as required by Homer City Code and Alaska State Law.

Definition

“*Gifts*” are personal or real property that is donated, devised or bequeathed with or without restrictions to the City of Homer. Gifts can be actual artwork, property for placement of artwork or funds for the acquisition of artwork.

“*Gift Policy*” is the policy that identifies the procedure and criteria for reviewing proposed gifts of artwork to the City of Homer.

“*Accession Policy*” is the policy that defines an orderly and consistent process for reviewing artwork for acceptance into the Municipal Art Collection insuring that the collection is comprised of artwork of the highest quality. (Reso. 10-80, 2011.)

Process

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

The Parks, Art, Recreation and Culture Advisory Commission will review all proposed gifts according to the Gift Policy. They will evaluate the suitability of the proposed gifts and make recommendations to the Homer City Council through the City Manager.

In order to provide the Commission with the information necessary to evaluate the proposed artwork in accordance with the Gift Policy and Accession Policy the potential donor or donor's representative must complete the Gift Proposal Application and submit to the City of Homer, City Clerk's Office. (Reso. 10-80, 2011.)

Presentation to the Parks, Art, Recreation and Culture Advisory Commission

If applicable the donor will be scheduled to present his or her proposal to the Commission at the next regular meeting. The donor is expected to present the actual artwork or model or scale drawings of the proposed piece. If it is not possible depending on the artwork a photograph may be accepted upon approval of a majority vote of the Commission.

The Parks, Art, Recreation and Culture Advisory Commission will review the proposal, consider the presentation and make a recommendation at the meeting. If the proposal materials do not give the Commission enough information to make an educated recommendation they may request to postpone recommendation until further information is provided by the donor.

PRESERVATION OF THE MUNICIPAL ART COLLECTION

1. Registry

The City's art collection will be catalogued and a registry maintained. Each entry will include

- a. Name and contact information for the artist
- b. Title of the work, date created, dimensions
- c. Photographs of the work
- d. The artist's cleaning and maintenance recommendation;
- e. An artist's statement regarding the work, if possible.
- f. An identification number _____ (year installed), _____ consecutive number (for example: 2006-#21). This number will also be affixed to the piece of art or to its label.
- g. Exact location of the artwork.
- h. Techniques and materials used in creating the artwork.

The registry will be bound and stored in the City Clerk's Office. The City will also provide an official label for each piece of art that will be consistent in style and material. Information contained will reflect the following:

- Color Photo of artwork
- Artist Name(s)
- Title of Artwork
- Year Completed/Date
- Medium Used

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

- Size/Dimensions
- Location
- Physical Description of the piece
- Short Summary about the Artist
- Summary Comment on the artwork

Inspection and Maintenance of Artwork

All building and grounds supervisors will be instructed to inform the City Clerk if vandalism is observed or the artwork requires maintenance. All cleaning and maintenance will follow the instructions provided by the artist. If the artwork requires extensive repairs, the City will make a good-faith effort to obtain advice from the artist. If no information is forthcoming, the City may proceed with its best practice.

DE-ACCESSIONING PURCHASED AND DONATED ITEMS

The City has the responsibility for conserving the collection, and because the disposal of artworks may have serious implications for the artists, removing the items from the collection should be a deliberate and seldom-used procedure. It is the policy of the City not to dispose of works simply because they are not currently in fashion and not to dispose of works whose worth might not yet be recognized.

Purchased or donated items which have been accepted into the Municipal Art Collection will be de-accessioned only at the direction of the City Council, which shall consider the recommendations and comments of the Parks, Art, Recreation and Culture Advisory Commission, Staff and any public comment received.

The City will comply with all laws pertaining to de-accessioning of art items. If documents provide for de-accessioning, such documents will determine the method and manner of the de-accessioning.

Examples of situations where de-accessioning would be considered include:

- a. The item(s) has deteriorated beyond a reasonable means of conservation or in deteriorating, has lost its usefulness.
- b. The authenticity, attribution, or genuineness of the item(s) is determined to be false or fraudulent.
- c. The item(s) is redundant or is a duplicate that has no value as part of a series.
- d. The item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The Parks, Art, Recreation and Culture Advisory Commission may recommend any of the following courses of action as a result of a deaccessioning review. The Commission shall not be limited to these courses of action and may suggest new methods as may be demanded by a particular set of circumstances:

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

- a. Relocate the work of art. This course of action shall be given highest priority
- b. Remove the work from display and maintain in a safe storage
- c. Yearly City Surplus Sale
- d. Private sale
- e. Exchange for another work by the artist
- f. Gifting the piece to a non-profit organization
- g. Recycling

Destruction of the item(s) may be considered where the physical condition of the work is severely deteriorated or will be irreparably damaged by the de-accessioning process. In appropriate instances, appraisals of the item(s) to be de-accessioned will be sought from outside sources.

Encouraging Additional Public and Private Art in Public Spaces, and Promoting Public Awareness and Appreciation for the Municipal Art Collection

Ordinance 02-25(A) encourages the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs.

The Parks, Art, Recreation and Culture Advisory Commission will be a resource for business owners who wish to include art in their business location.

Parks, Art, Recreation and Culture Advisory Commission will endeavor to obtain buy-in from affected city departments and a wide variety of governmental and non-governmental organizations, as required, to ensure the successful implementation of the public art policy.

The Commission will work to establish partnerships with private funders to help the art policy proponent's work with and advise patrons who are funding public-art projects privately. This will help guarantee that these projects meet a set of agreed-upon requirements and fulfill the goals and vision set forth in this policy.

The Parks, Art, Recreation and Culture Advisory Commission will identify alliance opportunities with institutions, organizations, and the public. Partner with them to publicize and discuss how public art can help further the mission of their specific organization.

Raise support among the press to help the fundraising efforts to educate and inform the public about the many different types of public art, and the wealth and ability of the local arts community.

Keep the information flowing about the progress of any public art initiatives.

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The Parks, Art, Recreation and Culture Advisory Commission, with the assistance of users, will plan an installation ceremony upon completion of each project. Costs for this event will be from the annual budget or underwritten by donors.

The Parks, Art, Recreation and Culture Advisory Commission will plan events and promotional tools that invite residents and visitors to enjoy the City of Homer art collection. These might include walking tour maps, guest lectures, on-line catalogue, etc. (Reso. 10-80, 2011.)

FUNDING FOR THE MUNICIPAL ART COLLECTION

A public art fund is established in accordance with Homer City Code 18.07.090, Public Art Fund, as a separate, interest bearing account in the city general fund to receive money for the public art program from the following sources:

1. Funds for public art fees received from private development.
2. Funds donated to the city for public art.
3. Other funds appropriated by the City Council for public art.

Money in the public art fund shall be used solely to pay the costs of selecting, commissioning, acquiring, installing, maintaining, public education regarding, administrating, removing and insuring the works of public art, and any other expense related thereto.

Interest earned on money in the public art fund shall be deposited in the public art fund.

The public art fund is administered by the City with the advice of the Parks, Art, Recreation and Culture Advisory Commission.

- The Commission shall prepare a plan annually for expenditures from the public art fund for approval by the city council. (Ord.09-51(A), §1, 2009.)
- Encourage the addition of private money into the public art program. Any art purchased with such funds will be owned 100% by the City of Homer and the City will have responsibility for selection, installation, maintenance and repairs. (Ord. 02-25(A), 2002.)

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-42

An Ordinance of the City Council of Homer, Alaska, Instituting the Industrial Pretreatment Discharge and Waste Disposal Manual.

Sponsor: City Manager

1. City Council Regular Meeting September 23, 2019 Introduction
Industrial Waste Manual as backup
2. City Council Regular Meeting October 14, 2019 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 19-42

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
INSTITUTING THE INDUSTRIAL PRETREATMENT DISCHARGE AND
WASTE DISPOSAL MANUAL.

WHEREAS, Homer City Code (HCC) Title 14 includes provisions that were adopted or changed sporadically over the last 50 years; and

WHEREAS, These changes required utility users to be familiar with Code provisions in multiple, different Code locations which increased the potential for unintended violations of Code and led to frustration among those attempting to comply with local law; and

WHEREAS, Consolidating administrative procedures to the greatest extent possible encourages compliance and ensures the public knows its rights, remedies, and responsibilities; and

WHEREAS, The highly technical and lengthy industrial pretreatment and sewage system regulations in HCC 14.05 are best presented in a policy and procedure manual in order to prevent the average user of City utilities from being confused or misdirected by the industrial waste requirements; and

WHEREAS, The Industrial Pretreatment Discharge and Waste Disposal Manual shall contain administrative rules and regulations governing discharge of industrial waste into the Sanitary System. These rules and regulations and any amendments to them must be approved by Council via ordinance before they become effective per HCC 14.04.110(b). Staff may make non-substantive changes if needed; and

WHEREAS, Once an industrial user exists within City limits, the City will should further evaluate the proper location and scope regarding the violation and penalty provisions within Article III. Sections 4, 5, and 6 of the manual.

NOW, THEREFORE, The City of Homer Ordains the instituting of the Industrial Pretreatment Discharge and Waste Disposal Manual.

Section 1. This ordinance is of a permanent and general character and may be referenced in Homer City Code, but shall not be codified.

42 Section 2. The Industrial Pretreatment Discharge and Waste Disposal Manual shall be
43 amended as needed by Ordinance.

44
45 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
46 2019.

47
48
49 CITY OF HOMER

50
51 _____
52 KEN CASTNER, MAYOR

53 ATTEST:

54
55 _____
56 MELISSA JACOBSEN, MMC, CITY CLERK

57
58 YES:

59 NO:

60 ABSTAIN:

61 ABSENT:

62
63 First Reading:

64 Public Hearing:

65 Second Reading:

66 Effective Date:

67
68 Reviewed and approved as to form.

69
70 _____
71 Katie Koester, City Manager

70 _____
71 Holly Wells, City Attorney

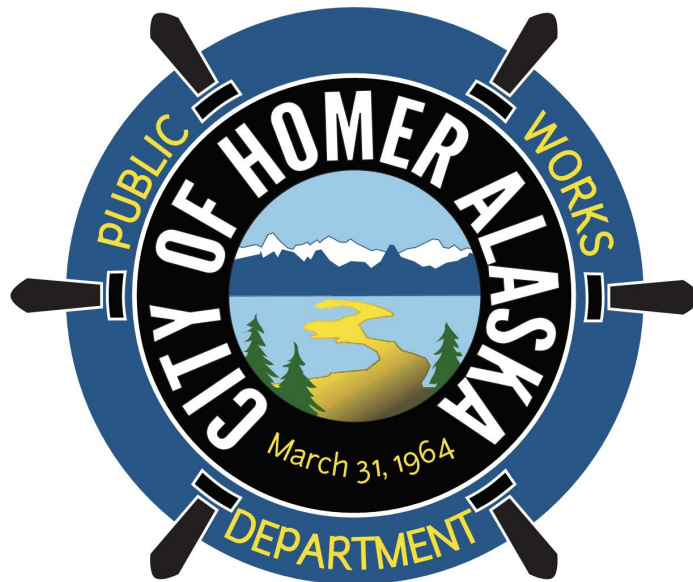
72
73 Date: _____

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73 Date: _____

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CITY OF HOMER INDUSTRIAL PRETREATMENT DISCHARGE AND WASTE DISPOSAL MANUAL

Adopted September 23rd, 2019



Industrial Pretreatment Discharge and Waste Disposal Manual

Article I. General Provisions

- Section 1. Purpose.
- Section 2. Definitions.
- Section 3. Abbreviations.
- Section 4. Fees.

Article II. Industrial Facilities Operation

- Section 1. Wastewater pretreatment facilities.
- Section 2. IWAN required for significant industrial users.
- Section 3. Application for industrial wastewater acceptance.
- Section 4. Materials and substances prohibited in Sanitary System.
- Section 5. Monitoring facilities.
- Section 6. Control manhole.
- Section 7. Inspection and sampling.
- Section 8. Dilution prohibited.
- Section 9. Accidental discharges and slug loads.
- Section 10. Operating upsets.

Article III. Records and Reporting

- Section 1. Industrial wastewater acceptance notification.
- Section 2. Reporting requirements – General.
- Section 3. Reporting requirements for industrial users subject to Federal categorical pretreatment standards.
- Section 4. Records retention.
- Section 5. Confidential treatment of information and data.
- Section 6. Falsifying information.

Article IV. Enforcement

- Section 1. Emergency suspension of service and of industrial wastewater acceptance.
- Section 2. Termination of treatment services.
- Section 3. City of Homer – Right of access.
- Section 4. Notification of violation – Appeal.
- Section 5. Show cause hearing.
- Section 6. Administrative interpretation.
- Section 7. Recovery of costs incurred by the City.

Article I. General Provisions

Section 1. Purpose.

The purpose of this manual is to:

- a. Identify users subject to pretreatment requirements;
- b. Prohibit the discharge into the City Sewer Treatment Works (“Sanitary System”) of any substance that would prevent the City from satisfying limitations contained in its NPDES/APDES permit or that would otherwise violate Federal or State law;
- c. Prohibit the discharge into the Sanitary System of any substance which could, by its nature or quantity, damage the Sanitary System or its operation or jeopardize the safety or health of Sanitary System workers;
- d. Prevent the introduction of any substance into the City Sanitary System which will interfere with the operation of the Sanitary System or contaminate the resulting sludge;
- e. Provide for regulation of direct and indirect contributors to the Sanitary System through the issuance of permits to certain nondomestic users of the Sanitary System and through enforcement of general requirements for all users; and
- f. Establish monitoring and enforcement activities to ensure that these purposes are achieved.

Section 2. Definitions.

In this manual, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

“Act” means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33 U.S.C. 1251 et seq.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“City” means the City of Homer’s duly authorized agent or representative.

“City Manager” means the City Manager of the City of Homer or the person designated by the City Manager to administer this manual.

“Control manhole” means a manhole through which the total facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.

“Discharge” means the direct or indirect introduction into the Sanitary System of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this manual. Holding tank waste introduced into the Sanitary System is a discharge.

“Industrial user” means an industrial or commercial establishment that introduces or causes the entry into the Sanitary System of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the Sanitary System.

“Industrial wastes” means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

“Liquid-waste hauler (LWH)” means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a public owned treatment works (POTW).

LWHs are herein classified as significant industrial users (SIUs), as determined by EPA, and are subject to the national pretreatment program (NPP) and must obtain an industrial wastewater acceptance notification (IWAN) from the City prior to disposal of permitted waste into the Sanitary System.

“Mass limitations” means limitations applied to a discharge which are relative to quantity rather than quality or concentration.

“National categorical pretreatment standards” means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

“NPDES/APDES permit” means a National Pollutant Discharge Elimination System permit issued to the Sanitary System pursuant to Section 402 of the Act or Alaska Pollutant Discharge Elimination System.

“pH” means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the Sanitary System, or any other substance discharged into the Sanitary System which, if discharged directly, would alter the chemical, physical, biological, or radiological integrity of the water.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Sanitary System.

“Receiving waters” means those waters into which wastes are discharged.

“Sewage” means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

“Sewage treatment works” or “Sanitary System” means the sewage treatment plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the sewage treatment plant.

“Significant industrial user” means an industrial user of the City wastewater disposal system who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the Sanitary System or of the design pollutant loading capacity of the Sanitary System; or

6. Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the Sanitary System effluent quality, or air emissions generated by the Sanitary System.

“Slug load” means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the Sanitary System, its treatments, or its operation, or causes the Sanitary System to violate its NPDES/APDES permit.

“Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Suspended solids” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this manual or established as part of the user’s IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

“User” means any person who contributes, causes or permits the contribution of wastewater into the Sanitary System. User includes industrial users and significant industrial users.

Section 3. Abbreviations.

AAC - Alaska Administrative Code
ADEC - Alaska Department of Environmental Conservation
CFR - Code of Federal Regulations
EPA - Environmental Protection Agency
IWAN - Industrial Wastewater Acceptance Notification
L - Liter
LWH - Liquid-Waste Hauler
Mg - Milligram
mg/l - Milligrams per liter

NPDES/APDES - National Pollutant Discharge Elimination System/Alaska Pollutant Discharge Elimination
O&M - Operations and Maintenance
ppm - Parts per million
SIC - Standard Industrial Classification
SIU - Significant Industrial User

Section 4. Fees.

The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information, and other actions of the City under this manual.

Article II. Industrial Facilities Operation

Section 1. Wastewater pretreatment facilities.

- a. Users shall provide such wastewater pretreatment as is necessary to comply with this manual and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this manual shall be provided, operated and maintained at the user's expense.
- b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the Sanitary System. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this manual.
- c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made.

Section 2. IWAN required for significant industrial users.

No SIU may connect to or remain connected to the Sanitary System, or otherwise introduce or cause the entry of waste into the Sanitary System, without first obtaining an industrial wastewater acceptance notification (IWAN).

Section 3. Application for industrial wastewater acceptance.

a. All SIUs shall complete and file with the City an application for industrial wastewater acceptance. An existing SIU shall file an application within 30 days of notification by the City. A proposed new SIU shall file an application at least 90 days prior to connecting to the Sanitary System.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The 2012 North American Industry Classification System (NAICS) number of the SIU;
3. A list of all environmental permits held by or for the SIU facility;
4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the Sanitary System and the time and duration of such discharges;
7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this manual or possessing characteristics identified in this manual, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC;
9. A description of the nature, quantity and concentration of all pollutants or materials limited by this manual, that are discharged or are anticipated to be discharged into the Sanitary System, together with a statement regarding whether or not compliance with this manual is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.

c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:

1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional operational and maintenance activities as are necessary to comply with these rules.

2. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager and no single major step may exceed nine months.

4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than nine months elapse between such progress reports to the City. Failure to adhere to the nine-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU.

Section 4. Materials and substances prohibited in Sanitary System.

a. No user may discharge or cause to be discharged into the Sanitary System, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

Pollutant	Limit (mg/L)
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Ammonia (as Nitrogen)	79 (daily high) 49 (monthly average)
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium – Total	4.31
Chromium – Hexavalent	4.0
Copper	1.0
Cyanide	0.3
Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500
Zinc	2.78

The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a national categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the Sanitary System the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Sanitary System, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one-half inch in any dimension.
4. Any liquids, solids or gases including, but not limited to, gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvents that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of Sanitary System, or jeopardizing the safety of Sanitary System workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or

animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the Sanitary System, or to exceed Federal categorical pretreatment standards.

6. Any wastes or waters having a pH lower than 6.0 or higher than 9.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Sanitary System.

7. Any waters containing quantities of radioactive substances in excess of limits for drinking water established by State and Federal regulations.

8. Any substance with objectionable color not removed by the Sanitary System, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.

9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the Sanitary System for its maintenance and repair.

10. Any substance that may cause the Sanitary System treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

11. Any heat or heat producing substances which, when combined with other substances, will inhibit biological activity in the Sanitary System.

12. Any substance that will cause the City to violate its NPDES/APDES permit, State disposal system standards, or receiving water quality standards.

13. Any fish cleaning and waste products, and fish processing wastewater.

14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.

15. Any wastewater in violation of a Federal categorical pretreatment standard, or any other standard established by the City Manager.

Section 5. Monitoring facilities.

a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Sanitary System.

Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user. The City may authorize the facility to be constructed in the public street or sidewalk area; provided, that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and maintained in accordance with HCC Title 13, Standard Construction Practices, and the Uniform Plumbing Code.

d. The City Manager may waive the requirements of this section to provide and operate a monitoring facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility.

Section 6. Control manhole.

a. A SIU who discharges or proposes to discharge industrial waste into the Sanitary System shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

c. Each control manhole must be located on the user's premises; except, if the City Manager determines that such a location will be impractical or cause undue hardship on the user, he may allow the control manhole to be located off the user's premises; provided, that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.

d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.

e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge of the user can be conducted without a control manhole.

f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request and without the need for a search warrant.

Section 7. Inspection and sampling.

a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this manual. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification, to enter upon the premises of the user at reasonable hours for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is operating any process which results in the introduction of wastewater into the Sanitary System.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

Section 8. Dilution prohibited.

A user may not increase the use of potable or process water or in any way dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager.

Section 9. Accidental discharges and slug loads.

a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this manual. Any facilities or equipment necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this manual or of any other discharge that could impair or interfere with the Sanitary System, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and

volume and corrective actions taken. In addition, the user shall immediately notify the ADEC of the discharge.

c. Within five days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the Sanitary System; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this section or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee.

Section 10. Operating upsets.

a. A user who experiences an upset in operations that places the user in noncompliance with this manual shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within five days of notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;
2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented, timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user under HCC 14.04.130 and/or Article IV of the manual for any noncompliance with the provisions of this manual which arises out of violations alleged to have occurred during the period of the upset.

Article III. Records and Reporting

Section 1. Industrial wastewater acceptance notification.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an industrial wastewater acceptance notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this manual. Issuance of an IWAN constitutes authorization to connect to the Sanitary System. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;
6. Self-monitoring requirements;
7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this manual; and
8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations; frequency of sampling; number, types and standards for sampling and testing; reporting schedules; and City inspection and sampling.

c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.

d. When a national categorical pretreatment standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted

an application for an IWAN, the user shall submit an application for an IWAN to the City within 180 days after the effective date of the applicable national categorical pretreatment standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within 180 days after the promulgation of the applicable national categorical pretreatment standard the information required under Article II. Section 3 of the manual.

e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.

g. An IWAN expires five years after the date of its issuance and may be amended, modified and revoked at any time as provided in this manual.

h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance.

Section 2. Reporting requirements – General.

a. Initial Compliance Report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge into the Sanitary System, and the average and maximum daily flow of wastewater into the Sanitary System in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with Article II. Section 3. (c) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual Compliance Report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31st and on or before July 31st of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this manual. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the City may accept

reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of Substantial Change in Discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager.

Section 3. Reporting requirements for industrial users subject to Federal categorical pretreatment standards.

Upon the establishment by the EPA of a Federal categorical pretreatment standard, all industrial users subject to the Federal categorical pretreatment standard shall submit to the City such report as required under Federal regulations, 40 CFR Section 403.12, within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required.

Section 4. Records retention.

Each user subject to this manual shall retain and preserve for three years all records, including books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired.

Section 5. Confidential treatment of information and data.

The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines

that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a City, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with City, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 6. Falsifying information.

No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this manual, or falsely tamper with, or knowingly render inaccurate, any monitoring device or method required under this manual.

Article IV. Enforcement

Section 1. Emergency suspension of service and of industrial wastewater acceptance.

a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City shall order the suspension of Sanitary System service to a user, or shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or
2. Interferes or threatens to interfere with the operation of the Sanitary System; or
3. Violates or threatens to violate any pretreatment limits imposed by this manual or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the Sanitary System. If the discharger fails to comply with the suspension order, the City shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties under HCC 14.04.130 and/or Article IV of the manual. The City shall reinstate the IWAN and the Sanitary System service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order.

Section 2. Termination of treatment services.

a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or
4. Violate any other provisions of this manual or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions.

Section 3. City of Homer – Right of access.

If a user refuses to grant a right of entry, the City may seek a search warrant or order from the Superior Court compelling the user to submit to entry, inspection, sampling and copying.

Section 4. Notification of violation – Appeal.

Whenever the City determines that a user has violated or threatens to violate the prohibitions of this manual or any permit, plan, or IWAN authorized or issued under this manual, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable.

Section 5. Show cause hearing.

