

City Council October 10, 2016 Monday



*Alaska Day
October 18*



ALASKA STATE FLAG SONG

Eight stars of gold on a field of blue-
Alaska's flag. May it mean to you
The blue of the sea, the evening sky,
The mountain lakes, and the flow'rs nearby;
The gold of the early sourdough's dreams
The precious gold of the hills and streams;
The brilliant stars in the northern sky,
The "Bear"- the "Dipper"- and, shining high,
The great North Star with its steady light,
Over land and sea a beacon bright.
Alaska's flag-to Alaskans dear,
The simple flag of the last frontier

Worksession 4:00 p.m.
Committee of the Whole 5:00 p.m.
Regular Meeting 6:00 p.m.

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

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October

Monday 10th	CITY COUNCIL Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
Tuesday 11th	ECONOMIC DEVELOPMENT ADVISORY COMMISSION Regular Meeting 6:00 p.m.
Wednesday 12th	PUBLIC SAFETY BUILDING REVIEW COMMITTEE Meeting 5:30 p.m.
Thursday 13th	AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE Meeting 4:00 p.m.
Monday 17th	CITY COUNCIL Worksession (Harbor Rates) 5:00 p.m.
Tuesday 18th	CITY OFFICES CLOSED IN OBSERVANCE OF ALASKA DAY
Wednesday 19th	PLANNING COMMISSION Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
Thursday 20th	PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION Regular Meeting 5:30 p.m.
Monday 24th	CITY COUNCIL Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

Library Advisory Board 1st Tuesday with the exception of January, April, August and November 5:30 p.m.

Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.

Parks Art Recreation and Culture Advisory Commission 3rd Thursday with the exception of July, December and January 5:30 p.m.

Planning Commission 1st and 3rd Wednesday 6:30 p.m.

Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)

Cannabis Advisory Commission 4th Thursday 5:30 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH WYTHE, MAYOR - 16

BRYAN ZAK, COUNCILMEMBER - 16

DAVID LEWIS, COUNCILMEMBER - 17

GUS VAN DYKE, COUNCILMEMBER - 16

CATRIONA REYNOLDS, COUNCILMEMBER - 17

DONNA ADERHOLD, COUNCILMEMBER - 18

HEATH SMITH, COUNCILMEMBER - 18

City Manager, Katie Koester

City Attorney, Holly Wells

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is: clerk@ci.homer.ak.us

Clerk's office phone number: direct line 235-3130

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



WORKSESSION
4:00 P.M. MONDAY
OCTOBER 10, 2016
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

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

Councilmember Aderhold has requested telephonic participation or excusal.

2. AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)

3. DISPATCH SERVICES

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4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, October 24, 2016 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, October 17, 2016 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.

Kenai Peninsula Borough Consolidated Dispatch Center
Fee Methodology Proposal

DRAFT

1. SUMMARY

The Soldotna Public Safety Communications Center (SPSCC) provides dispatch services to a number of borough service areas and the city of Soldotna. The borough is examining the possibility of offering these services to the cities in the borough that currently operate independent dispatch centers (Kenai, Homer, and Seward). This document proposes a fee structure for all agencies that a consolidated SPSCC would dispatch for. This fee structure is calculated based on the actual cost to run dispatch with the addition of Seward, Kenai and Homer dispatch centers. This structure may be changed slightly – based on the number of additional dispatchers needed – if all three cities do not decide to consolidate. The maximum borough-wide savings will be achieved with consolidation of all centers. *This document is a DRAFT PROPOSAL only and is intended to outline a potential structure and important points of consideration moving forward.*

Total direct cost for borough¹ operated consolidated center: \$3,001,057

The cost of running this consolidated center will be split amongst all agencies that the SPSCC dispatches for, after the deduction of the E911 surcharge, State Park Service contributions, individual city specialized services, and borough general fund contribution. The borough general fund will cover small agencies that are not within cities or service areas (Moose Pass, Hope, Cooper Landing, and Ninilchik), 911 addressing, and the purchase of 6 new radio consoles.

This cost breakdown is based on the cost of running a center (FY2017 budget) with **6 additional dispatchers and .5 additional administrative assistants** (Totaling 13 public safety dispatchers, 3 shift supervisors, 1 communications center manager, 1 IT specialist, 1 administrative assistant) There are also 8 state dispatchers and 1 state office assistant in the SPSCC.

This number also includes the estimated cost of annual training for airport response (\$8,000 annually), maintaining radio/IP linkage with Seward and Homer (\$232/month), and door buzz-in circuit charges (\$100/month for Homer and Seward, \$300/month for Kenai). However, city specific costs are billed separately and deducted from the overall budget before calculating cost/call. These fees are discussed in the specialized services below.

2. GENERAL COST BREAKDOWN

Event call volume, rather than 911 call volume, is the best way to measure cost allocation. The current borough CAD system will be able to track these numbers, and these numbers represent the proportional workload for each agency at the center. To account for year-to-year fluctuation, fees for call volume ranges have been established.

Police calls are generally more frequent and have a shorter duration, and are thus weighted at half of the cost per call (\$24/call). Fire and EMS calls tend to be longer duration and are thus weighted at \$48/call. This reflects

¹ The state pays for a portion of personnel and equipment, these costs are not included in this discussion

Kenai Peninsula Borough Consolidated Dispatch Center
Fee Methodology Proposal

DRAFT

the average workload for each call, and is similar to the structure used by Fairbanks Emergency Communications Center. This ratio should be reassessed and adjusted at a future date to reflect relative average workload of the two types of calls. However, as there is not data collected at a standardized center at this time, a 2:1 ratio will be used.

Fire and EMS calls: \$48/call

Police calls: \$24/call

Minimum fees for fire agencies will be based on 200 calls/ year and police agencies will be based on 1000 calls/year. Fire agency rates will increase every 200 calls until reaching 1000 calls. At this point the rate will increase every 1000 calls. Rates for police agencies will increase every 1000 calls. This system is used by Fairbanks Emergency Communications Center.

This fee system is structured simply so that agencies participating in the SPSCC have a realistic idea of what they will be charged. These ranges should be reassessed when this structure is reviewed. If agencies in the borough frequently fluctuate between two blocks - for instance if the call volume of Anchor Point fluctuates regularly between 190 and 210 - this structure should be adjusted to maximize year-to-year stability and ease of agency budgeting.

Fire Agency		
0	200	\$9,600
201	400	\$19,200
401	600	\$28,800
601	800	\$38,400
801	1000	\$48,000
1001	1200	\$57,600
1201	1400	\$67,200
1401	1600	\$76,800
1601	1800	\$86,400
1801	2000	\$96,000
2001	3000	\$144,000
3001	4000	\$192,000
4001	5000	\$240,000
5001	6000	\$288,000

Police Agency		
0	1000	\$24,000
1001	2000	\$48,000
2001	3000	\$72,000
3001	4000	\$96,000
4001	5000	\$120,000
5001	6000	\$144,000
6001	7000	\$168,000
7001	8000	\$192,000
8001	9000	\$216,000
9001	10000	\$240,000
10001	11000	\$264,000
11001	12000	\$288,000
12001	13000	\$312,000
13001	14000	\$336,000

These rates are calculated by dividing operating budget (after deduction of E911 surcharge, State Park contributions, borough general fund contributions, and specialized services) by total weighted call volume to calculate a cost/call value. This will be recalculated after the first year of operating a consolidated center, and every three years beyond that. There will be a 2% annual increase in these rates to account for inflation.