If a violation of this manual is not corrected by administrative adjustment under Article IV. Section 4 of the manual, then the City Manager shall order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may

include appropriate orders with respect to the violations of the manual and may include a civil penalty in accordance with HCC 14.04.130 and/or Article IV. of the manual. The City Manager's decision constitutes final administrative action for purposes of judicial review.

Section 6. Administrative interpretation.

Any person may request in writing an interpretation or ruling by the City on any matter covered by this manual and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this manual for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity.

Section 7. Recovery of costs incurred by the City.

A user who violates any of the provisions of this manual, or who discharges or causes a discharge producing interference with, deposit in, or obstruction of the Sanitary System, or who causes damage to or impairs the City's Sanitary System, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-43

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 7.06.020 Use of Improperly Muffled Engine Brakes, to Identify Permitted Areas for Use of Muffled Engine Brakes in the City of Homer.

Sponsor: City Manager/Police Chief

1. City Council Regular Meeting September 23, 2019 Introduction
Ordinance 15-32 and prior City Code as backup
2. City Council Regular Meeting October 14, 2019 Public Hearing and Second Reading

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**CITY OF HOMER
HOMER, ALASKA**

City Manager/Police Chief

ORDINANCE 19-43(S)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 7.06.020, "USE OF IMPROPERLY MUFFLED ENGINE BRAKES PROHIBITED", TO PROHIBIT THE USE OF MUFFLED ENGINE BRAKES ~~TO~~ **EXCEPT ON** CERTAIN ROADS WITHIN THE CITY OF HOMER.

WHEREAS, Ordinance 15-32 amended Homer City Code to amend language to refer to muffled engine brakes in a generic term and removed the steeper grade locations where muffled engine brakes are permitted; and

WHEREAS, It is unsafe for loaded truck to go down steeper grades without using engine brakes.

NOW, THEREFORE, The City of Homer Ordains:

Section 1. HCC 7.06.020 Use of improperly muffled engine brakes prohibited is hereby amended to read as follows:

7.06.020 Use of improperly muffled engine brakes prohibited.

a. The use of muffled engine brakes is prohibited within the City except when traveling downhill on the Sterling Highway from Milepost 169 to 173, Main Street, East Hill Road and West Hill Road.

~~**ba. Muffled engine brakes may only be used under this section if**~~ No person may use engine brakes while operating a motor vehicle within the City, unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation, with no cutout, bypass, or similar device. ~~For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.~~

~~**bc.**~~ The police chief shall adopt procedures for the provision of commercial vehicle inspections for repeat violators. **For the purpose of this section, the term "engine brake" means a hydraulic engine attachment which converts a diesel engine into an air compressor and when engaged operates to slow the vehicle.**

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

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.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date:_____

Date:_____

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-48

An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: Smith/Stroozas

1. City Council Regular Meeting October 14, 2019 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Smith/Stroozas

ORDINANCE 19-48

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY 2019 CAPITAL BUDGET BY RE-APPROPRIATING \$35,000 FROM HOMER EDUCATION AND RECREATION CENTER (HERC) DEMOLISHMENT STUDY APPROVED IN ORDINANCE 19-35(A)(S) TO CONTRACT WITH GROW ECONOMY TO WRITE AND APPLY FOR A UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION PLANNING GRANT FOR THE DEMOLITION OF THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) AND THE DEVELOPMENT OF A REGIONAL INNOVATION PLAZA AT THE HERC, PROVIDE MATCHING FUNDS TO THE GRANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In September 2019, Grow Economy presented a US Economic Development Administration (USEDA) Planning Grant opportunity to the Homer City Council for the restoration of HERC 1; and

WHEREAS, A planning grant will provide a clear path forward and identify the costs and benefits of transforming HERC 1 into an innovation resource; and

WHEREAS, The planning phase will also provide the framework for the city to explore “green” improvements to the existing structure that will make it more energy efficient, cost effective and an attractive community resource; and

WHEREAS, The planning grant will also determine full eligibility of the facility for historic preservation funding which could be used for roof repair, asbestos mitigation, window updating and other necessary improvements; and

Whereas, Ordinance 19-38(A)(S) appropriated \$35,000 to fund a demolition study of the HERC 1 and 2; and

WHEREAS, Re-appropriating the funds currently approved for a demolition study will enable the City of Homer to leverage those funds to help determine the innovation proposal viability or reverting to a demolition of the structure; and

41 WHEREAS, A decision to move forward with the innovation plaza at this location, will
42 leave the character of HERC 1 intact, provide a responsible use for the property, and allow it to
43 remain a public resource that will enhance the community; and
44

45 WHEREAS, A center for business innovation in Homer will achieve two objectives; (1)
46 Recovery and resilience from economic shocks in the fishing industry, energy sector and state
47 fiscal crisis that encourages a stronger private sector that is less dependent upon volatile
48 industries, (2) Workforce Development for providing a business incubation facility to
49 encourage job creation and business expansion in the community; and
50

51 WHEREAS, Should the City of Homer decide to proceed with demolition, this planning
52 grant will provide the necessary information required, through the demolition study, for the
53 RFP process; and
54

55 WHEREAS, The contract with Grow Economy will be for \$10,000 and is therefore exempt
56 from City of Homer bidding requirements under 3.16.060(B), small procurement bellow
57 twenty-five thousand dollars.
58

59 NOW, THEREFORE, The City of Homer Ordains:
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61 Section 1: The FY 2019 Capital Budget is hereby amended by re-appropriating \$35,000
62 from HERC Demolishment Study approved in Ordinance 19-35(A)(S) to contract with Grow
63 Economy to write a Untied States Economic Development Administration Planning Grant for
64 the demolition of the Homer Education and Recreation Complex (HERC) and the development
65 of a regional Innovation Plaza at the HERC site and provide matching funds to the grant, as
66 follows:
67

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
68 156-0396	69 Contract with Grow Economy to write 70 and apply for a USEDA Planning Grant	\$10,000
71 156-0396	72 Match funds for USEDA Planning Grant	\$25,000

73

74 Section 2. The City Manager is hereby authorized to enter into a contract with Grow
75 Economy to write and apply for an Untied States Economic Development Administration
76 Planning Grant and execute the appropriate documents.
77

78 Section 3. This is a budget amendment ordinance, is not permanent in nature, and shall
79 not be codified.
80

81 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
82 2019.

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Katie Koester, City Manager

Date:_____

CITY OF HOMER

KEN CASTNER, MAYOR

Michael Gatti, City Attorney

Date:_____

Homer Innovation Program Proposal

Submitted to the City of Homer

By Grow Economy

September 17, 2019

Innovation Programs and How they Function

Innovation programs provide the framework, support, and facilities that entrepreneurs need to turn their ideas into successful businesses. They range from simple business incubation programs to plazas that the public can use to develop prototypes and ideas. They stimulate the economy by attracting and retaining talent, encouraging business growth, and promoting economic diversification. In short, they enable people with good ideas to transform them into viable businesses that benefit the community on many levels.

Innovation programs build off existing economic drivers, while encouraging new industries. Funding is available through the U.S. Economic Development Administration (EDA) and other Federal agencies for programs like these in places like Homer. Below are several examples of successful innovation plazas that benefit small to medium size communities in other regions of the United States:

Atwood Innovation Plaza, Saint George, Utah

The Atwood Innovation Plaza was funded through an EDA cost-share grant. The facility is a 16,000 square foot “makerspace” and laboratory, which is housed in a former elementary school. An \$875,048 EDA grant and matching contribution paid for the renovation and equipped the facility. The makerspace portion of the Innovation Plaza has 3D printers, woodworking tools, specialized computers, and software programs available to the public for developing prototypes. The laboratory is a biotechnology, medical, and environmental training research facility. It is a resource center that allows young entrepreneurs and scientists to connect, form partnerships, and create ideas. The Innovation Plaza also provides businesses access to growth capital, including a \$22 million fund in partnership with the University of Notre Dame. The ideas developed here enter the community as local businesses, which bring jobs and wealth to the Saint George area. The project is estimated to create 260 well-paying jobs for the Saint George area.¹

Ohio University Innovation Center, Athens, Ohio

Another example of a successful innovation plaza funded by the EDA is the Ohio University Innovation Center. This is the first university-based business incubator in the United States. Founded in 1983, the Innovation Center provides young entrepreneurs with access to flexible space and lease options for new companies. Additionally, it provides access to equipment, professional mentors, and other resources. The businesses incubated here have generated 297 jobs in the local economy. This year the EDA

awarded a \$1.15 million grant to help upgrade this facility. The university provided a \$287,684 cost-share for this grant. The Innovation Center expects the upgrade to enable the community to attract an estimated \$20 million in private investment and generate 100 jobs. This example demonstrates the continued investment EDA makes into valuable community assets like innovation plazas.²

San Rafal Energy Research Center, Emery County, Utah

A slightly different example of an innovation facility is the San Rafal Energy Research Center in Emery County, Utah. Its main differentiator is its focus on coal innovation and energy—the chief local economic drivers. Like the other innovation plaza models, it is a physical space that attracts entrepreneurs and businesses, while fostering innovation in a rural place. This is important, as Emery County suffers from high levels of unemployment and underemployment due to negative changes in the coal industry. San Rafal encourages innovation in industries vital to the local economy. This includes manufacturing carbon fiber, as well as extracting rare earth elements and other products from coal. The facility is also collaborating with the U.S. Department of Energy to develop a molten salt reactor for energy production. This program draws off local industries and provides them with innovative tools to help them transform and adapt to changing market needs. As a result, San Rafal brings jobs and capital to the area, which benefit a community that has suffered from economic decline.³

The site consists of an old industrial building known as the Central Warehouse, which Emery County purchased and renovated to house specialized testing equipment. Utah's Community Impact Board funded San Rafal and the site pursuing additional funding from the U.S. Department of Energy and EDA.⁴

Why Homer is Ideal and How it can Benefit

Alaska is an undeveloped frontier for innovation programs. Projects like those mentioned above exist throughout the country, but Alaska lacks them. However, such programs could benefit many Alaskan communities. The state has an unemployment rate that is nearly twice the national average and its cost of living is among the highest in the nation. These ongoing conditions make it a priority area for EDA funding.⁵

Homer has an opportunity to create an innovation plaza of its own that can transform it into a hub of prosperity. Homer's setting stimulates creativity and provides the quality of life that is an ideal environment for innovation to flourish. However, like many Alaska communities, it faces economic and geographic challenges that make it difficult for new businesses to thrive. These challenges include a lack of capital, mentors, and resources for early stage businesses. A physical center similar to the Atwood Innovation Plaza will encourage environmentally sustainable industries and enable ideas and the people who create them to remain in Homer. This will allow Homer to reap the rewards of an increased tax base, lower unemployment rate, and a more diverse business community.⁶

Below are key industries that will benefit from and innovation plaza in Homer:

- Science and technology
- Small business
- Engineering and advanced manufacturing
- Healthcare
- Government contracting
- Social impact/nonprofit
- Tourism/hospitality

Homer's innovation plaza will make it a leader in Alaska business development. Moreover, this program will extend resources to rural communities throughout Alaska. Such an approach strategically positions Homer at the center of a high-impact, statewide initiative. As such, the Homer innovation plaza would be a likely recipient of robust federal funding.

HERC 1: the Ideal Center for Innovation on the Kenai Peninsula

A New Life for HERC 1 as an Innovation Plaza

HERC 1 is the ideal location for Homer's innovation plaza. Located in the heart of town, it is the first impression that most people receive of downtown Homer when they visit. Transforming a decaying building into a hub of innovation and small business support will anchor Homer's economic diversification. This resource will then become a "gateway" and symbol of community prosperity that will increase the value of the surrounding area. And, it will no doubt become a place where local ideas are nurtured and developed, which will benefit Homer.⁷

In addition to location, HERC 1 is ideal because of the place it holds in Homer's collective memory. Many local residents remember attending school here and it has remained a historic landmark for nearly 65 years. This project will give HERC 1 a second life and allow it to continue to educate, inspire, and encourage people well into the future. It will also conserve physical resources and result in less harmful environmental consequences than demolition. Furthermore, this second life will transform HERC 1 into a community asset that is more energy efficient and sustainable. With this transformation, HERC1 can become a place where Homer's past and future connect.⁸

According to the "HERC Task Force Final Recommendations Report," demolition of HERC 1 will cost between \$750,000 and \$1 Million. This amount may even be more depending upon variables and unforeseen challenges. New construction of a similar building at the site could be as high as \$8.22 million. If the city opts to demolish and not construct anything, the question of what to do with the land still remains. It is a prime location in Homer, but public support for subdividing and selling it off is not strong and the impact on the feel and character of Homer would be substantial. A plaza at this

location will leave its character intact, provide a responsible use for the land, and allow it to remain a public resource that will enhance the community.⁹

Transforming HERC1 Into an Innovation Plaza

Although HERC 1 requires renovation, it is a solid building that is well constructed. Transforming it into an innovation plaza will require system updating, asbestos mitigation, and general repairs (such as the roof). Additionally, it will require improvements that make it more energy efficient and environmentally friendly. The first phase of this project will focus on identifying the most economical ways to carry out a renovation and maximize federal funding in the process.¹⁰

The 16,000 square foot layout of HERC 1 is well suited for this project. The large gym on the first floor could be repurposed into a makerspace facility with 3D printers, specialized computer systems, office equipment, workspace, and other resources. The wood floor and openness should be retained in this space. The old kitchen could be transformed into a test kitchen and restaurant incubator, while the lower floor (where the old weight room is) could be used as shop space. The upper floor office, classrooms, and library could be renovated, modified, and rented out as co-working spaces. Some possibilities here include conference rooms, flexible short-term workspaces, and private office space for new businesses similar to the Ohio University Innovation Center. A non-profit entity could partner with the city to manage the innovation plaza, programing, and develop long-term funding sources.¹¹

Great potential exists for partnering with other communities in Alaska. Communities like Seldovia, Port Graham, and Nanwalek could benefit from an innovation plaza located at HERC 1 and contribute to it through regional collaboration. Communities like these would also be beneficial partners because they could add an Alaska Native component. This would bring diversity and perspective to the program, while providing other lines of funding to support it. By partnering with other Alaskan communities, Homer's innovation plaza could provide the following on a regional level:

- Event staging and networking opportunities.
- Capital generation including help with Federal contracting.
- Prototype development resources such as 3D printers and other specialized equipment.
- Administrative expertise such as accounting, legal, and website development resources.
- Alaska Native and environmental innovation initiatives.
- Capability startups and a center of excellence to help advance local priorities.

The end result of this project will be a high-impact program with significant federal support. Possible funding sources to support this program could be from EDA, USDA, and other federal agencies. For example, the EDA can support this project through a two-phase process that includes a planning grant and an implementation grant. The

following section discusses EDA grants, which are the first step to making this project successful.

EDA Grants

EDA Funding Priorities

The EDA gives priority to funding projects in economic distressed areas. This includes areas with unemployment levels that are chronically higher than the national average, low labor force participation, and poverty rates higher than the national average, as well as those located in Qualified Economic Opportunity Zones. Homer, Alaska qualifies as “economically distressed” by EDA’s standards.¹²

Eligible projects also have to align with at least one of five of EDA’s investment priorities. These include the following:

1. Recovery and Resilience
2. Critical Infrastructure
3. Workforce Development
4. Export & FDI
5. Opportunity Zone

A center for innovation in Homer will align with two of these priorities:

- Recovery and Resilience (1): because it will help Homer recover from economic shocks in the fishing industry, energy sector, and the state fiscal crisis by encouraging a stronger private sector that is less dependent on volatile industries.
- Workforce Development (3): because an innovation program will provide a business incubation facility that will encourage job creation and business expansion in the community.

EDA Cost-Share Structure

For an entity to receive funding from the EDA, they must provide a matching contribution. The percentage of a project that EDA will cover is based on applicable economic criteria (see the table on the following page). Certain areas qualify for a higher match depending on their economic scenario. According to available data, Homer likely qualifies for at least a 60/40 match. The match portion can be funds, in kind contributions, or a combination of these. In-kind contributions include staff hours, buildings, facilities, and equipment. These match sources can come from other federal awards providing they are “authorized by statute, which may be determined by EDA’s reasonable interpretation of the statute.”¹³

Below is a table showing the match structure of EDA grants depending on local economic conditions and other criteria:

Projects located in regions in which:	Maximum allowable investment rates (percentage of total project cost)
(A) The 24-month unemployment rate is at least 225% of the national average; or	80
(B) The per capita income is not more than 50% of the national average.	80
(C) The 24-month unemployment rate is at least 200% of the national average; or	70
(D) The per capita income is not more than 60% of the national average.	70
(E) The 24-month unemployment rate is at least 175% of the national average; or	60
(F) The per capita income is not more than 65% of the national average.	60
(G) The 24-month unemployment rate is at least 1 percentage point greater than the national average; or	50
(H) The per capita income is not more than 80% of the national average.	50

EDA Grant Match Structure

EDA Grants for Homer

The first step to making an innovation center in Homer a reality is an EDA planning grant. A planning grant will provide a clear path forward and identify the costs and benefits of transforming HERC 1 into an innovation resource. It will also help stakeholders understand the best way to design the program to ensure its success and viability. Furthermore, it will enable stakeholders to identify other funding sources and initiate them so that their investment is maximized.

The planning phase will also provide a framework for the city to explore “green” improvements to the existing structure that will make it more energy efficient, cost effective, and an attractive community resource. These efforts will take into consideration any environmental impacts and responsible hazardous material removal during the renovation. The planning grant will also determine the full eligibility of the resource for historic preservation funding which could be used for roof repair, asbestos mitigation, window updating, or other improvements. One of the most important objectives of the planning phase will be identifying how the innovation plaza will function, who will partner with it, and how it will become a self-sustaining asset for Homer.

Upon the successful completion of the planning grant, the City of Homer will be in the position for a full implementation grant. At this point the stakeholders will have identified and secured the match for the building renovation. Additionally, they will have a clear path forward for the HERC complex, as well as a fully developed vision for an innovation plaza. A full implementation grant will be an infrastructure grant and following its award, physical work can be done to complete innovation plaza renovation. The planning grant will take approximately 3-6 months to implement. The infrastructure grant could be spread over 1 or more years, depending on the preference of the City of Homer.

Partnering with Grow Economy

Grow Economy is a 501(c)3 nonprofit organization, which fosters rural economic development within communities and regions impacted by adverse economic circumstances. In partnership with government and private entities, this organization develops innovative solutions and business growth strategies that result in economic development and prosperity. Recently, Grow Economy has implemented an EDA innovation project in the coal-producing region of eastern Utah and western Colorado. This project includes six counties, numerous municipalities, and two associations of government.

Grow Economy has the following expertise:

- Strategic program development
- Government contacts and federal government relations (primarily focused on federal funding in the appropriation process)
- Complex proposal development (this includes preparing and implementing the entire grant process with EDA and other federal agencies)
- Historic preservation planning (this includes identifying eligibility for historic preservation funding for this project and pursuing those sources)
- Public-private partnership development
- Experience with innovation program planning and execution.

Grow Economy Leadership Background

Joshua Jack Riley, MHP

Executive Director and Co-Founder

Joshua provides Grow Economy's general management and administration. He also provides the proposal development work and research that help clients win federal contracts. Formerly, Joshua was a part owner of a federal prime contractor where he

applied his proposal management skills to secure significant federal funding awards. His experience includes proposal management for federally funded contracts with multiple government agencies.

Joshua has deep experience managing the proposal process from strategy development to proposal drafting and to final award. Along with his significant proposal management experience, Joshua has developed user literature and numerous technical documents for the U.S. Department of Defense.

In addition to his work with federal funding, Joshua has experience with local governments. This includes municipal revitalization through historic preservation policy, as well as serving on an economic development board in rural Georgia.

Education

M.H.P. The University of Georgia, College of Environmental Design, Athens, Georgia
Honors: *Phi Kappa Phi National Honor Society -- University of Georgia, Sigma Pi Kappa National Historic Preservation Society.*

B.A. University of Alaska, Anchorage
Major: History
Honors: *Cum Laude, Phi Alpha Theta History Honors Society*

Jeremiah M. Riley, JD
Chair and Co-Founder

Jeremiah Riley is the chair and co-founder of Grow Economy. Jeremiah is also the founder of Uinta Group, which is a government relations consultancy. Jeremiah has successfully positioned Uinta Group as a national expert in federal appropriations, project funding, and government contracting. Over the prior decade, Jeremiah was a part owner of a federal prime contractor and represented company interests before the U.S. Congress and federal agencies.

Jeremiah is a government relations consultant with deep expertise at the intersection of business and government. Jeremiah's experience includes strategic program development where he has secured over one hundred million of dollars of federal funding for noteworthy projects. A sampling of Uinta Group's clients include: San Rafal Energy Research Center, University of Utah, Box Elder County, Utah, and the Five County Association of Governments. In addition to his consulting work with Uinta Group and leadership in Grow Economy, Jeremiah is an attorney licensed to practice law in Alaska and Utah.

Education

J.D. University of Utah, SJ Quinney College of Law, Salt Lake City, Utah

Honors: *Graduated with Honors*

B.S. Utah State University, Huntsman School of Business, Logan, Utah

Major: Economics

Partnership Structure

There is an opportunity for the City of Homer and Grow Economy to work together to develop this important initiative. We propose doing so in partnership with the EDA through a two-part funding process. The first part being a planning phase funded through an EDA planning grant. During this phase, Grow Economy would conduct a deep, data-driven analysis to determine what the Homer innovation plaza program should look like to ensure success and viability. The planning phase would position the project for a large EDA implementation grant and follow-on federal funding awards.

In addition to positioning the project for implementation and future funding, this phase will identify the actual costs of demolition for HERC 1 and the responsible disposal of hazardous waste associated with the building. We will use this information to produce a cost benefit analysis that illustrates the value of transforming HERC 1 into an innovation plaza versus demolition. Also, we will explore other possible sites in the Homer area that could serve as an innovation plaza and group these into the cost benefit analysis. The end product will provide the city with a clear overview of the demolition costs of HERC 1 and the feasibility of transforming it (or an alternative site in the Homer area) into an innovation plaza.

Based on prior experience, we anticipate that the cost for Grow Economy to carry out this planning phase would be \$60,000. To fund this effort, we propose that the City of Homer re-appropriate the \$35,000 previously budgeted for the HERC demolition study to use towards the cost share of an EDA grant and funding development for this project. We propose using \$25,000 of these funds as a match to secure another \$25,000 to \$35,000 from EDA. This \$50,000 effort is a necessary phase in developing a high profile, high-impact innovation plaza. We anticipate that the EDA proposal process will cost \$10,000. This amount includes research, proposal development, technical planning for the grant, government interface, partnership analysis, and project design. We anticipate that it will take 3-4 months to secure an EDA contract award. Following an award, we would then carry out the planning project.

By partnering with Grow Economy to transform HERC 1 into an innovation plaza, Homer will become a center of entrepreneurship, business development, and technology. As such, it will become a regional hub of invention and creativity. The end result will be better jobs, a better economy, and a lasting legacy the community can be proud of for decades to come.