All call volume charges after year one will be based on borough tracked call volumes for the previous calendar year, this will be standardized across all agencies. The borough will submit a notice by March 1st of each year,

Kenai Peninsula Borough Consolidated Dispatch Center
Fee Methodology Proposal

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and an invoice by July 1st, which will be paid in full by September 30th each year. If this becomes effective in the middle of a fiscal year, the agency will pay a prorated amount for the first year. Rates for FY2017 will be based on CY2015 call volumes.

3. ANNUAL SPECIALIZED SERVICES

Fees will also include a cost for any specialized service outside of normal dispatch responsibilities. The below list includes fees for services that dispatch currently offers. Additionally services may be offered per agreement between the agency and the SPSCC, the fees for these services should be actual additional cost of providing these services at the center. Specialized costs are deducted from the operating budget prior to the calculation of the general cost/call discussed above.

Service		Rate	Measurement
Police Administrative Call Taking*	Upon request	\$1.50	Per call
Airport Preparedness Staff Training	Kenai required	\$8,000	Estimated annual training cost at 8 hours/dispatcher
TLS Circuit Charge	Homer Seward	\$232/month	Per month, if cities move to ALMR this charge will be eliminated
Buzz-in circuit charge	Homer Seward	\$100/month	Per month
Airport circuit charges	Kenai	\$300/month	Estimated – will be based on actual cost
Camera Access†	Upon request	TBD	Charge will include TLS circuit charge plus an additional \$143/month to increase TLS circuit speed, other charges will be agreed upon based on specific needs

*For administrative calls, each city is responsible for coordinating with DPS to add a circuit to utilize the current administrative phone system, for configuring scheduled forwarding of administrative calls to the DPS line, for the cost of circuit tying their phone system to the DPS administrative system, and for any long distance charges incurred. Any call that does not result in a CAD Call for Service (CFS) will be billed at the administrative call rate. Any administrative call requiring CFS and associated records management data entry will be billed at standard rates.

†Camera systems must integrate with the current borough system and charges will be determined on an individual basis. Agencies are responsible for any set up cost. Passive access only, active monitoring not available.

Kenai Peninsula Borough Consolidated Dispatch Center
Fee Methodology Proposal

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4. ONE TIME CITY INTEGRATION FEES

These costs reflect one time fees associated with the transition and integration of the dispatch centers. There will be a one-time integration fee of **\$10,000** per city to cover general transition costs. Other costs are estimated in the table below, but will be charged to the cities at actual cost.

Service		Estimate	Measurement
One time integration fee	All cities	\$10,000	Flat fee
Radio/IP linkage*	Homer/Seward	\$6,000	Actual cost
Buzz-in capabilities	Homer/Seward	\$5,000	Actual cost
Airport transition	Kenai	\$15,000	Actual cost

* Homer and Seward will be responsible for maintaining their own legacy radio system, and will be required to maintain the remote end of the radio-IP bridge.

5. ESTIMATED FEES PER AGENCY

General Cost

Agency	Fire and EMS	Police	Contribution
City of Soldotna	0	11,322	\$288,000
City of Kenai	1,378	7,840	\$259,200
City of Homer	637	8,819	\$254,400
City of Seward*	694	3,728	\$134,400
KESA	174	-	\$9,600
Central Emergency Services	2,802	-	\$144,000
BCFSA	130	-	\$9,600
Nikiski Fire Service Area	884	-	\$48,000
Anchor Point	213	-	\$19,200
State Park Service	Pays for 1 dispatcher		\$105,000
Total			\$1,271,400

**Seward call-volume CY2015: SVAC 523, SVFD EMS 205, SVFD Fire/Other 144. To avoid charging Seward twice for EMS calls, SVFD EMS calls are not included in total Fire/EMS call volume*

Specialized Cost

Will be determined based on additional services selected by agencies and actual cost.

Agency	Type	Fee
City of Kenai	Airport training, airport circuits	\$11,600
City of Homer	TLS Circuit, buzz-in circuit	\$3,984
City of Seward	TLS Circuit, buzz-in circuit	\$3,984
Total		\$19,568

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Fee Methodology Proposal

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Integration Cost

Estimated one time cost of integrating new centers. This is not included in overall operating budget overview below, as these fees are specifically to cover transition costs, not annual operating budget.

Agency	Type	Fee
City of Kenai	Integration, airport	\$25,000
City of Kenai	Integration, radio/IP, buzz-in	\$21,000
City of Homer	Integration, radio/IP, buzz-in	\$21,000

Total Charges

Estimated total cost of consolidated center per agency.

Agency	First Year	Annual
City of Soldotna	\$288,000	\$288,000
City of Kenai	\$295,800	\$270,800
City of Homer	\$279,384	\$258,384
City of Seward	\$159,384	\$138,384
KESA	\$9,600	\$9,600
CES	\$144,000	\$144,000
BCFSA	\$9,600	\$9,600
Nikiski Fire Service Area	\$48,000	\$48,000
Anchor Point	\$19,200	\$19,200

Borough Charges

The borough general fund will cover the following costs

Item	Measurement	Cost
Radio replacement*	Annual budget	\$98,963
911 Addressing	Annual budget	\$122,115
Small agency calls†	433 calls (401-600 block)	\$28,800
Total		\$249,878

*The equipment replacement fund will be used to cover the cost of 6 new dispatch radio consoles

†Hope (19), Ninilchick (229), Cooper Landing (123), Moose Pass (62)

This document provides an estimate of consolidation costs. If additional services and integration costs specific to each city are identified, these costs will be billed to the integrating agency. General unexpected transition costs for the SPSCC itself will be covered by the borough. Estimated costs include:

Item	Measurement	Cost
ProQA software licensing	One time	\$11,000
New equipment	One time	\$20,000
Total		\$31,000

Kenai Peninsula Borough Consolidated Dispatch Center
Fee Methodology Proposal

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6. CONSOLIDATED CENTER BUDGET OVERVIEW

Consolidated dispatch budget summary	
Revenue from agencies	1,290,968
E911 revenue	1,544,348
Borough general fund	249,878
Total revenue	3,085,194
FY 2017 budget	2,431,295
- E911 Payments	(158,400)
+ 6 dispatchers, .5 admin	708,594
+ Airport and radio/IP costs	19,568
Total consolidated annual budget	3,001,057
Fund Balance	84,137

7. AGENCY INPUT

Cities will be charged based on their actual call volume collected by the CAD system at the SPSCC. Actual costs after year one may vary from estimated costs in this document, as there is not currently a unified way of collecting call volume data. Fees will be determined based on calendar year call volume and charged to cities on an annual basis during fiscal year budget preparation. The base rate (fee/call) will be recalculated every three years based on overall center call volume and operating budget.

In order to account for advances in technology and other changes in dispatch center operations, the entire fee structure will need to be reassessed periodically. The group for this fee structure reassessment will include representatives from each of the agencies participating in the call center. In addition, there will need to be an avenue created for input on fee methodology and other aspects of dispatch operations.

This proposal does not go in to detail on the structure of this group, which will be worked out with the agreement of all agencies.

8. E911 SURCHARGE

The borough will continue collect all E911 surcharges and this charge will be deducted from overall operating cost before rate per call for Fire, EMS, and Police are determined.

DISPATCH CONSOLIDATION ESTIMATED CITY COST SAVINGS

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Cost savings for each city will vary based on the current operating budget and the services the city intends to retain. The following are rough estimates of cost savings based on the most recent dispatch operating budget provided to borough staff and on estimated costs and cost avoidances, these numbers could vary greatly in practice and cities should individually assess budget implications of consolidation.