Notes

¹ Dixie State University, “Innovation Plaza Receives \$1.75 Million in Funding,” Dixie State University New, Dixie State University, <https://news.dixie.edu/2018/07/05/innovation-plaza/> (Accessed September 11, 2019); Sallie Sullivan, “Atwood Innovation Plaza: The Gathering Place of Brilliance,” *Blazer Bulletin*, Dixie State University, <https://bulletin.dixie.edu/2019/07/29/atwood-innovation-plaza-the-gathering-place-of-brilliance/> (Accessed September 11, 2019); EDA, “U.S. Department of Commerce invests \$875,048 to Equip Biotech and Makerspace Facility in St. George, Utah,” United States Department of Commerce Press Release, <https://www.eda.gov/news/press-releases/2018/06/21/st-george-ut.htm> (Accessed September 13, 2019).

² Ohio University, “Innovation Center,” Ohio University Center for Entrepreneurship, <https://www.ohio.edu/entrepreneurship/innovation-center> (Accessed September 13, 2019); Natalie Wilson, MPA and Jason Jolley PhD, “2018 Economic Analysis of the Ohio University Innovation Center,” Ohio University’s Voinovich School of Leadership and Public Affairs, Athens Ohio, May 2019, 1, <https://www.ohio.edu/research/innovation/upload/2018-Economic-Impact-of-Innovation-Center.pdf> (Accessed September 13, 2019); EDA, “U.S. Department of Commerce Invests \$1.15 Million to Support Innovation-Fueled Business Growth in Ohio,” United States Department of Commerce Press Release, <https://www.eda.gov/news/press-releases/2019/07/31/oh.htm> (Accessed September 13, 2019).

³ Julie Johansen, “Emery County Commissioner Developing San Raphael Research Center,” ETV News, June 26, 2019, <https://etvnews.com/emery-county-commissioners-developing-san-rafael-research-center/> (Accessed September 13, 2019).

⁴ Ibid.

⁵ United States Department of Labor, “Seasonally Adjusted Unemployment Rate,” Bureau of Labor Statistics, <https://data.bls.gov/timeseries/LNS14000000> (Accessed September 13, 2019); State of Alaska, Seasonally Adjusted Labor Force Data 1976-2019, Department of Workforce Development, <http://live.laborstats.alaska.gov/labforce/labdataall.cfm?s=2&a=1> (Accessed September 13, 2019); World Population Review, “Cost of Living Index by State 2019,” 8/27/2019, <http://worldpopulationreview.com/states/cost-of-living-index-by-state/> (Accessed September 13, 2019).

⁶ City of Homer, “HERC Task Force Final Recommendation Report,” City of Homer, Homer: November 27, 2018., 31.

⁷ Ibid., 11.

⁸ Ibid., 3, 22.

⁹ Ibid., 11, 15-17.

¹⁰ Stantec, “HERC Building Upgrade Analysis Report,” Stantec Architecture Inc., Anchorage: April 5, 2016., 25

¹¹ Homer, “HERC Task Force Final Recommendation Report.” 6; Megan Pacer, “City Answers HERC Questions,” *Homer News*, January 24, 2019; Ohio University, “Innovation Center,” <https://www.ohio.edu/entrepreneurship/innovation-center> (Accessed September 14, 2019).

¹² Economic Development Administration, “Notice of Funding Opportunity, Public Works and Economic Adjustment Assistance Programs, Full Announcement Text,” U.S. Department of Commerce, 13-15.

¹³ EDA, “Notice of Funding Opportunity, Public Works and Economic Adjustment Assistance Programs,” 11-13.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-49

An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame.

Sponsor: Smith

1. City Council Regular Meeting October 14, 2019 Introduction

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

3 Smith

4 **ORDINANCE 19-49**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 IMPOSING A TEMPORARY SIX-MONTH MORATORIUM ON
8 APPLICATIONS FOR PROFESSIONAL OFFICES AND MEDICAL
9 CLINICS IN THE RESIDENTIAL OFFICE DISTRICT AND DIRECTING
10 THE PLANNING COMMISSION TO MAKE A RECOMMENDATION TO
11 THE CITY COUNCIL FOR THE CREATION OF A MEDICAL DISTRICT
12 IN THE VICINITY OF THE SOUTH PENINSULA HOSPITAL DURING
13 THIS TIME FRAME.

14
15 WHEREAS, The 2018 Homer Comprehensive Plan Land Use Recommendations Map
16 identifies areas in the Residential Office District south of the South Peninsula Hospital be
17 considered for a future medical district; and

18
19 WHEREAS, The 2018 Homer Comprehensive Plan Land Use Chapter Goal 1, Objective B
20 recommends updating the zoning map to reflect a desired pattern of growth; and

21
22 WHEREAS, Medical District planning is part of the Homer Planning Commission's
23 current work list; and

24
25 WHEREAS, A moratorium on the permitting of professional office and medical clinics
26 will allow the area under consideration for a medical district to remain consistent during the
27 planning process; and

28
29 WHEREAS, The Planning Commission is directed to work with the neighborhood and
30 produce a recommendation regarding the creation of a medical district by June 30, 2020.

31
32 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

33
34 Section 1. That the uncodified law of the City of Homer is amended to include the
35 following:

36
37 A moratorium of the permitting of professional offices and medical clinics for the area display
38 in Attachment A shall be in effect until June 30, 2020.

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41 Section 2: This ordinance is of a temporary nature and shall not be included in the
42 City Code.

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ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER 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:

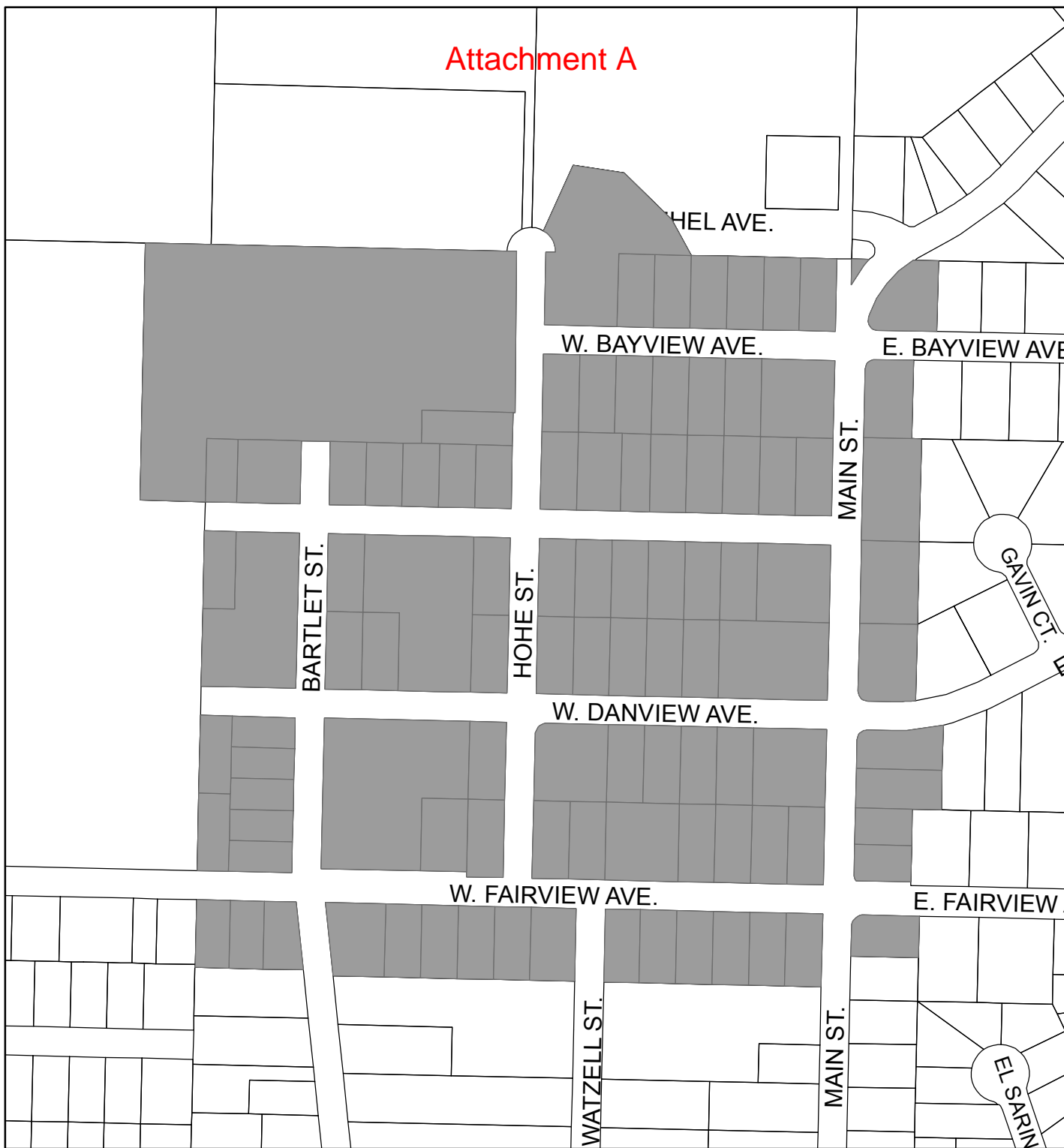
Katie Koester, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____

Attachment A



City of Homer
 Planning and Zoning Department

10/4/2019

Draft Map Subject Area Residential Office District



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



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 9, 2019
SUBJECT: October 14th City Manager Report

Attorney Transition

Last Council meeting, Homer City Council approved a contract with JDO Law to have Michael Gatti serve as the City Attorney. Mr. Gatti will be joining us at the October 14th meeting. He will stay an extra day and spend the 15th getting to know the City of Homer and the Department Heads his team will be working with. Please take a moment to welcome Mr. Gatti to the City of Homer team when you see him at Council; he brings with him a great deal of experience and expertise in local government.

On Thursday, September 19th I traveled to Anchorage for extensive transition meetings with JDO and BHB. Together, Ms. Wells and I briefed Mr. Gatti on open litigation and topics the Council has been working on. We talked about how contact with the City Attorney was managed by Homer to ensure that the direction received is from the body and that all members have the same information. According to the City Council Operating Manual, if members have questions of the attorney they should include all of Council, and requests for legal opinions should be approved by Council. I appreciate that these guidelines can make getting timely feedback difficult and welcome suggestions Council has on way to clarify the Operating Manual to make sure contact with the Attorney is prudent while preserving member's ability to garner legal advice as they develop policy.

Page 2 of the Homer City Council Operating Manual

Council Relation with City Attorney

"Contact with the Attorney by individual Councilmembers is expected to be judicious, always considering the fiscal impact. Specific information requested from the City Attorney by an individual must be in writing to the City Attorney and copied to each Councilmember. Legal opinions on sensitive, controversial, or potentially costly matters will be brought before the full Council for action and should be in written form whenever possible. "Legal Opinions" are defined as paper products and not intended to include advice/information provided verbally. Legal opinions will be given to all members at the same time it is given to the individual member.

When more than one solicited legal opinion exists on the same subject, the City Attorney's opinion overrides."

Update on Providing Water to East Road Cottages

Many members have asked for an update on the agreement approved by City Council on March 27, 2019 for Swell LLC's multi-unit affordable housing complex (East Road Cottages) to connect to City of Homer water. I have a signed contract with Swell and the connection fee of \$100,011 has been deposited in the HAWSP fund. As you recall, Swell briefly withdrew their agreement on July 17, 2019 after not being able to successfully obtain the permission of Kachemak City to provide extraterritorial water, a requirement of the contract and Alaska Statute. However, soon after the publication of the City Manager's report but before the July 22nd Council meeting, Kachemak City introduced and eventually passed Ordinance 19-04, allowing the City of Homer to provide water to certain parcels in Kachemak City.

City staff and the City Attorney have been working on putting together an application to the Regulatory Commission of Alaska (RCA) for a certificate of convenience to serve the property. The certificate of convenience is the only manner in which the RCA regulates City of Homer water utility; essentially we have to prove that we are able to service the property. Even though we have been actively working on the application since the passage of Ordinance 19-09(S), we have been waiting on state agencies to provide documentation for the application. We now have all the appropriate documentation and will be submitting an application by the beginning of next week. Once submitted, I will be able to get an estimate on how long it will take to process. Swell plans on breaking ground on the complex this winter when the ground is frozen.

Public Information Outreach on Ban on Single -use Disposable Shopping Bags

The passage of Prop 1 in the recent General Election means that the single-use plastic bag ban will go into effect on January 1, 2020. An important step leading up to the ban is education. I have asked staff to begin working on an educational outreach plan to help make the transition as smooth as possible.

The outreach will consist of two components. One is to reach out to retailers about specifics of the ban, and to offer informative materials (posters or flyers to display and/or handouts) to deflect some of the "Why are you doing this?" conversations by the end of October and before the pre-holiday sales begin.

The other component is to educate consumers about how it is going to affect them and what they can do to be prepared for shopping excursions with the new ban in place. This will begin in November. We plan to post stories on our website, issue press releases, share Facebook/online newsletter posts in cooperation with the Chamber of Commerce, and create posters and handouts for stores that request them.

Confirm January 11, 2020 for Council Retreat

With the passage of Memorandum 19-127 at the last Council meeting, I scheduled a four hour retreat for Saturday, January 11th. I will be working with Wise and Work facilitator Susie Admundson and Councilmembers Venuti and Lord on details of the retreat, including the structure and homework for members beforehand and report back through the manager's report.

City Manager to Attend ICMA Annual Conference

I will be out of the office the week of October 21st attending the International City Manager Association Annual Conference. It is a packet deadline week, so I will be multitasking and available by phone and email. I will be back in the office Friday, October 25th. I am excited about the opportunity to learn from my colleagues and presenters at this massive gathering of City Manager's and government professionals. Thank you for affording me this professional development opportunity.

Mission Statement

Last year the City of Homer restructured the budget document to align with the Government Finance Officers Association standards. One glaring item missing was a mission statement for the City, a requirement to meet best practices in budgeting. While I was noodling around old budgets researching the history of HAWSP, I came across the mission statement below. Turns out it is in the City Manager Budget message from 2002 to 2011. I will be resurrecting this for the 2020-2021 budget, but wanted to call it out to Council as a great starting place when and if the body does decide to tackle a mission statement revision.

“The City of Homer exists to provide quality services to all its citizens; to respond in the most appropriate, open and fiscally responsible manner possible to citizens’ needs and concerns; and to do so through the active participation of those citizens. These services include police, fire, emergency medical service, parks, cemeteries, animal control, street maintenance, water, wastewater collection and treatment, port and harbor, airport terminal, library, planning and general administration.”

Continuing Discussion on the Seawall

As follow up to the September 23 worksession held on Seawall maintenance and planning, I have provided the attached two maps to help guide discussion on expanding the ODLSA, and to show the rate of erosion occurring in the area. It is difficult to provide a middle ground analysis regarding the recommendations proposed by Coastal Engineer McPherson without first having a tentative dollar amount in mind. Currently, parcels within the ODLSA pay 9.9625 mils towards the Seawall out of their total mil rate of 21.4625. In 2018, the 9.9625 mils generated close to \$29,000. This amount, in addition to the City’s annual contribution of \$10,000, was not enough to keep up with the ever increasing maintenance projects but luckily the account had savings to cover the difference. According to the Kenai Peninsula Borough, City Council can decide to raise the mil rate for ODLSA parcels to a maximum of 30 without bonded debt. If implemented today, this would mean increasing the Seawall’s current portion of the ODLSA mil rate by 8.5375. Based on the 2019 taxable value, the 18.5 mil rate portion could generate just about \$56,000 towards seawall bonded indebtedness, which would only finance less than half of the annual contribution needed to place armor rock at the toe of the Seawall. I have asked for legal input on the procedure for raising the mil rate above 30 mils to finance debt.

**Maximum Mil Rate
without Bonded Debt**

2019 Mil Rate

Homer	4.5
Homer ODLSA	9.9625
Borough	4.70
So. Hospital	1.18
SH TY18 & Prior Debt	1.12
Total	21.4625

Homer	4.5
Homer ODLSA	18.5
Borough	4.70
So. Hospital	1.18
SHTY18 & Prior Debt	1.12
Total	30

Bringing Homer Highlights to Alaska Municipal League's (AML) "Alaska Block Party" in November

AML is hosting its 3rd annual "Alaska Block Party" at the Annual Local Government Conference in Anchorage and Homer is invited! Participating municipalities will be given an 8' round table to decorate with fixtures that showcase their respective community. This is a unique "meet and greet" opportunity to learn more about Alaska while sharing with others what makes Homer so special. I would love Council's assistance in gathering up decorations or products that highlight our coastal town. So far my office has reached out to Bay Welding to see if they have a small model of the Seawolf, the 120 passenger catamaran that brought many local businesses together in order construct the largest vessel built in Homer. Please bring your contributions to Rachel in my office by November 14th.

Enc:

Kachemak City Ordinance 19-04
6 month quarterly report
Karen Hornaday Park traffic calming
Ocean Drive Loop Maps

CITY OF KACHEMAK
KACHEMAK, ALASKA
ORDINANCE 2019-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KACHEMAK, ALASKA, AND PURSUANT TO THE PROVISIONS OF AS 29.35.020 (b) TO ALLOW THE WATER UTILITY OF THE CITY OF HOMER, ALASKA AN EXTENSION OF SERVICE TO PARCELS LOCATED WITHIN THE BOUNDARIES OF KACHEMAK CITY.

WHEREAS, Kachemak City does not maintain a municipal water system; and

WHEREAS, The City of Homer constructed a water main in Kachemak City immediately adjacent to Kachemak City parcels abutting East End Road; and

WHEREAS, The City of Homer has provided service stub-outs that may provide water to lots that front the water line; and

WHEREAS, the City of Homer, having financed the cost of the water line, has ascribed a value that would require a plan of equitable reimbursement prior to allowing connections; and

WHEREAS, Kachemak City must also provide the City of Homer permission to operate its utility within the confines of Kachemak City; and

WHEREAS, Kachemak City already regulates the provision of public utility services including water service pursuant to Title 6 of the Kachemak City Code of Ordinances.

NOW THEREFORE, BE IT ORDAINED by the City of Kachemak:

Section 1. Classification. Section 2 of this ordinance upon adoption shall become a permanent part of the Kachemak City Code.

Section 2. Amendment of Chapter 6.02. Chapter 6.02 of the Kachemak City Code is hereby amended by adoption of a new section 6.02.04 to read as follows:

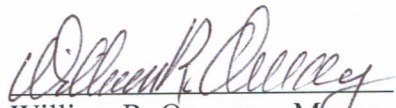
6.02.04 Acceptance of Homer Power to Extend Water Utility Service to Parcels Located Within the Boundaries of Kachemak City.

Pursuant to the provisions of AS 29.35.020 (b) and subject to Kachemak City Code 6.01.03 Nondiscrimination and 6.02 Water Rules and Regulation, Kachemak City approves the extension of water service by the City of Homer to parcels located within the boundaries of Kachemak City. Approving extension of water service does not authorize the City of Homer to extend zoning and planning power within Kachemak City.

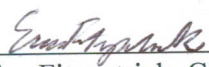
Section 3. Effective Date. This ordinance shall be effective upon adoption.

ADOPTED by the City Council of the City of Kachemak, Alaska this 30th day of August, 2019.

CITY OF KACHEMAK


William R. Overway, Mayor

ATTEST:


Erica Fitzpatrick, City Clerk

First Reading: 8-14-19

Public Hearing: 8-30-19

Second Reading: 8-30-19

Quarterly General Fund
Expenditure Report
For Quarter Ended June 30, 2019

	Adopted FY19 Budget	Actual As of 6/30/19	Budget Remaining	% Budget Used
<u>Revenues</u>				
Property Taxes	\$ 3,406,952	\$ 139,524	\$ (3,267,427)	4.10%
Sales and Use Taxes	5,408,322	2,100,540	(3,307,781)	38.84%
Permits and Licenses	34,963	21,274	(13,689)	60.85%
Fines and Forfeitures	24,865	7,670	(17,195)	30.85%
Use of Money	34,346	117,669	83,324	342.60%
Intergovernmental	569,700	247,033	(322,667)	43.36%
Charges for Services	610,305	149,023	(461,282)	24.42%
Other Revenues	-	40,038	40,038	100%
Airport	148,732	96,992	(51,741)	65.21%
Operating Transfers	2,012,178	1,406,585	(605,593)	69.90%
Total Revenues	\$ 12,250,363	\$ 4,326,348	\$ (7,924,014)	35.32%
<u>Expenditures & Transfers</u>				
Administration	\$ 1,099,661	\$ 541,104	\$ 558,557	49.21%
Clerks	751,823	318,648	433,175	42.38%
Planning	374,333	181,164	193,169	48.40%
Library	932,402	423,925	508,477	45.47%
Finance	697,254	324,288	372,966	46.51%
Fire	1,059,435	495,601	563,834	46.78%
Police	3,259,226	1,601,421	1,657,804	49.14%
Public Works	2,779,148	1,249,580	1,529,568	44.96%
Airport	219,842	108,896	110,947	49.53%
City Hall, HERC	185,584	93,744	91,840	50.51%
Non-Departmental	94,000	94,000	-	100.00%
Total Operating Expenditures	\$ 11,452,709	\$ 5,432,371	\$ 6,020,337	47.43%
Transfer to Other Funds				
Leave Cash Out	\$ 85,232	\$ 85,232	\$ (0)	100%
Debt Repayment	-	-	-	-
Energy	10,703	10,703	-	100%
Adjusting Entries	-	-	-	0%
Total Transfer to Other Funds	\$ 95,935	\$ 95,935	\$ (0)	100%
Total Transfer to Reserves	\$ 701,720	\$ 701,720	\$ (0)	100%
Total Expenditures & Transfers	\$ 12,250,363	\$ 6,230,026	\$ 6,020,336	50.86%
Net Revenues Over (Under) Expenditures	\$ 0	\$ (1,903,677)		

Quarterly Water and Sewer Fund
Expenditure Report
For Quarter Ended June 30, 2019

	Adopted FY19 Budget	Actual As of 6/30/19	Budget Remaining	% Budget Used
Revenues				
Water Fund	\$ 2,116,651	\$ 1,180,455	\$ (936,196)	55.77%
Sewer Fund	1,722,014	820,259	(901,755)	47.63%
Total Revenues	\$ 3,838,665	\$ 2,000,714	\$ (1,837,952)	52.12%
Expenditures & Transfers				
<u>Water</u>				
Administration	\$ 186,554	\$ 77,997	\$ 108,557	41.81%
Treatment Plant	634,642	307,822	326,821	48.50%
System Testing	27,400	10,504	16,896	38.33%
Pump Stations	97,019	41,171	55,848	42.44%
Distribution System	303,476	143,700	159,777	47.35%
Reservoir	29,047	3,525	25,522	12.13%
Meters	239,973	110,955	129,018	46.24%
Hydrants	189,233	86,968	102,264	45.96%
<u>Sewer</u>				
Administration	\$ 170,836	\$ 67,128	\$ 103,708	39.29%
Plant Operations	673,035	345,411	327,624	51.32%
System Testing	14,500	2,166	12,334	14.94%
Lift Stations	199,213	82,003	117,209	41.16%
Collection System	242,448	104,276	138,172	43.01%
Total Operating Expenditures	\$ 3,007,375	\$ 1,383,625	\$ 1,623,750	46.01%
Transfer to Other Funds				
Leave Cash Out	\$ 14,859	\$ 14,859	\$ -	100%
GF Admin Fees	517,046	517,046	-	100%
Debt Repayment	-	399	(399)	100%
Other	59,969	59,969	-	100.00%
Total Transfer to Other Funds	\$ 591,874	\$ 592,273	\$ (399)	100.07%
Transfers to Reserves				
Water	\$ 84,252	\$ 84,253	\$ -	100%
Sewer	155,164	155,164	-	100%
Total Transfer to Reserves	\$ 239,416	\$ 239,417	\$ -	100%
Total Expenditures & Transfers	\$ 3,838,665	\$ 2,215,315	\$ 1,623,351	57.71%
Net Revenues Over(Under) Expenditures	\$ (0)	\$ (214,601)		

Quarterly Port and Harbor Fund
Expenditure Report
For Quarter Ended June 30, 2019

	Adopted FY19 Budget	Actual As of 6/30/19	Budget Remaining	% Budget Used
Revenues				
Administration	\$ 471,040	\$ 272,508	\$ (198,532)	57.85%
Harbor	2,958,349	824,190	(2,134,159)	27.86%
Pioneer Dock	363,326	137,273	(226,053)	37.78%
Fish Dock	553,500	223,138	(330,362)	40.31%
Deep Water Dock	262,500	105,138	(157,362)	40.05%
Outfall Line	4,800	4,800	-	100.00%
Fish Grinder	12,000	845	(11,155)	7.04%
Load and Launch Ramp	125,000	69,697	(55,303)	55.76%
Total Revenues	\$ 4,750,515	\$ 1,637,589	\$ (3,112,926)	34.47%
Expenditures & Transfers				
Administration	\$ 642,204	\$ 341,992	\$ 300,211	53.25%
Harbor	1,328,754	604,388	724,366	45.49%
Pioneer Dock	72,980	35,197	37,783	48.23%
Fish Dock	622,087	288,207	333,880	46.33%
Deep Water Dock	104,600	36,815	67,785	35.20%
Outfall Line	6,500	2,831	3,669	43.55%
Fish Grinder	25,475	4,703	20,772	18.46%
Harbor Maintenance	416,161	181,071	235,089	43.51%
Main Dock Maintenance	41,000	16,346	24,654	39.87%
Deep Water Dock Maintenance	51,500	17,838	33,662	34.64%
Load and Launch Ramp	86,699	34,893	51,806	40.25%
Total Operating Expenditures	\$ 3,397,959	\$ 1,564,281	\$ 1,833,678	46.04%
Transfer to Other Funds				
Leave Cash Out	\$ 29,241	\$ 29,241	\$ -	100%
Debt Service	-	-	-	0%
GF Admin Fees	592,576	592,576	-	100%
Other	420,454	420,454	-	100%
Total Transfer to Other Funds	\$ 1,042,271	\$ 1,042,271	\$ -	100.00%
Transfers to Reserves				
Administration	\$ -	\$ -	\$ -	-
Harbor	-	-	-	-
Pioneer Dock	271,984	-	-	0%
Fish Dock	-	-	-	0%
Deep Water Dock	-	-	-	-
Outfall Line	-	-	-	-
Fish Grinder	-	-	-	-
Load and Launch Ramp	38,301	-	-	0%
Total Transfer to Reserves	\$ 310,285	\$ -	\$ -	0%
Total Expenditures & Transfers	\$ 4,750,515	\$ 2,606,552	\$ 1,833,678	54.87%
Net Revenues Over(Under) Expenditures	\$ 0	\$ (968,963)		

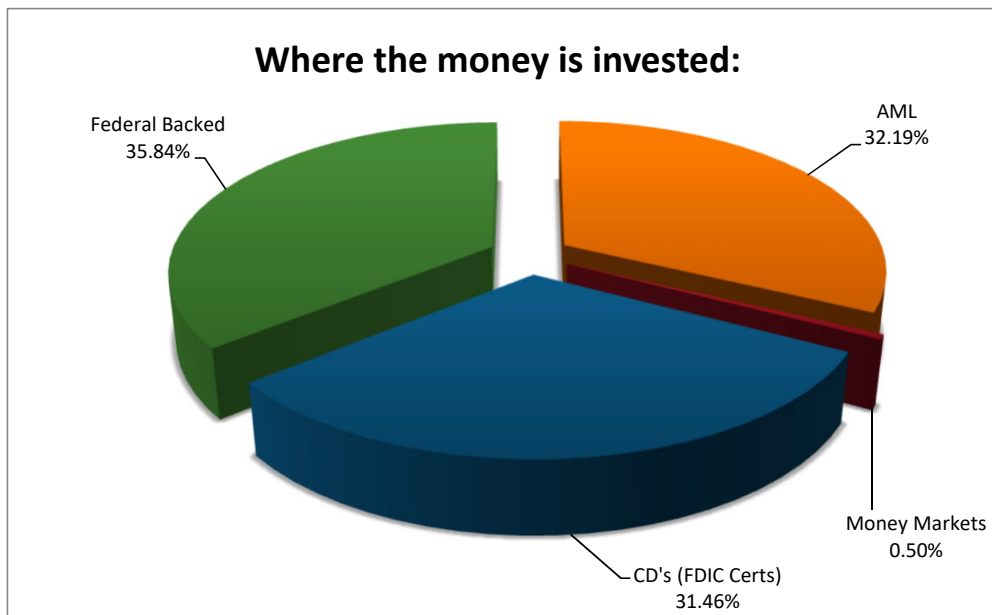
CITY OF HOMER Treasurer's Report

As of:

June 30, 2019

INVESTMENT BY INSTITUTION:	\$ Invested	% Of \$ Invested
Alaska Municipal League	\$ 7,699,195	32%
Pro-Equities	\$ 16,294,253	68%
Total Cash and Investments	\$ 23,993,448	100%

MATURITY OF INVESTMENTS:		AMOUNT	% Of Investment by Maturity Date
1 to 30 Days	7/30/2019	\$ 7,894,799	35%
30 to 120 Days	10/28/2019	\$ 626,714	25%
120 to 180 Days	12/27/2019	\$ 1,170,216	7%
180 to 365 Days	6/29/2020	\$ 770,806	3%
Over 1 Year		\$ 13,530,912	29%
TOTAL		\$ 23,993,448	100%

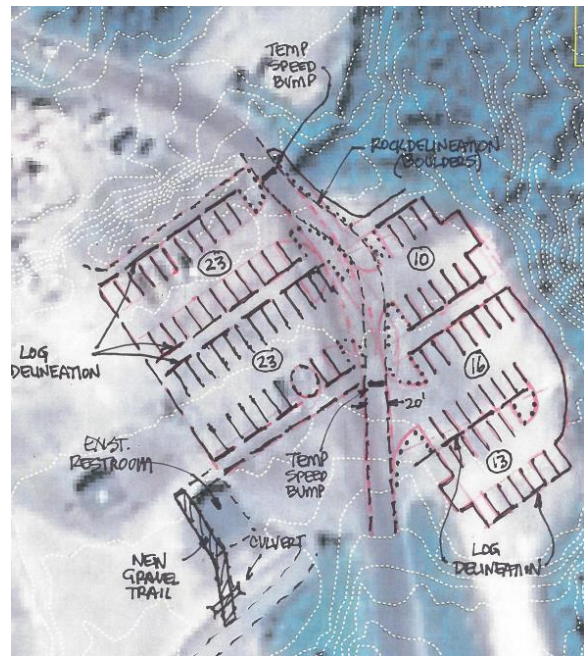


These investments are made in accordance with the City of Homer's investment policy pursuant to Ordinance 93-14, Chapter 3.10. The balances reported are unaudited.

PROGRESS REPORT **KAREN HORNADAY PARKING LOT ACCESS/SAFETY IMPROVEMENTS**

This project (sponsored by Councilmember Tom Stroozas) is substantially complete. The park access road has been realigned to provide traffic calming and encourage slower vehicular speed through the parking area below the campground. Boulders have been placed to delineate this realignment and create medians that protect pedestrians crossing the access road. Logs have been placed to better delineate the parking areas and create protected corridors for pedestrians moving from the parking lot to the park.

Speed limit and crosswalk signs will be installed this week to further delineate the new traffic patterns. Speed bumps and speed bump signage have been ordered and will be installed next spring to finish the improvements approved by the Council in the 2019 capital budget.



Original improvement plan



Looking north toward the campground



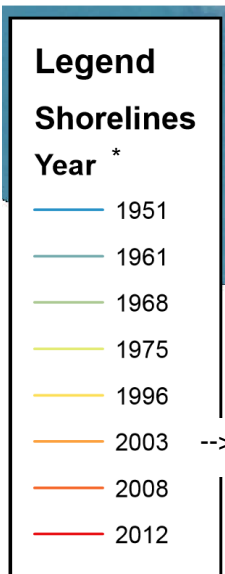
Looking south down the new access road realignment



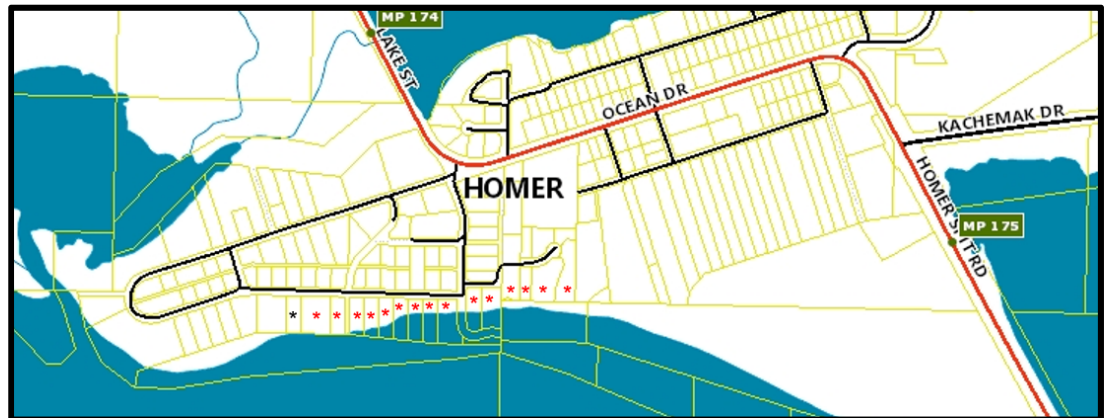
Typical protected pedestrian access corridor

Closeup of "Homer 2016 Coastal Erosion Map"

Printed 9/25/19



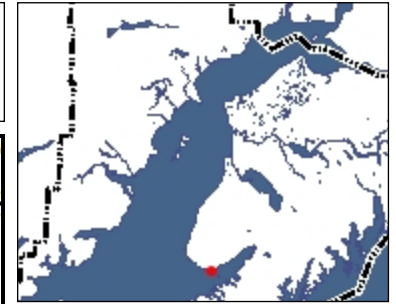
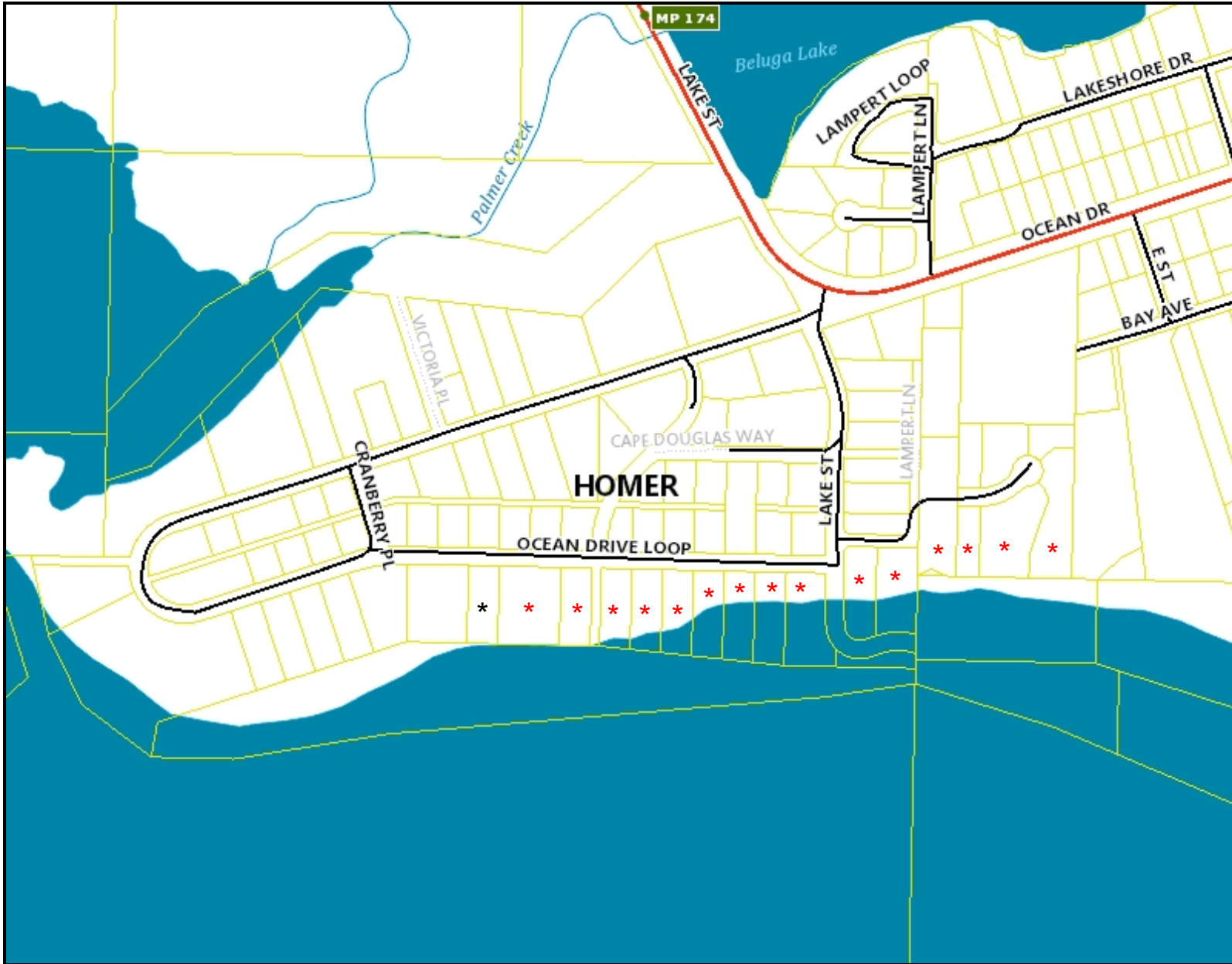
For reference: "Ocean Drive Loop Service Area Parcels and Surrounding Parcels"



*Actual measurements



Ocean Drive Loop Service Area (ODLSA) Parcels and Surrounding Parcels



Legend

- 2019 Fires
- Mileposts
- City Limits
- Highways
- Major Roads
- Roads**
- Town Medium Volume
- Town Low/Seasonal; Other
- Proposed
- Parcels
- * ODLSA parcel
- * Former ODLSA parcel



Notes

Printed 9/25/19

0.2 0 0.09 0.2 Miles

Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 19-068

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE INDUSTRIAL WASTE DISPOSAL PERMIT, COMMERCIAL WASTE DISPOSAL PERMIT, WATER/SEWER EXTENSION PERMIT, WATER FILLING STATION PERMIT, AND UTILITY CONSTRUCTION PROJECT PERMIT AS PART OF THE PUBLIC UTILITY SYSTEM APPLICATION PROCESS.

WHEREAS, Since October 2018, the City has reviewed public utility provisions in Homer City Code (HCC), City practices, and procedures regarding public utilities to ensure clarity and consistency; and

WHEREAS, Removing conflicting or inconsistent terminology and requirements ensures that the laws governing the public utility system are comprehensible and user friendly; and

WHEREAS, Consolidating administrative procedures to the greatest extent possible encourages compliance and ensures the public knows its rights, remedies, and responsibilities; and

WHEREAS, Current Code contains specific technical requirements that are best addressed via permit criteria rather than provisions in the Code; and

WHEREAS, The specific technical requirements outlined in HCC Chapters 13.24 and 13.28 and HCC Titles 14 and 17 for industrial waste disposal, commercial waste disposal, water/sewer extensions, water/sewer connections, water system filling stations, and utility construction projects can be consolidated into a permit application process that is comprehensible and user friendly; and

WHEREAS, A permit application process also ensures the City recoups fees associated with services provided and the public has a clear understanding of project costs; and

WHEREAS, The City of Homer Fee Schedule will reflect the fees for water and sewer related permits; and

WHEREAS, A second resolution approving additional permits may follow as Ordinance 19-23 is enacted; and

42 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby adopts the
43 Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension
44 Permit, Water System Filling Station Permit and Utility Construction Project Permit as part of
45 the public utility system application process.

46
47 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2019.

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49 CITY OF HOMER

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52 _____
53 KEN CASTNER, MAYOR

54 ATTEST:

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58 _____
59 MELISSA JACOBSEN, MMC, CITY CLERK

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61 Fiscal information: N/A

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

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RESOLUTION 19-068

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A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
~~INDUSTRIAL WASTE DISPOSAL PERMIT, COMMERCIAL WASTE
DISPOSAL PERMIT,~~ WATER/SEWER EXTENSION PERMIT **AND**
WATER FILLING STATION PERMIT ~~AND UTILITY CONSTRUCTION
PROJECT PERMIT~~ AS PART OF THE PUBLIC UTILITY SYSTEM
APPLICATION PROCESS.

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WHEREAS, Since October 2018, the City has reviewed public utility provisions in Homer
City Code (HCC), City practices, and procedures regarding public utilities to ensure clarity and
consistency; and

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WHEREAS, Removing conflicting or inconsistent terminology and requirements ensures
that the laws governing the public utility system are comprehensible and user friendly; and

WHEREAS, Consolidating administrative procedures to the greatest extent possible
encourages compliance and ensures the public knows its rights, remedies, and
responsibilities; and

WHEREAS, Current Code contains specific technical requirements that are best
addressed via permit criteria rather than provisions in the Code; and

WHEREAS, The specific technical requirements outlined in HCC Chapters 13.24 and
13.28 and HCC Titles 14 and 17 for ~~industrial waste disposal, commercial waste disposal,~~
water/sewer extensions; **and** water/sewer connections, ~~water system filling stations, and
utility construction projects~~ can be consolidated into a permit application process that is
comprehensible and user friendly; and

WHEREAS, A permit application process also ensures the City recoups fees associated
with services provided and the public has a clear understanding of project costs; and

WHEREAS, The City of Homer Fee Schedule will reflect the fees for water and sewer
related permits; and

WHEREAS, A second resolution approving additional permits may follow as Ordinance
19-23 is enacted; and

42 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby adopts the
43 ~~Industrial Waste Disposal Permit, Commercial Waste Disposal Permit, Water/Sewer Extension~~
44 ~~Permit, **and** Water/Sewer Connection Permit, Water System Filling Station Permit and Utility~~
45 ~~Construction Project Permit~~ as part of the public utility system application process.

46
47 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2019.

48
49 CITY OF HOMER

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51
52 _____
53 KEN CASTNER, MAYOR

54 ATTEST:
55
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58 _____
59 MELISSA JACOBSEN, MMC, CITY CLERK

60
61 Fiscal information: N/A



CITY OF HOMER

SEWER EXTENSION PERMIT INTRODUCTION

Homer's Public Sanitary Wastewater and Sewage System is regulated by Homer City Code (HCC) Title 14. Before building an extension of the City of Homer sewer main, a permit is required (see HCC 14.04.050). Unauthorized work on a City sewer main is a violation subject to a civil penalty (see HCC 14.01.040). **Complete this permit form by arranging an appointment with the Public Works Department Inspector** along with providing the required fee well in advance to ensure approval before your construction date. Construction materials and practices must conform to HCC Title 13 and regulations required in this permit form. A draft copy of the proposed agreement is attached. Owner/Developer is responsible for all costs associated with the extension of the sewer main.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov/>.

Please contact the Public Works Department with any other questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Please note: work must be performed by a licensed and bonded contractor. The contractor **must be** on the City of Homer's approved contractor list as this proves they have met the following conditions:

1. Provided copies of licenses they hold – City business license, state business license, and/or state contractor license.
(HCC 14.01.070(b)(1))
2. Provided a statement demonstrating their experience in substantially similar or the same construction projects.
(HCC 14.01.070(b)(2))
3. Provided proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director).
(HCC 14.01.070(b)(3))
4. Provided a bond or cash deposit in favor of the City.
(HCC 14.01.070)



CITY OF HOMER

WATER / SEWER CONNECTION PERMIT INTRODUCTION

Homer's Public Water System and Sanitary Wastewater and Sewage System are regulated by Homer City Code (HCC) Title 14. Before connecting to or building an extension of the City of Homer water/sewer system, a permit is required. See HCC 14.08.040/14.04.050. Unauthorized work on the City water system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this permit form by arranging an appointment with the Public Works Department permit technician along with providing the required fee well in advance to ensure approval before your construction date. Construction materials and practices must conform to Title 13 of Homer City Code and the regulations outlined in this permit form.

The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Please note: work must be performed by a licensed and bonded contractor. The contractor must be on the City of Homer's approved contractor list as this proves they have met the following conditions and can answer associated questions:

1. Provided copies of licenses they hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. Provide a statement demonstrating their experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. Provided a bond or cash deposit in favor of the City; the right-of-way bond is \$1,000. (HCC 14.01.070)
5. If a connection, are water meter and related components already installed?
(HCC 14.08.050(a))



CITY OF HOMER

PERMIT NO. _____

WATER / SEWER CONNECTION PERMIT

SERVICE CODE _____

SERVICE ADDRESS _____

APPLICATION DATE _____ ACCOUNT # _____
 APPLICANT _____ OWNER _____
 MAILING ADDRESS _____
 PHONE NUMBER (HOME) _____ (WORK) _____

LOT _____ BLOCK _____ SUBDIVISION _____
 KPB PARCEL # _____ CONTRACTOR _____
 SIZE OF SERVICE _____ SIZE OF METER _____
 DATE CONNECTED _____ ORION # _____
 METER READING _____ RT/SEQ # _____

WATER RATE: Commercial/Residential **SEWER RATE:** Commercial/Residential
 Living Units in Apartments Served by mainline lift station Y/N _____

FEES

Fees defined on Page 3.

WATER PERMIT/INSPECTION PERMIT	_____	\$ _____
METER LEASE FEE	_____	\$ _____
DEPOSIT	_____	\$ _____
CONNECTION FEE	_____	\$ _____
SEWER PERMIT/INSPECTION PERMIT	_____	\$ _____
DEFERRED SERVICE - WATER	_____	\$ _____
DEFERRED SERVICE - SEWER	_____	\$ _____
OTHER	_____	\$ _____
SUBTOTAL	_____	\$ 0.00
TAX	_____	\$ _____
TOTAL CHARGES	_____	\$ 0.00
DATE PAID	_____	\$ _____
AMOUNT PAID	_____	\$ 0.00

Code 2104

CODES

2107 T
 2102 T (prv also)
 2103
 2101 T
 2108 T
 WADEF
 SEDEF

Received By: _____

Paid By: _____

Date: _____

Permit approved? Y/ N

By signing this permit form, Applicant/Developer agree to abide by the construction materials and practices outlined in Title 13 of Homer City Code and regulations required in this permit form outlined below:

Original - Applicant, Copy : Planning, PW, Finance

Definition of Fees

WATER PERMIT/INSPECTION PERMIT: Water connection permit & inspection fee.

METER LEASE FEE: Purchased meter.

DEPOSIT: Meter deposit.

CONNECTION FEE: New customer connection.

SEWER PERMIT/INSPECTION PERMIT: Sewer connection permit & inspection fee.

DEFERRED SERVICE - WATER/SEWER: When the City runs mainline adjacent to properties, they are assessed. Usually that connection fee is due when the property owner makes connection (applies for a permit); this section is used when the connection fee is deferred.