Kenai

The estimated annual cost for Kenai of a consolidated center is \$323,600: \$259,200 for dispatch, \$11,600 specialized fees, and a \$52,800 reduction in E911 payments from the borough. Based on Kenai’s \$853,715 annual dispatch operating budget, Kenai would see a net **\$530,115 annual difference** in cost.

Kenai Summary	
Dispatch borough fee	\$259,200
Specialized fees	\$11,600
Reduction in E911	\$52,800
Consolidated annual cost	\$323,600
FY 2016 operating budget	\$853,715
<u>Net annual difference</u>	<u>\$530,115</u>
One time cost avoidances	
Avoidance of new radio consoles ¹	\$290,000
Borough integration fees	-\$25,000
Total first year cost avoidance	\$265,000
<u>First year difference</u>	<u>\$795,115</u>

Consolidating prior to radio purchasing will save Kenai an additional \$265,000 in cost avoidance: \$290,000¹ for two new radios, minus the \$25,000 borough integration fee. This results in an **estimated \$795,115 difference in the first year.**

Homer

The estimated annual cost for Homer is \$311,184: \$254,400 for dispatch, \$3,984 specialized services, and a \$52,800 reduction in E911 payments from the borough. Based on Homer’s \$631,045² annual operating budget, Homer would see a net **\$319,861 annual difference in cost.**

Homer Summary	
Dispatch borough fee	\$254,400
Specialized fees	\$3,984
Reduction in E911	\$52,800
Consolidated annual cost	\$311,184
CY 2016 operating budget²	\$631,045
<u>Net annual difference</u>	<u>\$319,861</u>
One time cost avoidances	
Avoidance of new radio consoles	\$290,000
Borough integration fees	-\$21,000
Total cost avoidance first year	\$269,000
<u>First year difference</u>	<u>\$588,861</u>

Consolidating prior to radio purchase will save Homer an additional \$269,000 in cost avoidance: \$290,000 for new radios, minus the \$21,000 estimated cost of radio/IP linkage and integration fees with the borough. This results in an estimated **\$588,861 difference in the first year.**

¹ \$290,000 based on Motorola quote provided to borough for upgrading 2 radio consoles. Actual cost avoidance may vary based on number of upgrades and other factors.

² Personnel costs account for 95% of Homer’s 2016 dispatch operating budget. It is likely that there are additional operational costs to Homer that are captured elsewhere in the city budget.

DISPATCH CONSOLIDATION ESTIMATED CITY COST SAVINGS

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Seward

The estimated annual cost for Seward is **\$191,184**: \$134,400 for dispatch, \$3,984 specialized services, and a \$52,800 reduction in E911 payments from the borough. Based on an annual cost of \$485,062³, Seward will see a net **\$293,878 difference annually**.

Consolidating prior to radio purchasing will avoid an additional \$124,000 in cost: \$145,000 for a new radio minus \$21,000 estimated cost of radio/IP linkage and integration fee with the borough. This results in an estimated **\$417,878 difference in the first year**.

Seward Summary	
Dispatch borough fee	\$134,400
Specialized fees	\$3,984
Reduction in E911	\$52,800
Consolidated annual cost	\$191,184
FY 2016 budget³	\$485,063
<u>Net annual difference</u>	<u>\$293,878</u>
One time cost avoidances	
Avoidance of 1 new radio console	\$145,000
Borough integration fees	-\$21,000
Total cost avoidance first year	\$124,000
<u>First year difference</u>	<u>\$417,878</u>

Soldotna

Dispatch for the city of Soldotna is already operated by the SPSCC. Although costs for the city will go up with this proposal, putting a fee structure in place will be advantageous for the city in the long run. An established structure will allow for Soldotna to reasonably estimate what their costs for dispatch will be in the future and eliminate the likelihood of sudden drastic changes due to budget or administration changes. This will also put in place an avenue for Soldotna, along with the other cities, to provide input on the pricing structure on a regular basis.

³ Based on only total personnel costs provided by City of Seward, dispatch costs are not separated from Police costs in Seward annual operating budget



City of Homer

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Memorandum

TO: Mayor Navarre, Kenai Peninsula Borough
FROM: Katie Koester, City Manager, City of Homer
DATE: May 17, 2016
SUBJECT: Dispatch Consolidation

Redundancy/ loss of connectivity

This is a big issue for the City, Homer is the most distant client in this proposal. How would redundancy be provided if connectivity is lost? This happens from time to time now. According to our consultant, ProComm, employing 2 systems, like ALMR and HPD 1&2 or HVFD 1&2 is not redundant, once connectivity to Homer is lost we would be 100% down. I understand that we cannot necessarily plan for 'the big one,' but it is a policy call to decide how much risk we are willing to take on. I am unable to say with confidence that the risk of losing connectivity is limited to a major, regional natural disaster and would like a greater degree of assurance that routine outages can be prevented.

Extra charges/services

Cameras. Like Seward, the City of Homer has a number of security cameras that are monitored by dispatch (airport, port, etc.) From the paperwork you presented at the meeting, this looks like a \$143 charge per month per circuit?

Cost for other departments. Depending on events, there can be a lot of radio work for dispatchers with Public Works and Port and Harbor. KPB dispatch would have to tie into the Harbor radio system and Public works repeaters, which would have an equipment cost and call level cost.

Local alarms. There are several local alarms that ring into dispatch (panic buttons at City Hall, the College, High School, etc.). There are also alarms for the water treatment plant and pump stations. What will that service cost? Can it be provided?

Cost

We have confirmation from the state that by eliminating the classification of employees – dispatchers – it would trigger a termination study.

The HPD does not track call volume with the same software the Borough does. Though we had dispatch go through the call log by hand to try and come up with more comparable statistics, we are certain our call volume – and therefore cost – will increase under the CAD system used by KPB. Under the proposal, Homer would be paying less than Soldotna. HPD is a busier department than Soldotna and our call volume under CAD would reflect that.

Local Knowledge

The importance of local knowledge is more than just knowing the local geography and landmarks. Our local dispatchers know the frequent callers, know when to take a call more seriously and can think quickly to apply local resources in a situation. At least once a year we have a potentially major incident turn out well because of this type of local knowledge.

Capital cost avoidance

This may be an area where municipalities can experience true cost savings. It would be helpful to understand what one time cost saving there are (new radios that cities would have to buy anyway) and what ongoing savings there would be (ongoing dispatch equipment replacement cost?).

The City of Homer is in the process of designing a new police station. There will be a cost avoidance in not housing dispatch that Council will need to consider.

Control and the future/ administration

What is the guarantee to municipalities that this cost will not escalate in the future? How will all the municipalities have a true seat at the management table? I know this question is equally important to the administration as it is to the municipalities. I do not have a solution. A joint operating agreement where each municipality has a seat may be a viable option, but I would worry that efficiencies would be lost in this type of management structure, which could drive up cost. I also worry about a central peninsula bias in such a structure. Figuring out this structure would be a necessity before making any final commitments. I am interested to see proposals from the other municipalities, or a consultant that specializes in 911 services, on how to handle this issue.

City of Homer staffing under a consolidated dispatch

The staffing needs for HPD are one jail officer (dispatch currently monitors cameras when there is no coverage in the jail) and 2.5 administrative support staff. We also would need some increased overtime hours for the officers for the paperwork processing dispatch helps with. A good argument can be made that the City should be replacing a jailer regardless of the location of dispatch. However, this would still not push the needle to an annual cost savings for the City of Homer.

<u>Salary & Wages</u>	<u>Benefits Total</u>	<u>Total Labor Costs</u>
65,000	34,130	99,130
60,000	32,612	92,612
28,000	22,899	50,899
46,000	28,363	74,363

2.5 dispatchers retained as staff = \$317,000/ year Total Labor Costs
+ 1 jailer added
350 hours additional OT officers = \$14,000/ year

PERS Termination Study estimate = \$130,000/ initial year
= \$85,000 / every year after

First year = Costs City \$461,000 (Labor Costs/ OT/ PERS Termination estimate)

Every year after = \$416,000 (Labor Costs/ OT/ PERS Termination estimate)

In Summary

Thank you for taking on this incredibly complex issue. As this concept progresses, the City would like to see a radio systems engineer to design the connectivity needed for a joint dispatch center. The engineer can design the center and the satellites as a unified system connected with multiple redundant links for reliability. An emergency communications consultant with experience in 911 systems and radio systems should be employed in system design and to ensure all users are treated equally. A radio systems consultant, the City of Homer uses ProComm, could provide a feasibility assessment before investing significant dollars in design. Radio communications is a very complicated topic. With these assurances from professionals, I think removed locations like the City of Homer would feel much more secure that we are not taking on an untenable amount risk.

The City of Homer is willing to see this process through until we can get more reliable information and assurances on some of the larger unknowns. Given the preliminary numbers I am skeptical this will be financially feasible for Homer. Nevertheless, there are many moving pieces and it is important to explore all the options and present Council with the risks and benefits of consolidation.

Dispatch Consolidation City Feedback and Responses

This document includes responses to concerns about a consolidated center and inquiries about additional services a consolidated center would provide. Please note that at this point we are only able to say we likely can or cannot provide certain services, the details of which services are provided and the related cost will need to be agreed upon as this process continues.

1. Questions regarding additional services provided by dispatch

- Cameras
 - The issue of what constitutes “monitoring” is the larger question. If, as assumed, the cities currently utilize security cameras in a passive manner, primarily for situational awareness and post-incident research SPSCC could be given access to provide the same. SPSCC would not likely be responsible for pro-active monitoring, as this implies 24/7 awareness rather than simple availability.
 - Cost to establish access has not yet been determined, and would be specific to each agency’s needs. Agencies already using IP based camera systems should be capable of providing access with minimal cost. The \$143/month TLS circuit charge would simply make the system available to the SPSCC.
- Municipal tasks
 - After consolidation, municipal tasks that may have been assigned to Dispatch staff to take advantage of their 24/7 staffing should probably be evaluated to determine if 24/7 *emergency* support is actually necessary. Given that dispatch is a high cost service, rather than establishing the service at the SPSCC, cities might find it more cost effective to handle after hours response similarly to KPB Maintenance. KPB Maintenance responds to critical off hours needs at 46 schools and several dozen KPB facilities simply by providing emergency contact info to the public. Maintenance staff fields these calls directly. If the issue being addressed truly rises to level of an emergency (structure fire/vandalism/etc.), then 911 services should be contacted anyway.
- Local-alarm ring down
 - This is also not a question of technical feasibility but one of appropriate use of dispatch services, as changing a ring-down destination should be a fairly simple technical task.
- Please see list at the end of this document for responses to additional services listed by Kenai

2. Redundancy and back up plans

- With digital systems (such as ALMR and SPSCC’s MicroData 911), redundancy and fault tolerance are different but related. While we are not in a position to speak to ALMR system topology, there is a substantial degree of both redundancy and fault tolerance built into the

Dispatch Consolidation City Feedback and Responses

SPSCC's MicroData 911 solution. I believe the concern raised here is strictly related to transport redundancy between SPSCC and Homer. It is true that most carrier based(ACS/GCI/AT&T) communications traffic between Soldotna and Homer follows common pathways, with carriers leasing bandwidth/fiber/copper from each other where needed. It is also true that those carriers have substantial redundancy built in to their systems. Our observation is that uptime between SPSCC and HPD approaches 99.995%, but we always strive to achieve the greatest reasonable redundancy/fault tolerance possible where 911 service is concerned. It is our understanding that the State has a microwave link between Soldotna and Homer, and we have discussed the possibility of using this link as a backup for public safety traffic. This could provide redundant transport between SPSCC and Homer.

- The next generation of consoles are IP based, so the method for bridging remote radio frequencies is changing.
- Consolidation would provide area-wide CAD. If KPB will be dispatching over legacy frequencies using existing network connections through dispatch, we could leave SIP phones in place which would provide a local call end point in the event of a catastrophic failure.
- Mobile units and portables could provide emergency radio backup, if ALMR or similar is improved at State level. If cities choose to discuss risks/benefits of transitioning to ALMR, it should be considered an issue separate from any consolidation discussion.
- It is important to note that ProComm is not an unbiased player in this conversation. They have a strong vested interest in selling hardware and services. They are certainly aware that establishing a hard requirement for a new transport path between SPSCC and HPD could drive business their way. None of this is said to discount ProComm's expertise in the wireless communications arena (which is significant), it simply must be considered in evaluating their advice.

3. Local knowledge, non-numeric addresses, unfamiliarity with spatial layout of area, familiarity with callers etc

- The SPSCC currently dispatches all areas surrounding the Homer, Kenai, and Seward City Limits. All calls for service—as well as frequent callers—are documented in Computer Aided Dispatch (CAD). This information is captured and easily accessed by any public safety dispatcher, regardless of their tenure.
- This boils down to two points: KPB already employs a full-time 9-1-1 Addressing Officer to ensure all addressing is uniform throughout all municipalities. The CAD system has the ability to use "Common Names" (that we manually enter) to identify businesses, etc. It is a common feature of CAD providers to encapsulate local knowledge for this reason. As part

Dispatch Consolidation City Feedback and Responses

of implementing a consolidated dispatch arrangement, we would establish a review/submission process for “Common Names” in each locality.

- The borough GIS mapping system has few peers, and is highly regarded by vendors that usually provide that service, often dropping GIS development from quotes in favor of using the boroughs system as more cost effective and efficient. The primary reasons for updating dispatch when moved to the new facility in 2006 were to provide improved call routing based on emergency service zone (ESZ = City or vicinity) and to improve responder response and routing by using the mapping capability of the new system installed at each city 911 center by the borough.
- As for a uniform and widely accepted address system, we all agree on that. For nearly two decades, the Borough and Cities have had agreements in place to provide accurate addressing for the local Street Addressing Guide (SAG) and area wide Master Street Addressing Guide (MSAG). Cities have been provided a sum of money annually to provide that information in compliance with National Emergency Numbering Association (NENA) Standards, and to perform certain call taking in areas adjacent to their area as needed. The Borough’s addressing officer maintains the borough-wide MSAG and addressing on behalf of the borough and relies on the SAG data from cities for City mapping and addressing.
- If the Borough numerical addressing is lacking, it should be enhanced. If this question is related to City numerical addressing, the City has a means to improve that, similar to the borough

4. Need more detail on how a consolidated dispatch would address RMS and ARMS generation , integration, completion.

- There are two solutions for a smooth, viable transition and continuity of operations. The first (and preferred model), all agencies would utilize ARMS as their RMS. The second would require a software integration between SPSCC CAD and responding agency’s RMS. (side note—it was \$18,000 for the SPSCC CAD -> ARMS interface)
- RMS has always been the originating agency responsibility.

5. Doesn’t provide line of sight VHF Ch. 16 156.8 Mhz coverage, which may need to be maintained locally, or reduced/eliminated.

- The communications resources they use today should not be impacted.

6. (PERS) Termination study potential

- HR posed this question to PERS; PERS acknowledged a transfer of PERS positions between PERS enrolled organizations CAN occur, but they need all details before putting anything in writing.
- HR has suggested cities may want to keep one dispatch position on the books (but unfilled) to ease re-filling if the situation changes in the long term.