OTHER: May include deferred assessment fee, in lieu of assessment fee, subdivided property connection fee

UTILITY INSTALLATION INSTRUCTIONS

1. The Applicant/Owner obtains a water & sewer **connection** permit at the Public Works Department.
2. The Applicant/Owner pays for all materials, labor and equipment required for the utility installation.
3. Construction materials and practices must conform to Title 13 of Homer City Code.
4. Work must be performed by a Licensed and Bonded Contractor.
5. Inspections must be performed for all utility installations by Public Works employees.
24 HOUR NOTICE IS REQUIRED BEFORE ALL INSPECTIONS. Call Public Works at 235-3170.
6. The City assumes no responsibility for the accuracy of any City held Asbuilt Drawing or the Permittee's interpretation thereof.

SAMPLE WATER METER INSTALLATION



Meter shall be installed in a horizontal, upright position.

Meter shall be inside a warm, dry, easily accessible place.

Meter shall be installed prior to providing any water service to customer.

The applicant is responsible for purchasing a pressure reducing valve and one way check valve, to be placed in line with all meter installations.

WARNING

IT IS ILLEGAL TO CONNECT RAIN GUTTERS, ROOF DRAINS, DRAIN TILE SYSTEMS, SUMP PUMPS OR OTHER FRESH WATER SOURCES TO THE CITY SEWER SYSTEM.

ON SITE SEWER SERVICE CONSTRUCTION REGULATIONS

Materials – Gravity Line

- a. Ductile iron sewer pipe (DIP) class 50 conforming to ASTM A-746, AWWA STD. C-151 and AWWA STD. C-104; or
- b. Cast iron soil pipe and fittings conforming to ASTM A-746; or
- c. PVC sewer pipe (C900);
- d. ABS sewer pipe; specifically manufactured for underground use.

Materials – Pressurized Line

- a. No galvanized pipe shall be used.
- b. Appropriate sized HDPE socket fused polyethylene plastic pipe and fittings are approved. Qualified as type III,

Construction and installation – Gravity line

- a. Five-foot minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid board
- b. No service shall be placed closer than five feet to any property corner.
- c. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line (unless approved by the City Engineer).
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-
- f. A lot may be connected only to a sewer main that is directly adjacent to the lot.
- g. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools may be used to tap the main. Cutoff saws will not be allowed.
- h. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.
- i. The tap into the main shall be at approximately 45 degrees above horizontal.
- j. A sweep of 22.5 degrees to 45 degrees shall be installed above the main to attain the proper elevation and grade.
- k. The pipe shall continue at a continuous grade of one percent to three percent until under the foundation of the
- l. No floor drains, drain tile systems, sump pumps, nor other devices may be connected to the sewer system by a service or directly which would allow the entry of rain water or ground water into the system.
- m. Grease traps and sand traps shall be installed if determined to be necessary by the City Engineer as required by the most recent Uniform Plumbing Codes.
- n. Cleanouts shall be installed at bends greater than 45 degrees. No service line may continue over 100 feet without a cleanout being installed as measured from the main line.
- o. Backflow-prevention devices shall be installed where the potential for backflow exists as the result of flooding or blockage of the sewer system as determined by the City Engineer.
- p. Cleanouts shall be covered with the appropriate cap.
- q. The work must be free of leaks and flaws.
- r. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- s. The trench shall be kept free of water at all times by pumping if required.

t. The service line pipe shall be carried into position and not dragged. It shall be lowered into the excavation by means of a sling in such a manner that it is not dropped nor the pipe or fitting coating injured. The full length of the pipe shall rest on the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or foreign matter enters the pipe. Where the pipe coating or lining are damaged, they shall be repaired by the contractor in a satisfactory manner. All pipe joints shall be lubricated.

u. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding and/or backfill material may be encountered in the excavation and imported material may not be required as determined by the Public Works Inspector.

v. No extension of a sewer service line may be made on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.

w. The public rights-of-way must be restored to their original condition before a service is accepted.

Construction and Installation – Pressurized Line

a. The engineers' plans and specifications for the lift station must be reviewed and approved by the Public Works Inspector and the requirement for any specific lift station installation must be approved by the City Engineer.

b. Seven-foot minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid insulation shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.

c. No service shall be placed closer than five feet to any property line or corner.

d. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line, unless approved by the City Engineer.

e. The contractor shall install the service at 90 degrees to the street main line whenever possible.

f. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.

g. The sewer service line shall be minimum of 1 ¼ inch diameter polyethylene pipe. Larger sewer service lines shall be required as the Public Works Inspector determines necessary.

h. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools may be used to tap the main. Cutoff saws will not be allowed.

i. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.

j. The tap into the main shall be at approximately 45 degrees above horizontal. Main line and service stub-out connection methods/materials must be approved by Public Works Inspector.

k. Grease traps and sand traps shall be installed as required by the most recent Uniform Plumbing Codes, if determined to be necessary by the City Engineer.

l. The work must be free of leaks and flaws.

m. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.

n. The trench shall be kept free of water at all times by pumping if required.

o. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer service lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector.

- p. No extension of a sewer service line may be made even on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- q. The public rights-of-way must be restored to their original condition before a service is accepted.
- r. No service will be accepted without copies of the required as-built plans, records and test data.

ON SITE WATER SERVICE CONSTRUCTION REGULATIONS

Water Service Materials.

a. Water Line.

- 1. No galvanized pipe shall be used.
- 2. Three-fourths-inch to two-inch service lines shall be Schedule K, flexible soft copper, conforming to ASTM B-88; or HDPE (SDR 11).
- 3. Four-inch and larger service lines shall be ductile iron water pipe (DIWP), class 52, conforming to AWWA STD. C-151 and AWWA STD. C-104; or HDPE (SDR 11).

b. Water Service Valves.

- 1. No galvanized parts shall be used.
- 2. Corporation stops shall be flare-type brass only; Mueller Co. only are approved.
- 3. Curb stops shall be flare-type brass only; Mueller Co. only are approved.
- 4. Curb boxes: Mueller Co. only are approved (must be furnished with stationary operating rods).
- 5. Valves four inches and larger shall be mechanical joint or flanged, 250 pound test pressure rated. Mueller Co. only are approved.

c. Fittings.

- 1. No galvanized fittings shall be used. Use brass, stainless steel, cast iron or ductile iron or HDPE only, 250 pound test pressure rated.
- 2. Three-part unions must be flare-type brass.

d. Thaw Wire.

- 1. Thaw wire shall be solid or braided, rubber-covered or plastic-covered No. 2 copper cable.

Water Service Construction and Installation.

- a. Seven feet is minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid board insulation with two-inch thickness minimum by 24 inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- b. The service line may not be placed within five feet of any property line or corner.
- c. The water service line must have a minimum horizontal separation of 10 feet from any sewer service line, unless approved by the City Engineer.
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.
- f. A lot may be connected only to a water main that is directly adjacent to the lot.
- g. The water service line shall be a minimum of one inch diameter. Larger water service lines shall be required as the Public Works Inspector determines necessary.
- h. No three-part union will be allowed closer than 60-foot intervals either side of the curb box for copper pipes.
- i. A curb box shall be installed at the property line adjoining the public rights-of-way or on the utility easement line as appropriate.
- j. Curb box shall extend zero to three inches below the finish grade.
- k. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific water service connection.
- l. The City of Homer will not rent or loan any tools for water service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.

- m. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- n. The trench shall be kept free of water at all times by pumping if required.
- o. The service line must be laid in the ditch with slack for expansion if required.
- p. A thaw wire shall be attached to the corporation stop if such stop is designed for this attachment. If the corporation stop is not designed for direct attachment, a brass or copper grounding clamp shall be installed on the copper tubing as close as possible to the corporation stop and the thaw wire attached to the ground clamp.
- q. The thaw wire shall be laid in the ditch with slack for expansion or ground movement and surface at the curb box with enough excess to permit easy location and attachment of an electric thawing device.
- r. There shall be no breaks or splices in the thaw wire.
- s. The work must be free of leaks and flaws.
- t. The water service connections, corporation stops, curb stops and all joints will be pressure tested at static main line pressure for 10 minutes and inspected by the Public Works Inspector before backfilling is allowed.
- u. All water service lines and components shall be bedded, backfilled and compacted 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding or backfill material may be found in the excavation and imported material may not be required as determined by the Public Works Inspector.
- v. Backfilling shall be done in such a manner as to assure that no large rocks or frozen lumps fall on the pipe or components.
- w. No extension of a water service line may be made on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- x. In the event that ductile iron, or PVC pipe is used for the service, pipe shall be carried into position and not dragged. It shall be lowered into the excavation by means of slings in such a manner that it is not dropped, nor are the pipe or fitting coating injured. The full length of the pipe shall rest firmly along the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or other foreign substance enters the pipe. Where pipe coating or lining are disturbed, they shall be repaired in a satisfactory manner. A valve shall be located at the property line or utility easement line as applicable to shut off the service in place of a curb box. No thaw wire shall be required. The valve shall be securely tied back to the main. The main line tee shall be properly thrust block against the undisturbed ditch using only properly sized concrete thrust blocks. If a poured-in-place block is used, all fittings shall be wrapped in sheet plastic and care taken to see that all bolts are accessible. The valve box top shall be flush with the finish grade. All pipe and fittings shall be sanitized during installation. After installation, the line is to be flushed in the presence of the Inspector to his satisfaction.
- y. The public rights-of-way must be restored to their original condition before a service is accepted.

Operation of Water Valves, Fire Hydrants and Curb Stops.

Only authorized City personnel shall operate water valves, fire hydrants or curb stops.

Water Meter Installation.

- a. The meter shall be the size and model indicated by the Public Works Inspector.
- b. Fittings on the meter shall be screw-type bronze or brass for brass meters.
- c. The meter shall be installed in a horizontal and upright position.
- d. The meter shall be in a warm dry place above groundwater, easily accessible, preferably inside the building structure.
- e. The shutoff valve shall be installed immediately before the meter on the incoming service line for customer use. A pressure regulator must also be installed between this valve and the meter on all installations.
- f. An appropriate backflow-prevention device shall be installed immediately after the meter.
- g. Water meters shall be installed prior to providing any service to a water utility customer.

h. Water meters remain the property of the City of Homer. The initial fee for the meter is a one-time rental fee. The customer is responsible for normal protection of the meter and/or generator from external damage and freezing. Internal wear and failure of the meter and/or generator due to normal use will be the responsibility of the City. Customers shall provide reasonable access for City personnel and to make necessary repairs.

i. All water used must be metered.

j. All plumbing parts, processes, and installation and workmanship shall be in accordance with current State-approved Uniform Plumbing Codes (UPC).

Backflow and Cross-Connection Prevention.

a. All connections to the public potable water system shall have an approved backflow-prevention device where required in accordance with the minimum requirements listed below.

b. All devices recommended in this section are minimum standards and thus the requirements for backflow-prevention may be made more stringent should the City Engineer deem it necessary or appropriate.

c. The location and type of the backflow-prevention devices shall be approved by the Public Works Inspector.

d. All backflow-prevention devices or the installation of the devices, excepting residences (single-family and duplex), shall include test cocks and shutoff valves for testing the device for correct and continuous function. Annual tests shall be made to verify that the device is functioning correctly and continuously. The owner shall be responsible for making these tests and for the maintenance of the device and shall maintain a record of these tests in a form suitable to the City and shall submit the records to City upon request.

e. The City has the right to inspect all installations and structures, and to review plumbing plans to determine compliance with the backflow and cross-connection prevention requirements. The City has the right to reject the devices or installations not in compliance with the requirements and has the right to disapprove the plumbing plans if not in compliance with the requirements.

f. All boiler make up water feed systems must have an approved reduced-pressure type backflow-prevention device.

g. Minimum Requirement for Backflow-Prevention.

Structure of System

Recommended Device

1. Residences	(Single-family and duplex) Single check valve at meter and a reduced-pressure/air break vented device (Watts series 9D or equal), at boiler feed line.
2. Hotels, apartments, public and private buildings	Air-gap separation or reduced-pressure device.
3. Canneries, packing houses and reduction plants	Air-gap separation or reduced-pressure device.
4. Chemical plants	(Same as above)
5. Chemically contaminated water systems	(Same as above)
6. Civil works	Air-gap separation or reduced-pressure device or double check valve, depending on the situation.
7. Dairies and cold storage plants	(Same as above)
8. Film laboratories	Air-gap separation or reduced-pressure device.
9. Fire systems	Air-gap separation or reduced-pressure device or double check valve, depending on the situation.
10. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics	(Same as above)
11. Waterfront facilities and industries	(Same as above)

- | | |
|---|--|
| 12. Oil and gas production storage or transmission properties | Air-gap separation or reduced-pressure device. |
| 13. Plating plants | (Same as above) |
| 14. Power plants | (Same as above) |
| 15. Radioactive materials or substances plants or facilities handling | (Same as above) |
| 16. Restricted, classified or other closed facilities | (Same as above) |
| 17. Schools and colleges | (Same as above) |
| 18. Sewage and storm drain facilities | (Same as above) |

- h. All devices must be approved by the Public Works Department.
- i. All installations shall conform to all applicable City and State Building and Plumbing codes.

SIGNATURE _____
*CUSTOMER RESPONSIBLE FOR MONTHLY BILLINGS

COMMENTS _____

**CITY OF HOMER
SEWER EXTENSION PERMIT FORM**

Date: _____
Applicant/Developer: _____
Contact Name: _____
Address: _____
Phone Number: _____ Email address: _____
Location of proposed extension: _____
Property Address and Legal Description: _____

The contractor must:

1. Attach a written description of the proposed extension.
2. Attach a map or diagram of the proposed extension, including location of existing and proposed water/sewer, property lines, roads, buildings, and other significant physical features.
3. Attach an engineer's itemized cost breakdown of the proposed extension, and include the costs for: 1) the main extension, 2) design/engineering, 3) utility relocation, inspection, and 4) total project cost.
4. Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____
Contact Name: _____
Address: _____
Phone Number: _____ Email address: _____

5. Include the appropriate fee with your completed application. See **Fee Schedule** for the fee.

By signing this permit form, Applicant/Developer agree to complete the design of the improvement in accordance with the Homer Design Criteria Manual, complete the construction of the improvements in accordance with the Homer Standard Construction Specifications, and comply with the conditions of the signed construction agreement.

APPLICANT/DEVELOPER

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____
Bond/Cash Deposit? _____
Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

SAMPLE CONSTRUCTION AGREEMENT
XYZ Street – Sewer Improvements

This Agreement made and entered into by and between the **City of Homer**, Alaska, a Municipal Corporation, hereinafter called the “City”; and _____name_____, _____address_____, Homer, Alaska 99603, hereinafter called the “Developer”;

WITNESSETH:

The Developer, hereby agrees, at his own cost and expense, to do all the work and furnish all the materials, tools, labor and all appliances, machinery and appurtenances necessary for completion of the approved project all in full compliance with the Contract documents referred to herein as:

XYZ Street – Sewer Improvements

- a) The City of Homer 2011 Standard Construction Specifications
- b) Work Schedule & Quality Control Plan
- c) Storm Water Pollution Prevention Plan (SWPPP)
- d) Any required Local, State and Federal regulatory and environmental permits
- e) Final approved sewer drawings entitled:

XYZ Street – Sewer Improvements

By ABC Engineering

Final Construction Plans Dated: May, 20XX

which are hereby referred to and by reference made a part of the Contract as fully and completely as if the same were fully set forth herein.

In consideration of the performance of the work as set forth in these Contract Documents, the City agrees to accept ownership of the sewer improvements and all associated appurtenances upon completion and acceptance of all items as listed further in this agreement.

SANITARY SEWER IMPROVEMENTS REQUIRED

The Developer is required to complete the minimum following improvements:

(insert description of work to be completed)_____

TIME IS OF THE ESSENCE

Unless otherwise expressly provided herein, time is of the essence for each and every term, covenant and condition of this Agreement.

CONTRACT COMPLETION TIME

The Contractor agrees to complete the project, in all respects by _____.

PERMITS, LAWS AND TAXES

Developer shall acquire and maintain in good standing all permits, licenses, platting approvals and other entitlements necessary to its performance under this Agreement. All action taken by Developer under this Agreement shall comply with all applicable statutes, ordinances, rules and regulations. Developer shall pay all taxes, permit and license fees, fines, and judgments pertaining to its performance under this Agreement.

RELATIONSHIP OF THE PARTIES

A. Neither by entering into this Agreement, nor by doing any act hereunder, may Developer or any engineer, contractor or subcontractor of Developer be deemed an agent, employee or partner of City, or otherwise associated with City other than, in the case of Developer, as an independent contractor. Developer and its contractors and subcontractors shall not represent themselves to be agents, employees or partners of City or otherwise associated with City other than, in the case of Developer, as an independent contractor. Developer shall notify all its contractors and subcontractors of the provisions of this section.

B. By entering into this Agreement, the City does not thereby become a party to a construction contract. This Agreement is not a contract for public works or for public construction, but rather it sets the conditions that must be met for approval of a final subdivision plat. The City shall have no obligation to pay any of Developer's contractors, subcontractors, suppliers, materialmen or laborers.

Contractor Responsibilities:

The contractor, prior to final acceptance of the project for ownership and maintenance by the City, shall satisfactorily complete the following items.

1. Developer shall be solely responsible for the faithful performance of all terms, covenants and conditions of this Agreement, notwithstanding Developer's delegation to another of the actual performance of any term, covenant or condition hereof.
2. Developer shall indemnify and hold City harmless from any loss, claim, action, demand, fine, judgment, cost or expense arising from any act or omission, related in whole or in part to this Agreement, of Developer, his agents, employees or contractors. The liability assumed by Developer pursuant to this section includes, but is not limited to, claims for labor and materials furnished for the construction of the improvements.
3. The Developer, at his own expense, shall provide all materials, equipment, labor and other appurtenances necessary to complete the project in accordance with the approved plans.
4. The Developer shall provide all surveying necessary to complete the project.
5. Pay for all material testing and provide all field testing results.
6. Furnished at Developer's expense all plans, reports, drawings, or other documents that this Agreement requires Developer to provide the City.
7. Restore all disturbed land surfaces and drainage ways.
8. Pay for the City's cost associated with plan review and approval, construction inspection, and agreement administration costs.

City Responsibilities:

The City, in conjunction with the project plans and specifications shall:

1. Periodically, during the construction phase, inspect the project to ensure compliance with the approved project plans and specifications.
2. Accept the completed project for ownership and maintenance upon final inspection and acceptance of the construction.

COST REIMBURSEMENT (ON-SITE IMPROVEMENTS)

The Developer will not seek cost reimbursement from the City for any portion of this project.

INSURANCE

The Developer shall procure and maintain in force during the term of this agreement all General Liability, Workmen's Compensation and Comprehensive Automobile Liability Insurance in the following amounts:

I.	General Liability	
	Single Limit	\$2,000,000
	Aggregate	\$4,000,000
II.	Workman's Compensation	\$1,000,000
III.	Comprehensive Automobile Liability	\$1,000,000

ACCEPTANCE OF IMPROVEMENTS

City shall not accept the improvements until all the requirements of this section have been met.

Monuments and As-Built Drawings

Upon completing the improvements, Developer shall place or replace all lot corners and monuments and shall monument the center lines of all required paved streets with monuments of at least one-foot rebar and AL cap at points of curvature, ends of curvature, intersections and centers of cul-de-sacs. Such monumentation shall be in accordance with the standards established by City.

No later than sixty (60) days after the final inspection and certification, Developer shall provide City with record drawings (one hard copy 11' x 17", and electronically in pdf. and AutoCad formats) for each improvement. The as-built drawings shall be certified by a professional engineer registered under the laws of the State of Alaska to represent accurately the improvements as actually constructed.

Certificate of Compliance

Developer shall furnish City with a certificate of compliance for the work performed under this Agreement in the form prescribed by the City's Standard Specifications.

Conveyance of Easements and Rights-of-Way to City

Developer shall convey to City any easement, right-of-way or other property interest necessary to allow access to City improvements to operate, maintain or repair-City improvements. Developer may condition the conveyance upon City's acceptance of the improvements.

Inspection

- A. Upon receiving notice that Developer has completed the improvements, City shall schedule a final inspection of the improvements. City may inspect all improvements and any other work in dedicated easements or rights-of-way.
- B. Developer, at its own expense, shall correct all deficiencies found by inspections under subsections A. or B. of this section. Upon receiving notice that the deficiencies have been corrected, City or appropriate non-city-owned utility shall re-inspect the improvements.
- C. City may continue to re-inspect an improvement until Developer has corrected all deficiencies in the improvement.

- F. After a final inspection has revealed that all improvements and other work in dedicated easements and rights-of-way meet City standards, and Developer has furnished the as-built drawings required. City shall notify Developer that all improvements have been accepted in writing.

CONSEQUENCES OF ACCEPTANCE OF IMPROVEMENTS

City's final acceptance of City improvements constitutes a grant to City of all Developer's right, title and interest in and to City improvements.

DEVELOPER'S WARRANTY

A. Developer shall warrant the design, construction materials and workmanship of the improvements against any failure or defect in design, construction, material or workmanship which is discovered no more than two years from the date City notifies Developer of the acceptance of the improvements (except where significant defects are repaired during the warranty period, period for those repairs extends one year from repair date). This warranty shall cover all direct and indirect costs of repair or replacement, and damage to property, improvements, or facilities of City or any other person caused by such failure or defect or in the course of repairs thereof, and any increase in cost to City of operating and maintaining a City improvement resulting from such failures, defects or damage.

B. Developer's warranty shall not extend to any failure or defect caused solely by changes in design, construction or materials required by City.

C. Except as provided in subsection B. of this section, the fact that City takes any action or omits to take any action authorized in this Agreement, including but not limited to operation or routine maintenance of the improvements prior to acceptance, or surveillance, inspections, review or approval of plans, tests or reports, shall in no way limit the scope of Developer's warranty.

D. Any subcontractor, manufacturer or supplier warranty assigned by Developer to City shall name City as beneficiary of the warranty, and shall commence on the date of acceptance by City, not on date of shipment, installation or other date.

WARRANTY GUARANTY

A. To secure Developer's performance during the warranty period, the Developer will be required to provide a warranty guaranty.

B. The amount of the warranty guaranty shall be the percentage of the estimated cost of all improvements determined by the following table:

Estimated Cost of All Improvements	Percent to Secure Warranty
less than \$500,000	10.0%
\$500,000 - \$1,000,000	7.5%
more than \$1,000,000	5.0%

CITY'S REMEDIES UNDER WARRANTY

A. City shall notify Developer in writing upon its discovery of any failure or defect covered by the warranty. City shall notify Developer before conducting any test or inspections to determine the cause of the failure or defect, and shall notify Developer of the results of all such tests and inspections.

B. Developer shall correct any failure or defect covered by the warranty within thirty (30) days of receiving notice of the failure or defect from City. Developer shall correct the failure or defect at its own expense and to the satisfaction of City.

C. If the Developer fails to correct the failure or defect within the time allowed by subsection B. of this section, City may correct the failure or defect at Developer's expense. If Developer fails to pay City for the corrective work within thirty (30) days of receiving City's bill therefor, City may pursue any remedy provided by law or this Agreement to recover the cost of the corrective work.