Dispatch Consolidation City Feedback and Responses

- The KPB feels that a PERS termination study MAY be avoidable.
- The most effective approach to receiving an accurate and positive response from PERS would likely be the result of a collaborative effort between the KPB and the cities. A “package” that included specifics from each of the cities and the KPB and contained the overall plan for what the FTE’s and employed positions would look like after consolidation should provide PERS with the information they need to make a decision.

7. Capital cost avoidance

- Estimated one time cost savings are laid out in the original proposal provided to cities. Cost savings must be quantified by cities.
- KPB does not believe that cities dispatch would need to purchase new radio consoles, as operations would be moved entirely to the SPSCC. The KPB is purchasing 6 new radio consoles this year. This is significant cost avoidance for all cities.

8. Control and the future/ administration

Should the cities agree to move forward with this process, the control and administration structure would be the next step, developed through a collaborative effort with all cities.

Responses to additional services inquired about by the city of Kenai

- **Water & Sewer Utility Support** - Kenai Dispatch currently monitors the alarms of the City’s Water, Sewer, and Wastewater Treatment Plant. Water and Sewer personnel are notified upon receiving an alarm.
 - We currently monitor a few City of Soldotna and KPB automated alarms (i.e. Sewer Treatment Plant, lift stations, schools, Nikiski Pool, etc.) These are automated alarms that ring into our unpublished 10-digit emergency line. We could accommodate this for other cities. Alternatively, since a dispatcher cannot diagnose the alarm nor resolve any issue, only place a call (possibly repetitive calls) it may be more cost effective to rout these calls through an alarm monitoring company or directly to a smart phone of a public works person.
- **Fire pumps** at the City’s water reservoir at the request of the Fire Department.
 - Can be provided with fees for additional circuits
 - This is an essential service during structure fires to boost pumps for proper flows. This is activation by a single switch upon request by the fire officers.

Dispatch Consolidation City Feedback and Responses

- **Kenai Municipal Airport Support**
 - We understand that much of the Kenai Airport support is non-negotiable for the city; the services are required and must be provided. What could be changed is how the services happen (using new technology) etc, but meeting the requirements with FAA regional office approval and sign off. This consolidation may even require that approval. We understand that this is a critical service that will need to be managed with appropriate technology and be a priority in the consolidated 911 center. Working through the details of the municipal airport requirements and support will be a significant step in this process.
 - Three-way crash phone: Provided with additional circuits needed + fee for additional dispatcher training and service (discussed in original proposal)

- **Kenai Street department support:** Kenai Dispatch notifies Street Department personnel when police officers determine snow accumulations or ice conditions require after hour response.
 - Possible with a fee for service. KPD could notify comm center who would call Kenai PW Dept to manage street comm and ground services; little reason for dispatch to monitor the function after call out, only to be informed when completed; airport FD or Asst airport manager can manage the correspondence to FAA.

- **Kenai Dispatch provides support for contacting vehicle owners during snow removal activities of the department.**
 - This would seem like a high volume task when it happened, and likely wouldn't be handled by a consolidated center.

Kenai Police Department Support (Items provided by Kenai)

- **Record management:** Anything related to their RMS—Spillman—would be resolved with an interface with our CAD* including:
 - Dispatch creates case number, description of call in our Records Management System (Spillman)
 - Dispatch links all the people and vehicles in Spillman
 - Dispatch creates people, vehicles, locations in Spillman
 - Dispatch enters stolen property in Spillman
 - Officers do link some people in Spillman but Primary work in Spillman is done by dispatch.*

Dispatch Consolidation City Feedback and Responses

- Dispatchers do research in Spillman and provide case involvements and connections to officers to assist in investigations.*
- Dispatchers provide Spillman information during traffic enforcement, parking issues, and other municipal ordinance issues in order to assist officers and summer hires in making enforcement decisions.
- **Dispatchers commonly research other open sources for information related to cases.** SPSCC currently provides this service to users
- **Dispatch prints all persons and vehicles in APSIN.** SPSCC currently provides this service to commissioned officers without APSIN access
- **Dispatch prepares "six-pack" photo line-up's for officers when requested.** SPSCC currently provides this service to users
- **Dispatch maintains daily log of police activity based on calls, with constant update, for review by officers on shift** A daily log can be generated from CAD.
- **Dispatch enters arrests in APSIN and in Spillman.** SPSCC currently enters all arrests in APSIN—Spillman would require an interface
- **Dispatch notarizes documents, including charging documents for felonies.** SPSCC currently provides this service to LEO
- **Dispatch writes press releases on arrests.** All LEO currently complete their own press releases
- **Dispatch completes ATN and Kid CID forms for criminal charges for adults and kids.** All LEO we currently dispatch for complete their own ATN's and CID's
- **Dispatch modifies and updates criminal complaint forms for the officers.** All LEO currently modify and update their own criminal complaints
- **Kenai Dispatch provides 24/365 in person response to the public at the Kenai Police Department.** This is a paradigm shift KPD would have to adapt to. SPD is a good example of a Monday – Friday 0800-1700 police department with a ring down system in place after hours and on weekends.
- **Clerical tasks: The following clerical tasks a clerk for the city may be able to complete, and the SPSCC would likely not take on**
 - Dispatch creates paper case files with all documents in it. Dispatch locates pictures of suspects (DMV or other source) includes copies in case file.
 - Officers complete reports in RMS and Dispatch reviews all reports turned in for errors primarily spelling and grammar, but also factual like names and dates of birth. Dispatch prints all reports, organizes case file documents and numbers case documents in files.
 - Dispatch makes copies of case files for distribution to DJJ, AST, DAO,OCS, FBI, etc.
 - Dispatch faxes, mails or prepares hard copies of reports to send to other agencies

Dispatch Consolidation City Feedback and Responses

Miscellaneous Support

- **Kenai Dispatch opens and closes apparatus doors for the Kenai Fire Department and Station 1 and at the Airport Operations Center. Dispatch also controls Police Department garage doors.**
 - Possible with additional circuits needed + fee for service
 - See comment in Kenai Muni Airport Support; this would be a comm center priority and could occur using current technology.
- **Kenai Dispatch monitors alarms for all City elevators.**
 - Should be possible with ring down lines, such as KPB elevators
 - Additional circuits needed + fee for service
- **Kenai Dispatch monitors panic alarms for Kenai City Hall.**
 - Possible with additional circuits needed + fee for service
- **Kenai Dispatch provides support to personal use fishery fee shacks by dispatching personnel to take money from the shacks based upon emails received by the cashiering system.**
 - This is just a notification that goes out when cash hit's a certain level at the shacks. No reason it couldn't go to any city employee.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
OCTOBER 10, 2016
COWLES COUNCIL CHAMBERS

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Aderhold has requested telephonic participation or excusal.

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

3. PRESENTATION OF 2017 BUDGET BY CITY MANAGER

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, October 24, 2016 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, October 17, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



**REGULAR MEETING
6:00 P.M. MONDAY
OCTOBER 10, 2016
COWLES COUNCIL CHAMBERS**

MAYOR BETH WYTHE
COUNCIL MEMBER DAVID LEWIS
COUNCIL MEMBER BRYAN ZAK
COUNCIL MEMBER GUS VAN DYKE
COUNCIL MEMBER CATRIONA REYNOLDS
COUNCIL MEMBER DONNA ADERHOLD
COUNCIL MEMBER HEATH SMITH
CITY ATTORNEY HOLLY WELLS
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Aderhold has requested telephonic participation or excusal.