D. Notwithstanding subsections A and B, City may take immediate action to correct any failure or defect that City determines poses a substantial risk to the public health, safety or welfare. In such case, City shall notify Developer of the failure or defect and the City's action as soon as possible. Developer shall pay City for such corrective work. If Developer fails to pay City for the corrective work within thirty (30) days of receiving City's bill therefor, City may pursue any remedy provided by law or this Agreement to recover the cost of the corrective work.

COMPLETION OF PERFORMANCE - RELEASE OF WARRANTY

A. City shall inspect the improvement at or before the end of the warranty period and before releasing any warranty guaranty then in effect. Developer shall correct any failure or defect in the work revealed by the inspection.

B. On Developer's satisfactory performance of all its obligations under this Agreement, City shall execute a written statement acknowledging such performance and shall release any remaining security posted by Developer under this Agreement.

SUBMITTALS

After execution of this Agreement, a Notice to Proceed by the City of Homer will be issued prior to commencement of work associated with the sewer improvements. Prior to issuing the Notice to Proceed, the Developer must submit to the City:

- Final cost estimate for all improvements
- Material Submittals for approval
- Inspection Fee (see below)
- Approved testing plan for the sewer installation.
- ADEC Approval of Construct
- Work Schedule
- Quality Control Plan
- SWPPP (if necessary)
- Corps Permit (if necessary)

CONSTRUCTION INSPECTION FEE

The Developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting improvements required to be completed under this construction agreement. The City’s cost shall include, but is not limited to, preparation of this agreement, administering the agreement, plan checking, surveillance, and administrative overhead.

Prior to the issuance of a notice to proceed with construction to the Developer, the Developer shall pay a deposit toward the City’s costs based upon the estimated cost of the improvements to be constructed under this construction agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by the Public Works Director

After the City finds the subdivision improvements meet City specifications, it shall determine its costs to date. If costs exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the deposit exceeds the costs, the City shall refund the balance to the Developer.

Prior to acceptance of completion by the City, the Developer shall also pay a deposit toward the City's cost incurred during the warranty period under the construction agreement in the amount determined by the Public Works Director, but not to exceed \$2,000.

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

IN WITNESS WHEREOF, we, the parties hereto, each herewith subscribe the same this _____ day of _____, 20XX.

CITY OF HOMER

DEVELOPER

By: _____

By: _____

Title: Public Works Director
City of Homer, Alaska

Title: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20XX, _____ appeared before me, the undersigned Notary Public, known to me to be the Public Works Director of **City of Homer, Alaska**, a municipal corporation organized and existing under the laws of the State of Alaska, and he acknowledged to me that he executed this **Construction Agreement** on behalf of said City of Homer for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20XX, _____ name _____ appeared before me, the undersigned Notary Public, and he acknowledged to me that he executed this **Construction Agreement** as the Developer for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Alaska
My commission expires: _____



CITY OF HOMER

WATER EXTENSION PERMIT INTRODUCTION

Homer's Public Water System is regulated by Homer City Code (HCC) Title 14. Before building an extension of the City of Homer water main, a permit is required (see HCC 14.08.040). Unauthorized work on a City water or sewer main is a violation subject to a civil penalty (see HCC 14.01.040).

Complete this permit form by arranging an appointment with the Public Works Department Inspector along with providing the required fee well in advance to ensure approval before your construction date. Construction materials and practices must conform to HCC Title 13 and regulations required in this permit form. A draft copy of the proposed agreement is attached. Owner/Developer is responsible for all costs associated with the extension of the water main.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov/>.

Please contact the Public Works Department with any other questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Please note: work must be performed by a licensed and bonded contractor. The contractor **must be** on the City of Homer's approved contractor list as this proves they have met the following conditions:

1. Provided copies of licenses they hold – City business license, state business license, and/or state contractor license.
(HCC 14.01.070(b)(1))
2. Provided a statement demonstrating their experience in substantially similar or the same construction projects.
(HCC 14.01.070(b)(2))
3. Provided proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director).
(HCC 14.01.070(b)(3))
4. Provided a bond or cash deposit in favor of the City.
(HCC 14.01.070)

**CITY OF HOMER
WATER EXTENSION PERMIT FORM**

Date: _____
Applicant/Developer: _____
Contact Name: _____
Address: _____
Phone Number: _____ Email address: _____
Location of proposed extension: _____
Property Address and Legal Description: _____

The contractor must:

1. Attach a written description of the proposed extension.
2. Attach a map or diagram of the proposed extension, including location of existing and proposed water/sewer, property lines, roads, buildings, and other significant physical features.
3. Attach an engineer's itemized cost breakdown of the proposed extension including the costs for: 1) the main extension, 2) design/engineering, 3) utility relocation, 4) inspection, and 5) total project cost.
4. Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____
Contact Name: _____
Address: _____
Phone Number: _____ Email address: _____

5. Include the appropriate fee with your completed application. See **Fee Schedule** for the fee.

By signing this permit form, Applicant/Developer agree to complete the design of the improvement in accordance with the Homer Design Criteria Manual, complete the construction of the improvements in accordance with the Homer Standard Construction Specifications, and comply with the conditions of the signed construction agreement.

APPLICANT/DEVELOPER

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____
Bond/Cash Deposit? _____
Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

SAMPLE CONSTRUCTION AGREEMENT
XYZ Street – Water Improvements

This Agreement made and entered into by and between the **City of Homer**, Alaska, a Municipal Corporation, hereinafter called the “City”; and _____name_____, _____address_____, Homer, Alaska 99603, hereinafter called the “Developer”;

WITNESSETH:

The Developer, hereby agrees, at his own cost and expense, to do all the work and furnish all the materials, tools, labor and all appliances, machinery and appurtenances necessary for completion of the approved project all in full compliance with the Contract documents referred to herein as:

XYZ Street – Water Improvements

- a) The City of Homer 2011 Standard Construction Specifications
- b) Work Schedule & Quality Control Plan
- c) Storm Water Pollution Prevention Plan (SWPPP)
- d) Any required Local, State and Federal regulatory and environmental permits
- e) Final approved water drawings entitled:

XYZ Street – Water Improvements

By ABC Engineering

Final Construction Plans Dated: May, 20XX

which are hereby referred to and by reference made a part of the Contract as fully and completely as if the same were fully set forth herein.

In consideration of the performance of the work as set forth in these Contract Documents, the City agrees to accept ownership of the water improvements and all associated appurtenances upon completion and acceptance of all items as listed further in this agreement.

WATER DISTRIBUTION IMPROVEMENTS REQUIRED

The Developer is required to complete the minimum following improvements:

(insert description of work to be completed)_____

TIME IS OF THE ESSENCE

Unless otherwise expressly provided herein, time is of the essence for each and every term, covenant and condition of this Agreement.

CONTRACT COMPLETION TIME

The Contractor agrees to complete the project, in all respects by _____.

PERMITS, LAWS AND TAXES

Developer shall acquire and maintain in good standing all permits, licenses, platting approvals and other entitlements necessary to its performance under this Agreement. All action taken by Developer under this Agreement shall comply with all applicable statutes, ordinances, rules and regulations. Developer shall pay all taxes, permit and license fees, fines, and judgments pertaining to its performance under this Agreement.

RELATIONSHIP OF THE PARTIES

A. Neither by entering into this Agreement, nor by doing any act hereunder, may Developer or any engineer, contractor or subcontractor of Developer be deemed an agent, employee or partner of City, or otherwise associated with City other than, in the case of Developer, as an independent contractor. Developer and its contractors and subcontractors shall not represent themselves to be agents, employees or partners of City or otherwise associated with City other than, in the case of Developer, as an independent contractor. Developer shall notify all its contractors and subcontractors of the provisions of this section.

B. By entering into this Agreement, the City does not thereby become a party to a construction contract. This Agreement is not a contract for public works or for public construction, but rather it sets the conditions that must be met for approval of a final subdivision plat. The City shall have no obligation to pay any of Developer's contractors, subcontractors, suppliers, materialmen or laborers.

Contractor Responsibilities:

The contractor, prior to final acceptance of the project for ownership and maintenance by the City, shall satisfactorily complete the following items.

1. Developer shall be solely responsible for the faithful performance of all terms, covenants and conditions of this Agreement, notwithstanding Developer's delegation to another of the actual performance of any term, covenant or condition hereof.
2. Developer shall indemnify and hold City harmless from any loss, claim, action, demand, fine, judgment, cost or expense arising from any act or omission, related in whole or in part to this Agreement, of Developer, his agents, employees or contractors. The liability assumed by Developer pursuant to this section includes, but is not limited to, claims for labor and materials furnished for the construction of the improvements.
3. The Developer, at his own expense, shall provide all materials, equipment, labor and other appurtenances necessary to complete the project in accordance with the approved plans.
4. The Developer shall provide all surveying necessary to complete the project.
5. Pay for all material testing and provide all field testing results.
6. Furnished at Developer's expense all plans, reports, drawings, or other documents that this Agreement requires Developer to provide the City.
7. Restore all disturbed land surfaces and drainage ways.
8. Pay for the City's cost associated with plan review and approval, construction inspection, and agreement administration costs.

City Responsibilities:

The City, in conjunction with the project plans and specifications shall:

1. Periodically, during the construction phase, inspect the project to ensure compliance with the approved project plans and specifications.
2. Accept the completed project for ownership and maintenance upon final inspection and acceptance of the construction.

COST REIMBURSEMENT (ON-SITE IMPROVEMENTS)

The Developer will not seek cost reimbursement from the City for any portion of this project.

INSURANCE

The Developer shall procure and maintain in force during the term of this agreement all General Liability, Workmen's Compensation and Comprehensive Automobile Liability Insurance in the following amounts:

I.	General Liability	
	Single Limit	\$2,000,000
	Aggregate	\$4,000,000
II.	Workman's Compensation	\$1,000,000
III.	Comprehensive Automobile Liability	\$1,000,000

ACCEPTANCE OF IMPROVEMENTS

City shall not accept the improvements until all the requirements of this section have been met.

Monuments and As-Built Drawings

Upon completing the improvements, Developer shall place or replace all lot corners and monuments and shall monument the center lines of all required paved streets with monuments of at least one-foot rebar and AL cap at points of curvature, ends of curvature, intersections and centers of cul-de-sacs. Such monumentation shall be in accordance with the standards established by City.

No later than sixty (60) days after the final inspection and certification, Developer shall provide City with record drawings (one hard copy 11' x 17", and electronically in pdf. and AutoCad formats) for each improvement. The as-built drawings shall be certified by a professional engineer registered under the laws of the State of Alaska to represent accurately the improvements as actually constructed.

Certificate of Compliance

Developer shall furnish City with a certificate of compliance for the work performed under this Agreement in the form prescribed by the City's Standard Specifications.

Conveyance of Easements and Rights-of-Way to City

Developer shall convey to City any easement, right-of-way or other property interest necessary to allow access to City improvements to operate, maintain or repair-City improvements. Developer may condition the conveyance upon City's acceptance of the improvements.

Inspection

- A. Upon receiving notice that Developer has completed the improvements, City shall schedule a final inspection of the improvements. City may inspect all improvements and any other work in dedicated easements or rights-of-way.
- B. Developer, at its own expense, shall correct all deficiencies found by inspections under subsections A. or B. of this section. Upon receiving notice that the deficiencies have been corrected, City or appropriate non-city-owned utility shall re-inspect the improvements.
- C. City may continue to re-inspect an improvement until Developer has corrected all deficiencies in the improvement.

- F. After a final inspection has revealed that all improvements and other work in dedicated easements and rights-of-way meet City standards, and Developer has furnished the as-built drawings required. City shall notify Developer that all improvements have been accepted in writing.

CONSEQUENCES OF ACCEPTANCE OF IMPROVEMENTS

City's final acceptance of City improvements constitutes a grant to City of all Developer's right, title and interest in and to City improvements.

DEVELOPER'S WARRANTY

A. Developer shall warrant the design, construction materials and workmanship of the improvements against any failure or defect in design, construction, material or workmanship which is discovered no more than two years from the date City notifies Developer of the acceptance of the improvements (except where significant defects are repaired during the warranty period, period for those repairs extends one year from repair date). This warranty shall cover all direct and indirect costs of repair or replacement, and damage to property, improvements, or facilities of City or any other person caused by such failure or defect or in the course of repairs thereof, and any increase in cost to City of operating and maintaining a City improvement resulting from such failures, defects or damage.

B. Developer's warranty shall not extend to any failure or defect caused solely by changes in design, construction or materials required by City.

C. Except as provided in subsection B. of this section, the fact that City takes any action or omits to take any action authorized in this Agreement, including but not limited to operation or routine maintenance of the improvements prior to acceptance, or surveillance, inspections, review or approval of plans, tests or reports, shall in no way limit the scope of Developer's warranty.

D. Any subcontractor, manufacturer or supplier warranty assigned by Developer to City shall name City as beneficiary of the warranty, and shall commence on the date of acceptance by City, not on date of shipment, installation or other date.

WARRANTY GUARANTY

A. To secure Developer's performance during the warranty period, the Developer will be required to provide a warranty guaranty.

B. The amount of the warranty guaranty shall be the percentage of the estimated cost of all improvements determined by the following table:

Estimated Cost of All Improvements	Percent to Secure Warranty
less than \$500,000	10.0%
\$500,000 - \$1,000,000	7.5%
more than \$1,000,000	5.0%

CITY'S REMEDIES UNDER WARRANTY

A. City shall notify Developer in writing upon its discovery of any failure or defect covered by the warranty. City shall notify Developer before conducting any test or inspections to determine the cause of the failure or defect, and shall notify Developer of the results of all such tests and inspections.

B. Developer shall correct any failure or defect covered by the warranty within thirty (30) days of receiving notice of the failure or defect from City. Developer shall correct the failure or defect at its own expense and to the satisfaction of City.

C. If Developer fails to correct the failure or defect within the time allowed by subsection B. of this section, City may correct the failure or defect at Developer's expense. If Developer fails to pay City for the corrective work within thirty (30) days of receiving City's bill therefor, City may pursue any remedy provided by law or this Agreement to recover the cost of the corrective work.

D. Notwithstanding subsections A and B, City may take immediate action to correct any failure or defect that City determines poses a substantial risk to the public health, safety or welfare. In such case, City shall notify Developer of the failure or defect and the City's action as soon as possible. Developer shall pay City for such corrective work. If Developer fails to pay City for the corrective work within thirty (30) days of receiving City's bill therefor, City may pursue any remedy provided by law or this Agreement to recover the cost of the corrective work.

COMPLETION OF PERFORMANCE - RELEASE OF WARRANTY

A. City shall inspect the improvement at or before the end of the warranty period and before releasing any warranty guaranty then in effect. Developer shall correct any failure or defect in the work revealed by the inspection.

B. On Developer's satisfactory performance of all its obligations under this Agreement, City shall execute a written statement acknowledging such performance and shall release any remaining security posted by Developer under this Agreement.

SUBMITTALS

After execution of this Agreement, a Notice to Proceed by the City of Homer will be issued prior to commencement of work associated with the water, sewer, and road improvements. Prior to issuing the Notice to Proceed, the Developer must submit to the City:

- Final cost estimate for all improvements
- Material Submittals for approval
- Inspection Fee (see below)
- Approved flushing/testing plan for the water installation.
- ADEC Approval to Construct
- Work Schedule
- Quality Control Plan
- SWPPP (if necessary)
- Corps Permit (if necessary)

CONSTRUCTION INSPECTION FEE

The Developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting improvements required to be completed under a subdivision agreement. The City’s cost shall include, but is not limited to, preparation of this agreement, administering the agreement, plan checking, surveillance, and administrative overhead.

Prior to the issuance of a notice to proceed with construction to the Developer, the Developer shall pay a deposit toward the City’s costs based upon the estimated cost of the improvements to be constructed under this construction agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by the Public Works Director

After the City finds the improvements meet City specifications, it shall determine its costs to date. If costs exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the deposit exceeds the costs, the City shall refund the balance to the Developer.

Prior to acceptance of completion by the City, the Developer shall also pay a deposit toward the City's cost incurred during the warranty period under the sconstruction agreement in the amount determined by the Public Works Director, but not to exceed \$2,000.

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

IN WITNESS WHEREOF, we, the parties hereto, each herewith subscribe the same this _____ day of _____, 20XX

CITY OF HOMER

DEVELOPER

By: _____

By: _____

Title: Public Works Director
City of Homer, Alaska

Title: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20XX, _____ appeared before me, the undersigned Notary Public, known to me to be the Public Works Director of **City of Homer, Alaska**, a municipal corporation organized and existing under the laws of the State of Alaska, and he acknowledged to me that he executed this **Construction Agreement** on behalf of said City of Homer for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

Notary Public in and for Alaska
My Commission Expires: _____

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this ____ day of _____, 20XX, _____ name _____ appeared before me, the undersigned Notary Public, and he acknowledged to me that he executed this **Construction Agreement** as the Developer for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first hereinabove written.

Notary Public in and for Alaska
My commission expires: _____



CITY OF HOMER

SEWER CONNECTION PERMIT INTRODUCTION

Homer's Public Sanitary Wastewater and Sewage System is regulated by Homer City Code (HCC) Title 14. Before connecting to the City of Homer sewer system, a permit is required. See HCC 14.04.050. Unauthorized work on the City sewer system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this permit form by arranging an appointment with the Public Works Department Inspector along with providing the required fee well in advance to ensure approval before your construction date. Construction materials and practices must conform to Title 13 of Homer City Code and regulations required in this permit form.

The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set in the Fee Schedule within 30 days of the Public Works **Director's** decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Please note: work must be performed by a licensed and bonded contractor. The contractor must be on the City of Homer's approved contractor list as this proves they have met the following conditions and can answer associated questions:

1. Provided copies of licenses they hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. Provide a statement demonstrating their experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. Provided a bond or cash deposit in favor of the City; the right-of-way bond is \$1,000. (HCC 14.01.070)



CITY OF HOMER

PERMIT NO. _____

SEWER CONNECTION PERMIT

SERVICE CODE _____

SERVICE ADDRESS _____

APPLICATION DATE _____ ACCOUNT # _____
 APPLICANT _____ OWNER _____
 MAILING ADDRESS _____
 PHONE NUMBER (HOME) _____ (WORK) _____

LOT _____ BLOCK _____ SUBDIVISION _____
 KPB PARCEL # _____ CONTRACTOR _____
 SIZE OF SERVICE _____ SIZE OF METER _____
 DATE CONNECTED _____ ORION # _____
 METER READING _____ RT/SEQ # _____

SEWER RATE: Commercial/Residential

Living Units in Apartments _____

Served by mainline lift station Y/N _____

FEES

Fees defined below

CONNECTION FEE _____ \$ _____
 SEWER PERMIT/INSPECTION PERMIT _____ \$ _____
 DEFERRED SERVICE - SEWER _____ \$ _____

CODES

2101 T
 2108 T
 SEDEF

OTHER _____ \$ _____
 SUBTOTAL _____ \$ **0.00**
 TAX _____ Code 2104 \$ _____
 TOTAL CHARGES _____ \$ **0.00**
 DATE PAID _____ \$ _____
 AMOUNT PAID _____ \$ **0.00**

Received By:
Paid By:
Date:
Permit approved? Y/ N

Definition of Fees

CONNECTION FEE: New customer connection.

SEWER PERMIT/INSPECTION PERMIT: Sewer connection permit & inspection fee.

DEFERRED SERVICE - SEWER: When the City runs mainline adjacent to properties, they are assessed. Usually that connection fee is due when the property owner makes connection (applies for a permit); this section is used when the connection fee is deferred.

OTHER: May include in lieu of assessment fee, subdivided property connection fee, etc.

By signing this permit form, Applicant/Developer agree to abide by the construction materials and practices outlined in Title 13 of Homer City Code and regulations required in this permit form, including:

UTILITY INSTALLATION INSTRUCTIONS

1. The Applicant/Owner obtains a water & sewer **connection** permit at the Public Works Department.
2. The Applicant/Owner pays for all materials, labor and equipment required for the utility installation.
3. Construction materials and practices must conform to Title 13 of Homer City Code.
4. Work must be performed by a Licensed and Bonded Contractor.
5. Inspections must be performed for all utility installations by Public Works employees.
24 HOUR NOTICE IS REQUIRED BEFORE ALL INSPECTIONS. Call Public Works at 235-3170.
6. The City assumes no responsibility for the accuracy of any City held Asbuilt Drawing or the Permittee's interpretation thereof.

WARNING

IT IS ILLEGAL TO CONNECT RAIN GUTTERS, ROOF DRAINS, DRAIN TILE SYSTEMS, SUMP PUMPS OR OTHER FRESH WATER SOURCES TO THE CITY SEWER SYSTEM.

ON SITE SEWER SERVICE CONSTRUCTION REGULATIONS

Materials – Gravity Line

- a. Ductile iron sewer pipe (DIP) class 50 conforming to ASTM A-746, AWWA STD. C-151 and AWWA STD. C-104; or
- b. Cast iron soil pipe and fittings conforming to ASTM A-746; or
- c. PVC sewer pipe (C900);
- d. ABS sewer pipe; specifically manufactured for underground use.

Materials – Pressurized Line

- a. No galvanized pipe shall be used.
- b. Appropriate sized HDPE socket fused polyethylene plastic pipe and fittings are approved. Qualified as type III, category 5, class C, grade P34 in ASTM D-1248 with a design pressure rating of 100 psi minimum. Pipe shall be SCLAIRCOR series 100 or equal.

Construction and installation – Gravity line

- a. Five-foot minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid board insulation of two-inch thickness minimum by 24 inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- b. No service shall be placed closer than five feet to any property corner.
- c. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line (unless approved by the City Engineer).
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served, except with the written permission of the Public Works Director.

Construction and installation – Gravity line (Cont'd)

- f. A lot may be connected only to a sewer main that is directly adjacent to the lot.
- g. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools may be used to tap the main. Cutoff saws will not be allowed.
- h. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.
- i. The tap into the main shall be at approximately 45 degrees above horizontal.
- j. A sweep of 22.5 degrees to 45 degrees shall be installed above the main to attain the proper elevation and grade.
- k. The pipe shall continue at a continuous grade of one percent to three percent until under the foundation of the structure served. In some cases, 22.5-degree drops may be approved as determined by the Public Works Inspector.
- l. No floor drains, drain tile systems, sump pumps, nor other devices may be connected to the sewer system by a service or directly which would allow the entry of rain water or ground water into the system.
- m. Grease traps and sand traps shall be installed if determined to be necessary by the City Engineer as required by the most recent Uniform Plumbing Codes.
- n. Cleanouts shall be installed at bends greater than 45 degrees. No service line may continue over 100 feet without a cleanout being installed as measured from the main line.
- o. Backflow-prevention devices shall be installed where the potential for backflow exists as the result of flooding or blockage of the sewer system as determined by the City Engineer.
- p. Cleanouts shall be covered with the appropriate cap.
- q. The work must be free of leaks and flaws.
- r. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- s. The trench shall be kept free of water at all times by pumping if required.
- t. The service line pipe shall be carried into position and not dragged. It shall be lowered into the excavation by means of a sling in such a manner that it is not dropped nor the pipe or fitting coating injured. The full length of the pipe shall rest on the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or foreign matter enters the pipe. Where the pipe coating or lining are damaged, they shall be repaired by the contractor in a satisfactory manner. All pipe joints shall be lubricated.
- u. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding and/or backfill material may be encountered in the excavation and imported material may not be required as determined by the Public Works Inspector.
- v. No extension of a sewer service line may be made on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- w. The public rights-of-way must be restored to their original condition before a service is accepted.

Construction and Installation – Pressurized Line

- a. The engineers’ plans and specifications for the lift station must be reviewed and approved by the Public Works Inspector and the requirement for any specific lift station installation must be approved by the City Engineer.
- b. Seven-foot minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid insulation shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- c. No service shall be placed closer than five feet to any property line or corner.
- d. The sewer service line must have a minimum horizontal separation of 10 feet from any water service line, unless approved by the City Engineer.
- e. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- f. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.
- g. The sewer service line shall be minimum of 1 ¼ inch diameter polyethylene pipe. Larger sewer service lines shall be required as the Public Works Inspector determines necessary.
- h. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific sewer service connection. Only hole-cutter type tools may be used to tap the main. Cutoff saws will not be allowed.
- i. The City of Homer will not rent or loan any tools for sewer service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.
- j. The tap into the main shall be at approximately 45 degrees above horizontal. Main line and service stub-out connection methods/materials must be approved by Public Works Inspector.
- k. Grease traps and sand traps shall be installed as required by the most recent Uniform Plumbing Codes, if determined to be necessary by the City Engineer.
- l. The work must be free of leaks and flaws.
- m. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- n. The trench shall be kept free of water at all times by pumping if required.
- o. The backfilling shall be done in such a manner as to assure that neither large rocks nor frozen lumps fall on the pipe. All sewer service lines and components shall be bedded, backfilled and compacted to 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector.
- p. No extension of a sewer service line may be made even on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- q. The public rights-of-way must be restored to their original condition before a service is accepted.
- r. No service will be accepted without copies of the required as-built plans, records and test data.

SIGNATURE _____

*CUSTOMER RESPONSIBLE FOR MONTHLY BILLINGS

COMMENTS _____



CITY OF HOMER

WATER CONNECTION PERMIT INTRODUCTION

Homer's Public Water System is regulated by Homer City Code (HCC) Title 14. Before connecting to the City of Homer water system, a permit is required. See HCC 14.08.040. Unauthorized work on the City water system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this permit form by arranging an appointment with the Public Works Department Inspector along with providing the required fee well in advance to ensure approval before your construction date. Construction materials and practices must conform to Title 13 of Homer City Code and regulations required in this permit form.

The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Please note: work must be performed by a licensed and bonded contractor. The contractor must be on the City of Homer's approved contractor list as this proves they have met the following conditions and can answer associated questions:

1. Provided copies of licenses they hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
2. Provided a statement demonstrating their experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
3. Provided proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
4. Provided a bond or cash deposit in favor of the City; the right-of-way bond is \$1,000. (HCC 14.01.070)
5. If a connection, are water meter and related components already installed? (HCC 14.08.050(a))



CITY OF HOMER

WATER CONNECTION PERMIT

PERMIT NO. _____

SERVICE CODE _____

SERVICE ADDRESS _____

APPLICATION DATE _____ ACCOUNT # _____

APPLICANT _____ OWNER _____

MAILING ADDRESS _____

PHONE NUMBER (HOME) _____ (WORK) _____

LOT _____ BLOCK _____ SUBDIVISION _____

KPB PARCEL # _____ CONTRACTOR _____

SIZE OF SERVICE _____ SIZE OF METER _____

DATE CONNECTED _____ ORION # _____

METER READING _____ RT/SEQ # _____

**WATER RATE: Commercial/Residential
Living Units in Apartments** _____

FEES

Fees defined below

WATER PERMIT/INSPECTION PERMIT _____ \$ _____

METER LEASE FEE _____ \$ _____

DEPOSIT _____ \$ _____

CONNECTION FEE _____ \$ _____

DEFERRED SERVICE - WATER _____ \$ _____

OTHER _____ \$ _____

SUBTOTAL _____ \$ **0.00**

TAX _____ Code 2104 \$ _____

TOTAL CHARGES _____ \$ **0.00**

DATE PAID _____ \$ _____

AMOUNT PAID _____ \$ **0.00**

Definition of Fees

WATER PERMIT/INSPECTION PERMIT: Water connection permit & inspection fee.

METER LEASE FEE: Purchased meter.

DEPOSIT: Meter deposit.

CONNECTION FEE: New customer connection.

DEFERRED SERVICE - WATER: When the City runs mainline adjacent to properties, they are assessed. Usually that connection fee is due when the property owner makes connection (applies for a permit); this section is used when the connection fee is deferred.

OTHER: May include in lieu of assessment fee, subdivided property connection fee, etc.

CODES

2107 T

2102 T (prv also)

2103

2101 T

WADEF

Received By:
Paid By:
Date:
Permit approved? Y/ N

By signing this permit form, Applicant/Developer agree to abide by the construction materials and practices outlined in Title 13 of Homer City Code and regulations required in this permit form, including:

Original - Applicant, Copy : Planning, PW, Finance

UTILITY INSTALLATION INSTRUCTIONS

1. The Applicant/Owner obtains a water & sewer **connection** permit at the Public Works Department.
2. The Applicant/Owner pays for all materials, labor and equipment required for the utility installation.
3. Construction materials and practices must conform to Title 13 of Homer City Code.
4. Work must be performed by a Licensed and Bonded Contractor.
5. Inspections must be performed for all utility installations by Public Works employees.
24 HOUR NOTICE IS REQUIRED BEFORE ALL INSPECTIONS. Call Public Works at 235-3170.
6. The City assumes no responsibility for the accuracy of any City held Asbuilt Drawing or the Permittee's interpretation thereof.

SAMPLE WATER METER INSTALLATION



Meter shall be installed in a horizontal, upright position.

Meter shall be inside a warm, dry, easily accessible place.

Meter shall be installed prior to providing any water service to customer.

The applicant is responsible for purchasing a pressure reducing valve and one way check valve, to be placed in line with all meter installations.

WARNING

IT IS ILLEGAL TO CONNECT RAIN GUTTERS, ROOF DRAINS, DRAIN TILE SYSTEMS, SUMP PUMPS OR OTHER FRESH WATER SOURCES TO THE CITY SEWER SYSTEM.

ON SITE WATER SERVICE CONSTRUCTION REGULATIONS

Water Service Materials.

a. Water Line.

1. No galvanized pipe shall be used.
2. Three-fourths-inch to two-inch service lines shall be Schedule K, flexible soft copper, conforming to ASTM B-88; or HDPE (SDR 11).
3. Four-inch and larger service lines shall be ductile iron water pipe (DIWP), class 52, conforming to AWWA STD. C-151 and AWWA STD. C-104; or HDPE (SDR 11).

b. Water Service Valves.

1. No galvanized parts shall be used.
2. Corporation stops shall be flare-type brass only; Mueller Co. only are approved.
3. Curb stops shall be flare-type brass only; Mueller Co. only are approved.
4. Curb boxes: Mueller Co. only are approved (must be furnished with stationary operating rods).
5. Valves four inches and larger shall be mechanical joint or flanged, 250 pound test pressure rated. Mueller Co. only are approved.

c. Fittings.

1. No galvanized fittings shall be used. Use brass, stainless steel, cast iron or ductile iron or HDPE only, 250 pound test pressure rated.
2. Three-part unions must be flare-type brass.

d. Thaw Wire.

1. Thaw wire shall be solid or braided, rubber-covered or plastic-covered No. 2 copper cable.

Water Service Construction and Installation.

- a. Seven feet is minimum bury unless specifically allowed by the Public Works Inspector. In cases allowed, rigid board insulation with two-inch thickness minimum by 24 inches wide shall be placed six to 12 inches above the component on top of the bedding/backfill and centered in line with the component.
- b. The service line may not be placed within five feet of any property line or corner.
- c. The water service line must have a minimum horizontal separation of 10 feet from any sewer service line, unless approved by the City Engineer.
- d. The contractor shall install the service at 90 degrees to the street main line whenever possible.
- e. The service line may not cross property lines, except where the line comes from the main line in the public rights-of-way to the property being served.
- f. A lot may be connected only to a water main that is directly adjacent to the lot.
- g. The water service line shall be a minimum of one inch diameter. Larger water service lines shall be required as the Public Works Inspector determines necessary.
- h. No three-part union will be allowed closer than 60-foot intervals either side of the curb box for copper pipes.
- i. A curb box shall be installed at the property line adjoining the public rights-of-way or on the utility easement line as appropriate.
- j. Curb box shall extend zero to three inches below the finish grade.
- k. All taps into the main line must be made with tools designed specifically for that purpose and must be sized correctly for the specific water service connection.
- l. The City of Homer will not rent or loan any tools for water service installation except in the case of emergency as determined by the Public Works Director or his appointed agent.

Water Service Construction and Installation (Cont'd.).

- m. The bottom of the excavation and/or bedding must be uniformly graded, and free of dips, bumps and large rocks.
- n. The trench shall be kept free of water at all times by pumping if required.
- o. The service line must be laid in the ditch with slack for expansion if required.
- p. A thaw wire shall be attached to the corporation stop if such stop is designed for this attachment. If the corporation stop is not designed for direct attachment, a brass or copper grounding clamp shall be installed on the copper tubing as close as possible to the corporation stop and the thaw wire attached to the ground clamp.
- q. The thaw wire shall be laid in the ditch with slack for expansion or ground movement and surface at the curb box with enough excess to permit easy location and attachment of an electric thawing device.
- r. There shall be no breaks or splices in the thaw wire.
- s. The work must be free of leaks and flaws.
- t. The water service connections, corporation stops, curb stops and all joints will be pressure tested at static main line pressure for 10 minutes and inspected by the Public Works Inspector before backfilling is allowed.
- u. All water service lines and components shall be bedded, backfilled and compacted 95 percent of maximum material density. Only classified material shall be used for bedding and backfill as determined by the Public Works Inspector. In some cases, suitable bedding or backfill material may be found in the excavation and imported material may not be required as determined by the Public Works Inspector.
- v. Backfilling shall be done in such a manner as to assure that no large rocks or frozen lumps fall on the pipe or components.
- w. No extension of a water service line may be made on private property without the approval of the Public Works Inspector so that appropriate sizing, inspection and as-built records can be made.
- x. In the event that ductile iron, or PVC pipe is used for the service, pipe shall be carried into position and not dragged. It shall be lowered into the excavation by means of slings in such a manner that it is not dropped, nor are the pipe or fitting coating injured. The full length of the pipe shall rest firmly along the bottom of the excavation with a recess allowed for the joint. While work is in progress, the open ends of the pipe shall be kept plugged so no trench water, dirt or other foreign substance enters the pipe. Where pipe coating or lining are disturbed, they shall be repaired in a satisfactory manner. A valve shall be located at the property line or utility easement line as applicable to shut off the service in place of a curb box. No thaw wire shall be required. The valve shall be securely tied back to the main. The main line tee shall be properly thrust block against the undisturbed ditch using only properly sized concrete thrust blocks. If a poured-in-place block is used, all fittings shall be wrapped in sheet plastic and care taken to see that all bolts are accessible. The valve box top shall be flush with the finish grade. All pipe and fittings shall be sanitized during installation. After installation, the line is to be flushed in the presence of the Inspector to his satisfaction.
- y. The public rights-of-way must be restored to their original condition before a service is accepted.

Operation of Water Valves, Fire Hydrants and Curb Stops.

Only authorized City personnel shall operate water valves, fire hydrants or curb stops.

Water Meter Installation.

- a. The meter shall be the size and model indicated by the Public Works Inspector.
- b. Fittings on the meter shall be screw-type bronze or brass for brass meters.
- c. The meter shall be installed in a horizontal and upright position.
- d. The meter shall be in a warm dry place above groundwater, easily accessible, preferably inside the building structure.
- e. The shutoff valve shall be installed immediately before the meter on the incoming service line for customer use. A pressure regulator must also be installed between this valve and the meter on all installations.
- f. An appropriate backflow-prevention device shall be installed immediately after the meter.
- g. Water meters shall be installed prior to providing any service to a water utility customer.
- h. Water meters remain the property of the City of Homer. The initial fee for the meter is a one-time rental fee. The customer is responsible for normal protection of the meter and/or generator from external damage and freezing. Internal wear and failure of the meter and/or generator due to normal use will be the responsibility of the City. Customers shall provide reasonable access for City personnel and to make necessary repairs.
- i. All water used must be metered.
- j. All plumbing parts, processes, and installation and workmanship shall be in accordance with current State-approved Uniform Plumbing Codes (UPC).

Backflow and Cross-Connection Prevention.

- a. All connections to the public potable water system shall have an approved backflow-prevention device where required in accordance with the minimum requirements listed below.
- b. All devices recommended in this section are minimum standards and thus the requirements for backflow-prevention may be made more stringent should the City Engineer deem it necessary or appropriate.
- c. The location and type of the backflow-prevention devices shall be approved by the Public Works Inspector
- d. All backflow-prevention devices or the installation of the devices, excepting residences (single-family and duplex), shall include test cocks and shutoff valves for testing the device for correct and continuous function. Annual tests shall be made to verify that the device is functioning correctly and continuously. The owner shall be responsible for making these tests and for the maintenance of the device and shall maintain a record of these tests in a form suitable to the City and shall submit the records to City upon request.
- e. The City has the right to inspect all installations and structures, and to review plumbing plans to determine compliance with the backflow and cross-connection prevention requirements. The City has the right to reject the devices or installations not in compliance with the requirements and has the right to disapprove the plumbing plans if not in compliance with the requirements.
- f. All boiler make up water feed systems must have an approved reduced-pressure type backflow-prevention device.
- g. Minimum Requirement for Backflow-Prevention.

Structure of System

1. Residences
2. Hotels, apartments, public and private buildings
3. Canneries, packing houses and reduction plants

Recommended Device

- (Single-family and duplex) Single check valve at meter and a reduced-pressure/air break vented device (Watts series 9D or equal), at boiler feed line.
- Air-gap separation or reduced-pressure device.
- Air-gap separation or reduced-pressure device.

g. Minimum Requirement for Backflow-Prevention (Cont'd).

- | | |
|--|--|
| 4. Chemical plants | (Same as above) |
| 5. Chemically contaminated water systems | (Same as above) |
| 6. Civil works | Air-gap separation or reduced-pressure device or double check valve, depending on the situation. |
| 7. Dairies and cold storage plants | (Same as above) |
| 8. Film laboratories | Air-gap separation or reduced-pressure device. |
| 9. Fire systems | Air-gap separation or reduced-pressure device or double check valve, depending on the situation. |
| 10. Hospitals, medical buildings, sanitariums, morgues, mortuaries, autopsy facilities, nursing and convalescent homes and clinics | (Same as above) |
| 11. Waterfront facilities and industries | (Same as above) |
| 12. Oil and gas production storage or transmission properties | Air-gap separation or reduced-pressure device. |
| 13. Plating plants | (Same as above) |
| 14. Power plants | (Same as above) |
| 15. Radioactive materials or substances plants or facilities handling | (Same as above) |
| 16. Restricted, classified or other closed facilities | (Same as above) |
| 17. Schools and colleges | (Same as above) |
| 18. Sewage and storm drain facilities | (Same as above) |

h. All devices must be approved by the Public Works Department.

i. All installations shall conform to all applicable City and State Building and Plumbing codes.

SIGNATURE

*CUSTOMER RESPONSIBLE FOR MONTHLY BILLINGS

COMMENTS

*Customer must be owner or an authorized agent or renter/lessee.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-134

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: OCTOBER 8, 2019
SUBJECT: OCTOBER 1, 2019 ELECTION CONTEST

In accordance with Homer City Code 4.50 Contest of Election-Liability for Expense, Candidate Tom Stroozas filed a notarized affidavit with payment, contesting the October 1, 2019 City of Homer Election, per 4.50.010A(a)(2). A copy of the affidavit is attached to this memorandum.

4.50.010(b) explains that upon receiving a valid notice of contest, the City Council shall order such investigative action as it deems appropriate. If Council chooses to have the matter investigated they shall order the investigation be made by the City Manager with the assistance of the City Clerk and City Attorney regarding the residency of candidate Storm Hansen-Cavasos.

After reviewing the report of the investigating officials and any other evidence presented, the Council shall determine whether grounds for the contest were valid.

If an investigation is ordered a Special Meeting will be held October 28, 2019 prior to Committee of the Whole for Council to review the reports and make a determination.

RECOMMENDATION: Order an investigation by the City Manager with the assistance of the City Clerk and City Attorney regarding the residency of candidate Storm Hansen-Cavasos.



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Memorandum 19-135

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 10, 2019

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR AND COUNCILMEMBERS TO ATTEND THE ALASKA MUNICIPAL LEAGUE 69TH ANNUAL LOCAL GOVERNMENT CONFERENCE IN ANCHORAGE, ALASKA NOVEMBER 18-22, 2019

The Alaska Municipal League (AML) 69th Annual Local Government Conference is scheduled in Anchorage, Alaska, November 18-22, 2019.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Newly Elected Officials (NEO), Alaska Conference of Mayors, board committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Anchorage at \$250 and room rates at \$118 per night. Per diem is \$58 per day, for three meals. Conference registration for NEO only is \$250, NEO and Annual Conference is \$500, Conference only is \$300.

For FY 2019 Council budgeted \$5,000 for transportation, \$5,000 for subsistence, and \$1,700 for training. Transportation Acct. No. 100.0100.5236, has a balance of \$2068; Subsistence Acct. No. 100.0100.5237, with a balance of \$3381; and Training Acct. No. 100.0100.5206 has a balance of \$1075.

RECOMMENDATION:

Approve attendance for Mayor and up to three Councilmembers at the AML Annual Conference, and up to two Councilmembers at the Newly Elected Officials training.

AML ANNUAL CONFERENCE DRAFT AGENDA

Saturday and Sunday, November 16-17

- Alaska Association of Municipal Clerks

Monday, November 18

Affiliate meetings – separate registration required:

- Alaska Municipal League Newly Elected Officials Training
- Alaska Municipal Attorneys Association
- Alaska Association of Assessing Officers
- Alaska Government Finance Officers Association
- Alaska Association of Municipal Clerks
- Alaska Municipal Management Association

Pre-Conference Workshop (invitation only): AML Health

Tuesday, November 19

Affiliate meetings – separate registration required

- Alaska Municipal League Newly Elected Officials Training
- Alaska Conference of Mayors
- Alaska Municipal Attorneys Association
- Alaska Association of Assessing Officers
- Alaska Government Finance Officers Association
- Alaska Association of Municipal Clerks
- Alaska Municipal Management Association

Wednesday, November 20

7:30 am	Registration opens (early registration Tuesday afternoon)	
7:30 am	Breakfast – Sponsored by AMLIP	Discovery Ballroom
	<ul style="list-style-type: none">• Announcements – Nils Andreassen, Executive Director, Alaska Municipal League	
8:30 am	Opening Session	Discovery Ballroom
	<ul style="list-style-type: none">• Welcome – Tim Navarre, President, Alaska Municipal League• Affiliate Reports<ul style="list-style-type: none">○ AGFOA○ AAMC○ AMMA○ AFCA○ AMAA• District Reports	
9:15 am	The State of the State	
	<ul style="list-style-type: none">• Governor Michael J. Dunleavy, State of Alaska (<i>invited</i>)	
10:00 am	Break	Exhibit Hall

AML ANNUAL CONFERENCE DRAFT AGENDA

- 10:30 am **Strength in Diversity** **Discovery Ballroom**
- **Nils Andreassen**, Executive Director, Alaska Municipal League
- Legislative Priorities** **Discovery Ballroom**
- 12:00 pm **Lunch and Speaker** **Discovery Ballroom**
- **National Economic Trends and Hot Topics in the Municipal Credit Markets**
Co-hosted by the Alaska Government Finance Officers Association
 - **Eric Whaley**, Director, BofA Merrill Lynch, Seattle (*confirmed*)
 - **Brad Gewehr**, Senior Vice President, BofA Merrill Lynch, New York (*confirmed*)
- 1:00 pm Break Exhibit Hall
- 1:15 pm Concurrent Sessions
- **Comparison of Arctic City Infrastructure Indicators** **Discovery Ballroom**
Panelists are part of an international working group of researchers who are exploring community resilience and sustainability, including to determine the efficacy of community infrastructure indicators, which would help to measure resilience.
Moderated by Dr. **Jim Powell**, University of Alaska Southeast; Arctic Research Group
 - **Robert Orttung**, George Washington University, "Applying International Standard Sustainability Indicators (ISO 37120) to Arctic Cities"
 - **Dmitry Streletskiy**, GW, "Permafrost and Arctic Urban Infrastructure: Measuring the Costs of Thaw"
 - **Stephanie Hitztaler**, University of Helsinki, "Arctic Energy Infrastructure"
 - **Matthew Jull**, University of Virginia, "Design for Arctic Infrastructure"
 - **Jim Powell**, "Implementing Sustainability Indicators"
 - **PERS Reform - Policy Workshop** **Quarter Deck**
Roundtable discussion with local government leaders and invited participants. Attendees will hear outcomes of the AML-hosted October 8th workshop on the topic, including potential recommendations for reform.
Moderated by **Nils Andreassen**, AML,
 - **PFAS and Groundwater Contamination** **Endeavor Room**
PFAS and PFOA are amongst thousands of chemicals within this family, all of which are potentially damaging to human health. With the increased identification of these at harmful levels in Alaska communities, this session will explore State and Federal regulatory and policy action, national trends, and local interests.
Moderated by **TBD**
 - Commissioner **Jason Brune**, Department of Environmental Conservation (*invited*)
 - **Sandy Halstead**, Alaska Office, US EPA Region 10 (*confirmed*)

AML ANNUAL CONFERENCE DRAFT AGENDA

- Sarah Wightman, Marten Law (*confirmed*)
- Jim Williams, Fairbanks North Star Borough (*confirmed*)

- **Clerk Works – Your Success Begins Here** **Adventure Room**
Organized by the Association of Alaska Municipal Clerks
This session will cover the role of the clerk in the successful working relationships between elected and appointed officials and the public.
 - Jamie Newman, MMC, City of Wasilla Clerk (*confirmed*)
 - Kacie Paxton, MMC, Ketchikan Gateway Borough Clerk (*confirmed*)
 - Danyielle Snider, CMC, City of Fairbanks Clerk (*confirmed*)

- **DCRA Municipal Training – Elections** **Club Room 1**

2:30 pm Networking Break Exhibit Hall

3:00 pm Concurrent Sessions

- **Municipal Police and VPOs – Policy Workshop** **Quarter Deck**
Roundtable discussion with local government leaders and invited participants to review current Village Police Officer regulations, challenges, and the potential for change, including collaboration with municipal law enforcement.
Moderated by Nils Andreassen, Alaska Municipal League
 - Commissioner Amanda Price, Department of Public Safety (*tentative*)
 - Bob Griffiths, Alaska Police Standards Council (*invited*)

- **Housing and Homelessness** **Adventure Room**
 - Brian Wilson, Alaska Coalition on Housing and Homelessness (*confirmed*)

- **Gateway Communities** **Discovery Ballroom**
This session will review strategies for beneficial cooperation between local government and federal lands officials. Speakers will address lessons learned, challenges overcome, and hopes for the future.
Moderated by TBD
 - Pete Christian, National Park Service (*tentative*)
 - Dave Schmid, Alaska Regional Forester, USDA Forest Service (*confirmed*)
 - Mayor Clay Walker, Denali Borough (*confirmed*)
 - Brittney Cannamore, Council Member, City of Gustavus (*confirmed*)
 - Chris Beck, Agnew::Beck (*confirmed*)

- **Census: A Complete Count in 2020** **Endeavor Room**
Panelists will give specifics about why the Census is important to Alaskans and provide examples of what they have done within their organization to increase community outreach.
Moderated by Greg Bringham, Alaska Census Working Group; Alaska Counts
 - Barb Miranda, U.S. Census Bureau (*confirmed*)

AML ANNUAL CONFERENCE DRAFT AGENDA

- Mayor **Bryce Ward**, Fairbanks North Star Borough (*to be invited*)
- **Tom Panamaroff**, Koniag (*tentative*)
- **Gabe Layman**, Alaska Census Working Group (*confirmed*)

- **DCRA Municipal Refresher – Open Meetings Act** **Club Room 1**

4:15 pm Refresh and Renew – Afternoon Break Exhibit Hall

4:30 pm **AMLIP Business Meeting and Cocktail Hour** **Quarterdeck**

Committee Meetings – (finalize 2020 position statement and resolutions)

- **Legislative Position Committee** **Endeavor Room**
- **Resolution Committee** **Endeavor Room**

RDC Annual Conference VIP Reception **Dena’ina Center**

- Shuttles every ten minutes

5:30 pm **Nominating Committee** **Library**

6:00 pm **Host City Reception and Community Block Party** **Discovery Ballroom**

Communities should plan to contribute a little bit of home – bring materials, information and other things to share with attendees. A fun evening with Alaska communities.