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

2. AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

4. RECONSIDERATION

5. CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of September 26, 2016. City Clerk. Recommend adoption. Page 43

- B. **Memorandum 16-159** from Mayor Wythe, Re: Appointment of Mary Montgomery to the Library Advisory Board and Reappointment of Louise Ashmun and Peter Roedl to the Parks Art Recreation and Culture Advisory Commission. Page 59
- C. **Ordinance 16-50**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.62.040 Currently Entitled “Pre-Application Conference,” to Authorize the City Planner to Recommend to the State of Alaska That It Deny an Application for a Marijuana Establishment That Does Not Comply With Homer City Code and Authorize the City Planner to Recommend That the State Impose Conditions to Approval When Necessary to Ensure Compliance With the Homer City Code. City Manager/Cannabis Advisory Commission. Recommended dates: Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016. Page 67
- Memorandum 16-163 from Cannabis Advisory Commission as backup. Page 73
- D. **Ordinance 16-51**, An Ordinance of the City Council of Homer, Alaska, Enacting HCC Chapter 11.36, Vegetation in Rights-of-Way, Providing for the Removal of Vegetation That Interferes With the Reasonable Public Use of a Right-of-Way. City Manager. Recommended dates: Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016. Page 77
- Memorandum 16-164 from Public Works Superintendent as backup. Page 81
- E. **Ordinance 16-52**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Provide for Complete Natural Gas Conversion and Energy Efficient Lighting at the Fire Hall by Appropriating \$115,000 From the Revolving Energy Fund. City Manager/Public Works Director. Recommended dates: Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016. Page 83
- Memorandum 16-165 from Public Works Director as backup. Page 87
- F. **Ordinance 16-53**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposal for Lot 11, Homer Spit Subdivision No. 5, for a Long-Term Communications Tower Lease and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$12,500.00 From Port and Harbor Depreciation Reserves to Fund Tower Consultant Services With Cityscape Consultants, Inc. City Manager. Recommended dates: Introduction October 10, 2016, Public Hearing and Second Reading October 24, 2016. Page 89
- G. **Resolution 16-104**, A Resolution of the Homer City Council Awarding the Contract for the Homer Animal Shelter Operation and Management Services to the Firm of Alaska

Mindful Paws of Homer, Alaska, in the Amount of \$179,150.00 Per Year for Two Years With Option to Extend, and Authorizing the City Manager to Execute The Appropriate Documents. City Clerk/Police Chief. Recommend adoption. Page 103

Memorandum 16-166 from Police Chief as backup. Page 105

- H. **Resolution 16-105**, A Resolution of the Homer City Council Amending a Joint Agreement Between the City of Homer and Global Sustainable Fisheries of Alaska (GSFA) for the Purposes of GSFA Obtaining a Grant From the U.S. Department of Commerce and Economic Development Administration (EDA) for Project Funds for Establishing a Sustainable Seafood Processing Industry Within the City of Homer. City Manager. Recommend adoption. Page 107

6. VISITORS

- A. Christine Fontaine, South Peninsula Hospital, Community Project to Create a South Peninsula Forensic Center, 10 minutes. Page 111
- B. Tim Dillon, Executive Director, Kenai Peninsula Economic Development District Update, 10 minutes. Page 135

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Industry Outlook Recognition to Homer Police Department, by Tim Dillon, Executive Director, KPEDD
- B. Mayor's Proclamation, National Friends of Libraries Week, October 16 - 22, 2016
Page 153
- C. Borough Report
- D. Commissions/Board Reports:
1. Library Advisory Board
 2. Homer Advisory Planning Commission
 3. Economic Development Advisory Commission
 4. Parks Art Recreation and Culture Advisory Commission

- A. Memorandum 16-160 from PARCAC, Re: Jack Gist Park Noise Concerns
Page 155
 - B. Memorandum 16-161 from PARCAC, Re: Match Funds from Homer Animal Friends to Purchase Doggie Bags and Dispenser/Receptacles
Page 163
 - C. Memorandum 16-162 from PARCAC, Re: Committee to Start an Outreach Program to Pet Owners
Page 165
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
- 8. PUBLIC HEARING(S)**
- A. **2017 BUDGET**
- B. **Resolution 16-101(A)**, A Resolution of the Homer City Council Adopting the 2017-2022 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2018. Mayor/City Council. Page 171
- Memorandum 16-167 from Special Projects and Communications Coordinator as backup. Page 173
- C. **Ordinance 16-47**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating FY 2016 State Homeland Security Program Grants for Upgrading the City's Radio Communication System in the Amount of \$343,363.40, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016. Page 179
- Memorandum 16-149 from Special Projects and Communications Coordinator as backup. Page 183
- D. **Ordinance 16-49**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$180,000.00 From Port and Harbor Depreciation Reserves to Purchase New LED Lights for Seven High Mast Light Poles at the Harbor and Authorizing the City Manager to Issue a Request for Proposals. City Manager/Port and Harbor Director. Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016. Page 195

Memorandum 16-143 from Port and Harbor Director as backup. Page 201

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report Page 207

11. CITY ATTORNEY REPORT

12. COMMITTEE REPORT

A. Employee Committee Report

B. Public Safety Building Review Committee

C. Americans with Disabilities Act Compliance Committee

13. PENDING BUSINESS

A. **Ordinance 16-48**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Permit City Employees and the City Manager to Make Local Office Campaign Contributions and Amending HCC 1.18.030 to Add HCC 1.18.030(Q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code. Mayor. Postponed from September 26, 2016. Page 239

B. **Resolution 16-098(S)**, A Resolution of the Homer City Council Awarding the Contract for the Homer Library Emergency Generator Installation to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$31,550.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Page 249

Resolution 16-098(S-2), A Resolution of the Homer City Council Awarding the Contract for the Homer Library Emergency Generator Installation to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$31,550.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Page 251

Memorandum 16-168 from City Attorney as backup.

Page 253

14. NEW BUSINESS

- A. **Resolution 16-103**, A Resolution of the City Council Certifying the Results of the City of Homer Regular Election Held October 4, 2016 to Elect the Mayor and Two Councilmembers and to Decide Proposition #1 “Shall the City of Homer Incur Debt and Issue General Obligation Bonds in an Amount Not to Exceed Twelve Million Dollars (\$12,000,000) to Finance the Planning, Design and Construction of a Police Station and Related Capital Improvements; and Shall the Rate of City Sales Tax be Increased by Sixty-Five Hundredths of One Percent (0.65%) to Five and Fifteen Hundredths Percent (5.15%) From April 1 Through September 30, for the Purpose of Paying Debt Service on the General Obligation Bonds, Until September 30 in the Year When the City Has Received Funds From the Tax That are Sufficient to Pay All Debt Service on the Bonds”? City Clerk/Canvass Board. Page 259

B. **SWEAR-IN NEWLY ELECTED MAYOR AND COUNCILMEMBERS**

15. RESOLUTIONS

16. COMMENTS OF THE AUDIENCE

17. COMMENTS OF THE CITY ATTORNEY

18. COMMENTS OF THE CITY CLERK

19. COMMENTS OF THE CITY MANAGER

20. COMMENTS OF THE MAYOR

21. COMMENTS OF THE CITY COUNCIL

22. ADJOURNMENT

Next Regular Meeting is Monday, October 24, 2016 at 6:00 p.m. and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, October 17, 2016 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.