- **ACoM auction** – mayors from across the state have donated special items from their communities for AML conference attendees to bid on, with funds raised in support of the ACoM mission

7:30 pm Adjourn Day One

Thursday, November 21

7:30 am On-site Registration

7:30 am **Breakfast and AML/JIA Business Meeting** **Discovery Ballroom**

- **Kevin Smith**, Executive Director, AML/JIA (*confirmed*)

8:30 am Announcements

9:00 am Concurrent Sessions

- **Funding the Ferry – Policy Workshop** **Quarter Deck**

Roundtable discussion with local government leaders and invited participants, to focus on paths to sustainability for the ferry system. Attendees will look at multiple funding options and examine alternative scenarios.

- Commissioner **John MacKinnon**, Department of Transportation and Public Facilities (*invited*)

AML ANNUAL CONFERENCE DRAFT AGENDA

- **Robert Venables**, Chair, Marine Transportation Advisory Board (*confirmed*)
- **Marcus Hartley**, Northern Economics (*invited*)

- **Cybersecurity – Avoiding and Tackling Fraud** **Endeavor Room**
This session will explore preparation for and responses to increasing cybersecurity threats, especially as it relates to fraud and phishing. Speakers will present perspectives from the banking industry, local government and the federal government, along with private sector solutions.
 - TBD, Tanium (*confirmed*)
 - TBD, Key Bank (*confirmed*)
 - **Jeff Rogers**, City and Borough of Juneau (*confirmed*)
 - TBD, FBI (*confirmed*)

- **Early Childhood Education and the Childcare Deficit** **Adventure Room**
 - **Anna White**, National League of Cities (*confirmed*)
 - **Brian Holst**, Juneau Economic Development Council (*confirmed*)
 - **Abbe Hensley**, Best Beginnings (*confirmed*)

- **Inclusive Play** **Discovery Ballroom**
This session will discuss an arm of many local governments that doesn't always get the attention it deserves. Municipal parks and rec program improve a community's quality of life, and are an essential component of attracting and retaining talent, families, and business development.
 - **Karl Croft**, President, ExerPlay (*confirmed*)
 - **Donnie Hayes**, President, Alaska Recreation and Parks Association (*confirmed*)
 - **Jill Moore**, Landscape Structures (*confirmed*)

- **DCRA Municipal Refresher – Title 29 Jeopardy** **Club Room 1**

10:15 am Networking Break

Exhibit Hall

10:30 am Concurrent Sessions

- **School Construction and Maintenance – Policy Workshop** **Discovery Ballroom**
Roundtable discussion with local government leaders and invited participants.
This session will tackle elements of school success that are often on the periphery – school maintenance, teacher housing and transportation.
 - **Lisa Parady**, Alaska Council of School Administrators (*confirmed*)
 - **Bryan Butcher**, Alaska Housing Finance Corporation (*invited*)
 - **Tim Mearig**, Department of Education and Early Development (*invited*)

- **Evaluating Capacity in Public Safety Departments** **Endeavor Room**
Moderated by **Jim Styers**, Chief, Fairbanks Fire Department (*confirmed*)

- **Data Rich “Smart” Communities** **Adventure Room**

AML ANNUAL CONFERENCE DRAFT AGENDA

Communities across the country are partnering to share data and software, avoid duplicate services, and better serve their communities with more information they can use. The Alaska Smart Communities Forum brings together agencies, utilities, businesses, schools, non-profits, and technology companies to learn about and share tools and data and to foster partnerships so every community can provide more information in more ways.

- **Doug Miller**, Senior Manager, PMP, Wostmann; Smart Communities Forum (*confirmed*)

- **Strengthening the Manager-Elected Official Relationship** **Quarter Deck**

Organized by Alaska Municipal Management Association

- **Jim Williams**, Fairbanks North Star Borough; President, AMMA (*confirmed*)
- **Katie Koester**, City of Homer (*confirmed*)
- Elected official TBD
- Elected official TBD

- **DCRA/AEA Municipal Training – PCE and Bulk Fuel Loans** **Club Room 1**

11:45 am Break

12:00 pm Lunch **Discovery Ballroom**

National Insurance Trends

Co-sponsored by the AML-JIA and Alliant Insurance Services

- **David Nunley**, Risk Manager, City of Anaheim (*confirmed*)

1:15 pm **AML Membership Announcements** **Discovery Ballroom**

- **Resolution Committee** – update to members on 2020 resolutions submitted
- **Legislative Position Committee** – update to members on 2020 Position Statement
- **Nominating Committee** – update to members on the slate of AML Board of Directors candidates
- **Board Candidates** – candidate two-minute intros

2:00 pm **AML and Partner Program Services** **Discovery Ballroom**

- **Alaska Municipal League Investment Pool**
 - **Blake Phillips**, Alaska Permanent Capital Management (*confirmed*)
- **AML Health**
 - **Nils Andreassen**, Alaska Municipal League
- **NACo Updates**
 - **Jack Peterson**, Director of State and Affiliate Relations, NACo (*confirmed*)
- **AML Joint Insurance Association**
 - **Kevin Smith**, AML-JIA (*confirmed*)

2:45 pm Networking Break and Exhibitor Drawing **Exhibitor Hall**

AML ANNUAL CONFERENCE DRAFT AGENDA

3:15 pm **Online Sales Tax Implementation** **Discovery Ballroom**
Moderated by **Nils Andreassen**, Alaska Municipal League

AMLIP one-on-one

Library

- **Peggy Macdonald**, Chair, AMLIP; Finance Director, Fairbanks North Star Borough (*confirmed*)
- **Blake Phillips**, Alaska Permanent Capital Management (*confirmed*)

4:15 pm Renew and Refresh – Afternoon Break

5:30 pm **AML President’s Dinner** **Discovery Ballroom**
Musical performance by...

- **Legislative Roundtable** – *confirmed, pending legislative schedule*
 - **Sen. Cathy Giessel, Senate President** (*confirmed*)
 - **Sen. Tom Begich, Senate Minority Leader** (*confirmed*)
 - **Rep. Bryce Edgmon, Speaker of the House** (*confirmed*)
 - **Rep. Lance Pruitt, House Minority Leader** (*confirmed*)
- **Municipal Awards** – *help us celebrate municipal leadership with awards for service and excellence*
 - Elected Official of the Year
 - Municipal Employee of the Year
 - Vic Fischer Lifetime Service Award

7:30 pm Adjourn Day Two

Friday, November 22

8:00 am **Breakfast – Associate Recognition** **Discovery Ballroom**
AML’s Associate Program brings partners together from the private, public, civic and academic sector in support of Alaska’s municipal governments.

8:30 am **Elections** **Registration Desk**
Vote for new board members and officers

9:00 am **Annual Meeting** **Discovery Ballroom**
Members vote to amend or approve the 2020 Position Statement and Resolutions

11:00 am **Adjourn Annual Conference**
Attendees travel home

12:00 pm **Lunch and Board Organizational Meeting** **Club Room II**
Incoming and current board members should stay for this organizational meeting and to develop an implementation plan for AML priorities

AML ANNUAL CONFERENCE DRAFT AGENDA

1:30 pm

Adjourn



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

3 City Manager/
4 Finance Director

5 **RESOLUTION 19-071**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL ACCEPTING THE
8 2018 BASIC FINANCIAL STATEMENTS AND ACKNOWLEDGING THE
9 MANAGEMENT LETTER SUBMITTED BY THE CITY'S INDEPENDENT
10 AUDITOR, BDO USA, LLP AND AUTHORIZING THE CITY MANAGER
11 TO EXECUTE THE FINANCIAL REPORT.
12

13 WHEREAS, BDO USA, LLP conducted the annual audit, submitted the 2018 Basic
14 Financial Statements, and the management letter was delivered for review and distributed to
15 the Mayor and City Council October 2019; and
16

17 WHEREAS, BDO USA, LLP made a public presentation during the Regular Meeting of
18 October 14, 2019.
19

20 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the 2018
21 Basic Financial Statements is accepted and that the management letter is acknowledged as
22 submitted by BDO USA, LLP, the City's independent auditor.
23

24 PASSED AND ADOPTED by the Homer City Council this 14th day of October, 2019.
25

26 CITY OF HOMER
27

28
29 _____
30 KEN CASTNER, MAYOR

31 ATTEST:
32
33

34 _____
35 MELISSA JACOBSEN, MMC, CITY CLERK
36
37

38 Fiscal Note: N/A

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

3 City Manager/
4 Finance Director

5 **RESOLUTION 19-072**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AWARDING THE CONTRACT FOR THIRD PARTY ACCOUNTING
9 ANALYSIS OF HAWSP HISTORY AND REPORTING TO THE FIRM
10 OF ALTMAN ROGERS & CO. IN THE AMOUNT OF \$12,800 AND
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE
12 DOCUMENTS.

13
14 WHEREAS, On September 23, Homer City Council approved Memorandum 19-
15 128 directing staff to solicit bids for a third party review of the Homer Accelerated Water and
16 Sewer Program with a budget not to exceed \$10,000 plus travel expenses; and

17
18 WHEREAS, In accordance with the Procurement Policy for procurements less than
19 \$25,000 was submitted to four accounting firms and also posted on the city website; and

20
21 WHEREAS, Bids were due on October 7, 2019 and two bids were received; and

22
23 WHEREAS, Altman Rogers & Co. of Anchorage, Alaska, was found to be the lowest
24 responsive bidder in the amount of \$12,500 plus \$300 for travel for a total of \$12,800; and

25
26 WHEREAS, This resolution further authorizes the expenditure of already budgeted
27 funds in audit services up to \$12,800; and

28
29 WHEREAS, This award is not final until written notification is received by the firm from
30 the City of Homer.

31
32 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
33 contract for Third Party Accounting Analysis of HAWSP History and Reporting to the firm
34 of Altman Rogers & Co. in the Amount of \$12,500 plus \$300 for Travel and Authorizing the City
35 Manager to Execute the Appropriate Documents.

36
37 PASSED AND ADOPTED by the Homer City Council this 14th day of October, 2019.

38
39 CITY OF HOMER

40
41
42 _____
43 KEN CASTNER, MAYOR

44 ATTEST:



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 19-138

TO: Katie Koester, City Manager
FROM: Finance Department
DATE: October 10, 2019
SUBJECT: ACCOUNTING ANALYSIS OF HAWSP

On October 9, 2019, bids were opened for the above referenced accounting services. The bid was advertised on the City's website and communicated out to four accounting firms.

Two bids were received, and the results are as follows:

Aldrich CPA's + Advisors LLP	\$19,000
Altman Rogers & Co.	\$12,850

RECOMMENDATION: The City Council pass a resolution awarding the contract to Altman Rogers & Co, and authorize the City Manager to execute the appropriate documents.

Fiscal Note:

Mayor-Council 100-100-5211 (50%); Water 200-0400-5211 (25%); Sewer 200-0500-5211 (25%)

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 19-073

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
IMPOSING A MORATORIUM FOR CUTTING, CLEARING OR
REMOVAL OF TREES AND VEGETATION LOCATED WITHIN THE
VEHICLE RIGHT OF WAYS BETWEEN OCTOBER 1, 2019 AND MAY 1,
2020

WHEREAS, The City of Homer has developed a policy of permissive clearing in all areas delineated as a Right of Way (ROW); and

WHEREAS, The policy does not delineate between areas of steep slopes, landmark trees, traffic volume, zoning classification or property covenants but is a “one size fits all” approach; and

WHEREAS, The City has received many complaints about uninvited and unannounced incursions into neighborhoods and removal of all vegetation, and sometimes trees that are only very slightly within the ROW; and

WHEREAS, Complaints are also made that following the cutting, large amounts of slash and debris are left behind; and

WHEREAS, Complaints are also made that the attitude of the workers performing the clearing tasks are commonly disrespectful and no recourse is offered in preserving the quiet enjoyment of an established neighborhood; and

WHEREAS, The Homer City Council should examine the necessity of establishing clearing where there are no sidewalks, curbs and gutters, or additional utility requirements; and

WHEREAS, The Homer City Council needs to be briefed by the City attorney as to the problems associated with ignoring covenant restrictions and trespass.

NOW, THEREFORE, THE CITY OF HOMER RESOLVES THAT:

1. Clearing of vegetation within the vehicle Right of Ways is prohibited between October 1, 2019 and May 1, 2020; and
2. The City Manager is directed to inform the Public Works Department of this resolution; and

43 3. The City Clerk is directed to provide notice to the public of this temporary policy.

44

45 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 14th day of October, 2019.

46

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CITY OF HOMER

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KEN CASTNER, MAYOR

51

52

53 ATTEST:

54

55

MELISSA JACOBSEN, MMC, CITY CLERK

56

57

58 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-137

TO: Katie Koester and the Homer City Council

THROUGH: Melissa Jacobsen, City Clerk

FROM: Ken Castner, Mayor

DATE: October 8, 2019

SUBJECT: Resolution Prohibiting the Removal of Vegetation within the Vehicular Right of Ways for the Period of Between October 1, 2019 and May 1, 2020

I am submitting a resolution for the Council's consideration that will place a moratorium of the continuing practice of Right of Way clearing that is taking place within many of the City's residential neighborhoods.

I have been asked for assistance by several residents that feel the City government has no respect for the privacy and comfort a buffer of vegetation provides between a person's home and the road it fronts. Complaints and protests are ignored and interactions between City workers and homeowners are often heated and adversarial.

I am asked "Who works for whom, here?"

Additionally, the City has rejected recognition and claims of covenant protections and processed Conditional Use Permits for activities that are not allowed by those covenant restrictions.

I request the Council pass the resolution and examine a more rational and sensitive approach to ROW maintenance policy during the winter moratorium period.

I also request that the Council obtain an opinion from the City Attorney regarding the prevailing Alaska law of the liability of municipal trespass and/or disregard of covenant protection.

Time is of the essence. The City has recently engaged in ROW surveying that is a prelude to an expansive cut in a neighborhood annexed by the City which is subject to all colors of title associated at the time of annexation. The timing of the survey has been interpreted as aggressively hostile and provocative. The City Council should have a much better understanding of the policy we will be asked to defend.

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

3 City Clerk/Canvass Board

4 **RESOLUTION 19-074**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ACKNOWLEDGING THE RESULTS OF THE CITY OF HOMER
8 REGULAR ELECTION HELD OCTOBER 1, 2019 TO ELECT TWO CITY
9 COUNCILMEMBERS AND DECIDE ONE PROPOSITION.

10
11 WHEREAS, In compliance with Homer City Code 4.35, the Canvass Board of the City of
12 Homer has opened, counted, and tallied the votes on absentee ballots including special needs
13 ballots, and question ballots found to be valid, that were cast in the City of Homer Regular
14 Election held on October 1, 2019; and

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16 WHEREAS, The total number of voters voting in the City Regular Election was 1485 and
17 reflects the number of voters, not the number of votes cast or ballots counted; and

18
19 WHEREAS, In accordance with Homer City Code 4.35, the Canvass Board of the City of
20 Homer had inspected the precinct reports, Election Central Logs and entered the the results of
21 the absent and questioned ballots on the Certification of Election along with the results of the
22 precinct counts; and

23
24 WHEREAS, The results of the City Regular Election held October 1, 2019, attached as
25 Exhibit A, is presented in the Canvass Board's Certificate of Election in accordance with the
26 Homer City Code.

27
28 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby certifies the results of
29 the City Regular Election held October 1, 2019, as presented in the Canvass Boards Certificate
30 of Election, attached as Exhibit A, in accordance with the Homer City Code.

31
32 BE IT FURTHER RESOLVED that the following candidates are declared elected to office
33 of City Councilmember, having received at least 20% of the votes cast for a three-year term of
34 office:

35 COUNCILMEMBERS (TWO THREE-YEAR TERMS)

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37 Joey Evenson
38 Storm Hansen-Cavasos

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40 BE IT FURTHER RESOLVED the results of Proposition A are:

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42 Proposition A

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Should the City of Homer:

Amend Homer City Code to add chapter 5.42 single use plastic carryout bags the purpose of which is to prohibit a seller from providing a buyer a single use plastic carry out bag under 2.5 mils thick?

Yes 946 No 497

BE IT FURTHER RESOLVED that the Canvass Board's Certificate of Election (Exhibit A) be attached permanently as part of this Resolution.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 14th day of October, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

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

3 City Clerk/Canvass Board

4 **RESOLUTION 19-074(S)**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 CERTIFYING THE RESULTS OF THE CITY OF HOMER REGULAR
8 ELECTION HELD OCTOBER 1, 2019 TO ELECT TWO CITY
9 COUNCILMEMBERS AND DECIDE ONE PROPOSITION.

10
11 WHEREAS, In compliance with Homer City Code 4.35, the Canvass Board of the City of
12 Homer has opened, counted, and tallied the votes on absentee ballots including special needs
13 ballots, and question ballots found to be valid, that were cast in the City of Homer Regular
14 Election held on October 1, 2019; and

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20 Homer had inspected the precinct reports, Election Central Logs and entered the the results of
21 the absent and questioned ballots on the Certification of Election along with the results of the
22 precinct counts; and

23
24 WHEREAS, The results of the City Regular Election held October 1, 2019, attached as
25 Exhibit A, are presented in the Canvass Board's Certificate of Election in accordance with the
26 Homer City Code.

27
28 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby certifies the results of
29 the City Regular Election held October 1, 2019, as presented in the Canvass Boards Certificate
30 of Election, attached as Exhibit A, in accordance with the Homer City Code.

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32 BE IT FURTHER RESOLVED that the following candidates are declared elected to office
33 of City Councilmember, having received at least 20% of the votes cast for a three-year term of
34 office:

35 COUNCILMEMBERS (TWO THREE-YEAR TERMS)

36
37 Joey Evensen

38
39 BE IT FURTHER RESOLVED the results of Proposition A are:

40
41 Proposition A
42 Should the City of Homer:

43
44 Amend Homer City Code to add chapter 5.42 single use plastic carryout bags the purpose of
45 which is to prohibit a seller from providing a buyer a single use plastic carry out bag
46 under 2.5 mils thick?

47
48 Yes 946 No 497
49

50 **BE IT FURTHER RESOLVED the seating of a second councilmember will be**
51 **addressed upon completion of an investigation of a residency contest filed by a candidate**
52 **of this election.**
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54 BE IT FURTHER RESOLVED that the Canvass Board's Certificate of Election (Exhibit A)
55 be attached permanently as part of this Resolution.
56

57 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 14th day of October,
58 2019.
59

60 CITY OF HOMER
61

62 _____
63 KEN CASTNER, MAYOR
64

65 ATTEST:
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67 _____
68 MELISSA JACOBSEN, MMC, CITY CLERK
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70 Fiscal Note: N/A

CERTIFICATE OF ELECTION
City of Homer Regular Election October 1, 2019

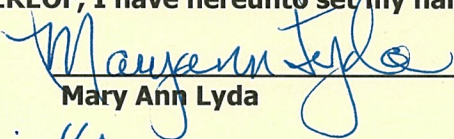
We, the Election Canvass Board, duly appointed, of the City of Homer, Alaska hereby certify that the validated absentee and validated questioned ballots were opened, counted, and recorded at a legally authorized and convened meeting of the City of Homer Canvass Board, held October 4, 2019 and that the results of that count are hereon entered with the certified results of the votes counted for the precinct polling places via Accu-Vote Ballot Tabulation System and that the total results are recorded hereon.

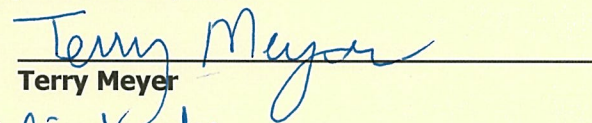
	31-350 Homer #1	31-360 Homer #2	Absentee/ Questioned/ Special Needs	Total Regular Votes	% of Votes
CITY COUNCIL 3 Year Term					Total Votes Cast 2753
Joey Evensen	423	306	193	922	33%
Tom Stroozas	226	179	93	498	18%
Shelly Erickson	311	231	114	656	24%
Storm Hanson-Cavazos	300	214	149	663	24%
Write In	8	5	1	14	1%
Proposition A – Prohibit Single Use Plastic Bags					
Yes	441	310	194	946	
No	227	181	89	497	
Registered Voters	2809	2287			

We further certify that there were 1184 Regular voters and 262 Absentee voters, 10 Special Needs Voters, and 29 Questioned voters for a total of 1485 voters that voted in this election. Percentage of voter turnout is 29%. Total registered voters for the City of Homer are 5096 as of September 1, 2019.

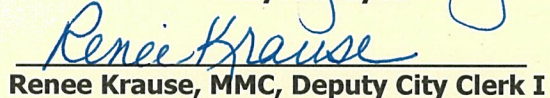
IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of October, 2019.

Canvass Board:

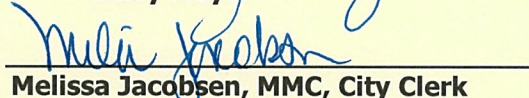

Mary Ann Lyda


Terry Meyer

Staff:


Renee Krause, MMC, Deputy City Clerk I

Attest:


Melissa Jacobsen, MMC, City Clerk



City of Homer

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Memorandum 19-136

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: OCTOBER 10, 2019
SUBJECT: OCTOBER 1, 2019 ELECTION CERTIFICATION

Pursuant to Homer City Code 4.35.040 Certification of Election, the Council shall certify the results of the election at the next regular Council meeting following the completion of the canvass by the Canvass Board.

Included in the Council packet is Resolution 19-074 certifying the election results as submitted by the Canvass Board.

Also included is Resolution 19-074(S) that certifies the results for one councilmember seat and Proposition A. The substitute resolution includes a resolve that the second councilmember seat will be addressed following the completion of an investigation, prompted by an affidavit filed contesting the residency of the candidate who won the second seat.

Because Memorandum 19-134 is to be considered prior to the resolution certifying the election and at that time Council will decide whether or not to order an investigation, both Resolution 19-074 and 19-074(S) are provided.

Election results for Councilmember seats have been certified separately as recently as 2015 with Resolution 15-087(A), when the process for requiring a run-off was questioned.

RECOMMENDATION: Informational.