PUBLIC COMMENTS
UPON MATTERS
ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

Session 16-20 a Regular Meeting of the Homer City Council was called to order on September 26, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, LEWIS, REYNOLDS (telephonic), SMITH, VAN DYKE, ZAK

STAFF: ACTING CITY MANAGER JOHNSON
DEPUTY CITY CLERK JACOBSEN
PUBLIC WORKS DIRECTOR MEYER
POLICE CHIEF ROBL
FIRE CHIEF PAINTER
FINANCE DIRECTOR LI
PORT MAINTENANCE SUPERVISOR GLIDDEN
LIBRARY DIRECTOR DIXON

Councilmember Reynold's request to participate telephonically was approved by consensus of the Council.

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

AGENDA APPROVAL

(Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 1.24.040.)

The following changes were made: **PUBLIC HEARINGS - Ordinance 16-46**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Department of Homeland Security FY2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$248,421.00 to Fund the Assistant Fire Chief Position for Two Years, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Memorandum 16-156 from Special Projects and Communications Coordinator as backup. **RESOLUTIONS - Resolution 16-098(S)**, A Resolution of the Homer City Council Awarding the Contract for the Homer Library Emergency Generator Installation to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$31,550.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Memorandum 16-158 from Public Works Director as backup. **Resolution 16-099(S)**, A Resolution of the Homer City Council Awarding the Contract for Eric Lane Road and Sewer Improvements Project to the Firm of Herndon Construction LLC of Homer, Alaska, in the Amount of \$924,344.98 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Memorandum 16-157 from Public Works Director as backup. **Resolution 16-101**, A Resolution of the Homer City Council Adopting the 2017-2022 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2018. Mayor/City Council. Written public comments.

Mayor Wythe called for a motion to approve the agenda as amended.

LEWIS/ADERHOLD SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Aaron Larson with Spit Spots commented on the City Manager's report and expressed disappointment regarding the negotiations for the lease for the communications tower that were terminated. As advised in a council meeting they wrote a letter addressed to the City Manager, Council, and City Clerk outlining their concerns which was never answered. He expressed the need for the tower and starting the process over seems like a waste of time and effort. He urged them to reconsider reauthorizing that and allow them to conclude the negotiations they spent so long on.

Beau Burgess, city resident and shareholder and board member of Spit Spots, also shared his disappointment with the direction the city is taking regarding the communication tower RFP. In reviewing the City Manager's report he gets the impression the rationale for this is the city found it wasn't prepared to follow through on the implications of having a communications tower on the spit that also involved city public safety equipment. The notion of seeking a third party firm to make the process more fair and thorough is the impression he has from speaking with city staff and council. He shared his reasoning why Spit Spots, who followed the process to build a tower for the city and other private communications providers, should be allowed to continue negotiations with the city for this project. He understands the city has the legal right to start this process over but questions whether this is the fair thing to do and encouraged the Council consider having the third party consultant work with the person who won the RFP or seek out the second highest bidder, GCI.

RECONSIDERATION

CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of September 12, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-147**, from City Clerk, Re: Liquor License Transfer Café Cups.
- C. **Ordinance 16-47**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating FY 2016 State Homeland Security Program Grants for Upgrading the City's

Radio Communication System in the Amount of \$343,363.40, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommended dates: Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016

Memorandum 16-149 from Special Projects and Communications Coordinator as backup.

- D. **Ordinance 16-48**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Permit City Employees and the City Manager to Make Local Office Campaign Contributions and Amending HCC 1.18.030 to Add HCC 1.18.030(Q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code. Mayor. Recommended dates: Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016.

Moved to Ordinances, Item D. Aderhold.

- E. **Resolution 16-097**, A Resolution of the Homer City Council Awarding the Contract for the 2016-2019 Snow Removal and Sanding Services to the Firm of Gregoire Construction of Homer, Alaska, in the Amount of \$405.00 Snow Removal Per Trip and \$281.00 Sanding Per Trip, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption.

Memorandum 16-148 from Public Works Director as backup.

- F. **Resolution 16-100**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation of a Watercolor Painting From Friends of the Homer Library Titled *Library Entrance, Homer, Alaska* by Local Artist Jan Peyton to be Placed at the Library. City Clerk/Parks Art Recreation and Culture Advisory Commission. Recommend adoption.

Memorandum 16-154 from Parks Art Recreation and Culture Advisory Commission as backup.

- G. **Resolution 16-102**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Apply for a Land and Water Conservation Fund (LWCF) Grant for Karen Hornaday Park Improvements in an Amount Up to \$125,000 and Expressing Its Commitment to Provide a Local Cash Match of \$125,000. Reynolds. Recommend adoption.

Memorandum 16-155 from Parks Art Recreation and Culture Advisory Commission as backup.

Mayor Wythe called for a motion to adopt the recommendations of the consent agenda as read.

ZAK/LEWIS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, Report on the Conditions and Status of the Parks and Recreational Facilities, 10 minutes.

Robert Archibald, Parks Art Recreation and Culture Commissioner presented photos of park conditions, recognized local organizations that have adopted city parks, and encouraged other groups to do the same.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation – 2016 Breast Cancer Awareness Month

Mayor Wythe acknowledged Breast Cancer Awareness Month.

- B. Mayor Pro Tempore's Presentation of Gifts from Teshio, Japan, to Police Chief and Fire Chief.

Mayor Pro Tempore Lewis presented a pin to Police Chief Robl and a flag to Fire Chief Painter.

- C. Borough Report

- D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission

Tom Stroozas, Planning Commissioner, reported on the Commission's work at their September 14th special meeting where they reviewed three conditional use permits and approved an additional structure on Slavin Drive and an equipment storage facility for the fire department. The CUP for Homer Medical Clinic was postponed pending additional information. At their September 21st meeting the Commission heard a presentation on the Peonies on Pioneer Project, held a public hearing on and recommended Council approve the ordinance for the City Planner to approve retail marijuana applications, and approved the Miraims Ares 2016 Preliminary Plat. Lastly they elected officers, Don Stead will serve again as Chair and Tom Bos was elected as Vice Chair.

3. Economic Development Advisory Commission

Councilmember Smith reported they are one member shy of a full Commission. They are working hard and have good involvement.

4. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, thanked Councilmember Reynolds for sponsoring the resolution for the Land and Water Conservation Fund Grant for Karen Hornaday Park Improvements. It might be a way to get funds to do an ADA trail along Fairview off the road area from the park entrance to the end of the city property which might help drainage from up above as well. They did some work on the Beach Policy clarifying some things and that will come to the Council.

5. Port and Harbor Advisory Commission

Steve Zimmerman, Port and Harbor Commissioner, encouraged Council's support for the Harbor Expansion in the CIP. Regarding the moorage rates on for public hearing, he hopes they have read or will read the packet of information that has all the timelines, justifications, studies, public hearings, and open houses on why and how they came up with this recommendation. They are Council's advisory commission; they are advising Council and hope they follow the commission's advice and move this along.

6. Cannabis Advisory Commission

Councilmember Reynolds reported the last meeting was canceled because there were no agenda items and will schedule their next meeting when there is something to address.

PUBLIC HEARING(S)

- A. **Resolution 16-054**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission. Public Hearing June 13, 2016. Postponed to September 26, 2016 for Second Public Hearing.

Memorandums 16-084 and 16-101 from Port and Harbor Director as backup.

Memorandum 16-152 from City Clerk as backup.

Memorandum 16-156 from Special Projects and Communications Coordinator as backup.

Mayor Wythe opened the public hearing.

Don Lane, city resident and commercial fisherman, commented in support of the proposed moorage rate structure. He brought his fishing boat the Predator to the harbor 28 years ago. He's seen a lot of changes over the years and has been very pleased with the harbor. He urged the Council to take the Port & Harbor Advisory Commission's recommendation for rates. This is the first time he recalls that there has been a differentiation between boat sizes with the five cent increment increase as vessels get larger. The commission has studied this issue, talked about it, taken public testimony and they want to move on. As a businessman who provides income for a number of families in the Homer area, he wants predictability in costs and this structure accomplishes that. A lot of time has been spent on coming up with this program, and while increased costs are unpleasant, this is predictable and he can incorporate into his business plan over the next number of years and not worry about it anymore. If people have to wonder about what increases or decreases are coming their way, the unpredictably

can cause uncertainty. He reiterated encouragement to support the commission's recommendations.

Catherine Ulmer, city resident and Port & Harbor Advisory Commission Chair, commented the commission has almost talked this to death and have had so much testimony from the public, and the commission asks that the Council support their recommendations. They are very considered and deeply studied. We want to keep our fisherman here. Most of the boats of the kids she grew with in Anchor Point are in Kodiak and she wishes they'd come home.

Mark Zeiset, city resident and Port & Harbor Advisory Commissioner, said he'd love to see the Council support their recommendation. It's been talked about a lot and a lot of research has gone into it and he'd like to see it move forward.

Steve Zimmerman, city resident and Port & Harbor Advisory Commissioner, reiterated his earlier comments. He questioned where to find Memorandum 16-156 and it was clarified that memo backs up the SAFER grant and not resolution 16-054.

Kimberly Ketter, city resident, said she supports the Port & Harbor Advisory Commission's recommendations. She called down to the harbor office and talked to them about it, and encourages others who have questions to do the same. Her concern was how it would affect the commercial fishermen. She appreciates the earlier testimony about the predictability of the rates and reiterated that she supports the commission's recommendations.

Mayor Wythe closed the public hearing and as stated the motion of the floor from May 23rd is to adopt Resolution 16-054 by reading of title only. She called for a motion to postpone resolution 16-054 to the October 24th meeting following the worksession with Northern Economics on October 17th.

LEWIS/ADERHOLD SO MOVED.

Councilmember Aderhold said she is interested in hearing the worksession they'll be having with Northern Economics.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

B. 2017-2022 CAPITAL IMPROVEMENT PLAN AND LEGISLATIVE PRIORITIES FOR STATE FISCAL YEAR 2018

Mayor Wythe opened the public hearing.

Sue Mauger, non-resident, encouraged the council to include the Beluga Slough Trail Extension project in the CIP document. She believes it's consistent with the goals of the 2004 Homer Non-Motorized Transportation and Trails Plan as it provides an expansion of the recreational and educational opportunities for the community and its visitors. This has blossomed out of a desire to honor the memory of Carmen Field who was a beloved naturalist in town and help bring more children outside. There is a group interested in spearheading this effort with fundraising and labor.

There is still a lot of planning to be done, but having this on the CIP will assist in moving forward with grant applications.

Marianne Aplin, city resident, commented in favor of the Beluga Slough Trail Extension to the CIP. She had organizational letters of support from the Alaska Maritime National Refuge and the Friends of Alaska National Wildlife Refuges. She read the letter from Refuge Manager Steve Delehanty in support of this project and provided both letters for the record.

Mayor Wythe asked for a motion for their five legislative priorities to be:

1. Public Safety Building
2. Homer Large Vessel Harbor
3. Fire Department Fleet Management
4. Storm Water Master Plan
5. Barge Mooring Facility Phase 1

ZAK/LEWIS SO MOVED.

Mayor Wythe noted the Council held a worksession where they walked through and addressed their selections. She said previously Council determined to use this list and keep it as their top priorities to keep consistency when going to the legislature for funding.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

LEWIS/ZAK MOVED TO ADD THE BELUGA SLOUGH TRAIL EXTENSION.

There was brief discussion this would likely go under the parks section.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

REYNOLDS/ZAK MOVED TO ADD MAIN STREET IMPROVEMENTS NORTH OF PIONEER AVENUE TO THE CIP.

There was brief discussion clarifying the project name.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LEWIS MOVED TO ADD NEW CITY PROJECTS AND PROPOSED BY OTHERS:

- CITY OF HOMER RADIO SYSTEM UPGRADES
- FIRE DEPARTMENT RESCUE 1 REMOUNT
- KACHEMAK SKI CLUB ROPE TOW MOTOR HOUSE RELOCATION
- SOUTH PENINSULA HOSPITAL HOMER MEDICAL CLINIC EXPANSION
- SOUTH PENINSULA HOSPITAL OPERATING ROOM HVAC REPLACEMENT

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LEWIS/ADERHOLD MOVE TO REMOVE THE FOLLOWING PROJECTS FROM THE CIP:

- HARBOR SHEET PILE LOADING DOCK
- MARINER PARK RESTROOMS
- HOMER SPIT DREDGED MATERIAL BENEFICIAL USE PROJECT
- SOUTH PENINSULA FIRE ARMS TRAINING FACILITY
- ALASKA MARITIME ACADEMY
- SOUTH PENINSULA HOSPITAL SITE EVALUATION AND PLANNING FOR HILLSIDE
- HOMER GREENHOUSE
- PUBLIC MARKET DESIGN AND FINANCING PLAN

There was brief discussion these projects have been completed or are no longer relevant.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- C. **Ordinance 16-46**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Department of Homeland Security FY2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the Amount of \$248,421.00 to Fund the Assistant Fire Chief Position for Two Years, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction September 12, 2016, Public Hearing and Second Reading September 26, 2016.

Mayor Wythe opened the public hearing. In the absence of public testimony the public hearing was closed.

LEWIS/ZAK SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Wythe called for a break at 7:04 p.m. and the meeting reconvened at 7:09 p.m.

ORDINANCE(S)

- A. **Ordinance 16-48**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Permit City Employees and the City Manager to Make Local Office Campaign Contributions and Amending HCC 1.18.030 to Add HCC 1.18.030(Q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code. Mayor. Recommended dates: Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016.

Mayor Wythe asked for a motion for the introduction of Ordinance 16-48 by reading of title only.

LEWIS/ADERHOLD SO MOVED

LEWIS/ADERHOLD MOVED TO POSTPONE PENDING ADDITIONAL INFORMATION FROM THE CITY ATTORNEY CLARIFYING WHY THIS IS NECESSARY AND INFORMATION HOW OTHER CITIES ADDRESS PERMITTING CITY EMPLOYEES AND MANAGER MAKING LOCAL CAMPAIGN CONTRIBUTIONS.

There was no discussion.

VOTE (Postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- A. City Manager's Report

Acting City Clerk Johnson said she would be happy to answer questions on City Manager Koester's report.

- B. Bid Report

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Employee Committee Report
B. Public Safety Building Review Committee

Mayor Wythe reported the committee meets again Thursday. Chair Ken Castner has been making presentations at many public venues and encouraged people to keep an eye out for ads and information coming out supporting the bond proposition.

- C. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the committee meets again in October. She added that Rick Malley, the committee's chair, has been offered a job outside and will be leaving. She gave well deserved kudos to Mr. Malley for his knowledge of ADA, spearheading getting the committee going

and all he's done in Homer for ADA accessibility. There is an opening on the committee and encouraged interested people apply.

PENDING BUSINESS

- A. **Resolution 16-091**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from Paul Mackie of a Carved Opal Stone Sculpture Titled *Bookworm* by Artist Odraf Nkomo to be Placed at the Library. City Clerk/Parks Art Recreation and Culture Advisory Commission. Postponed from September 12, 2016.

Memorandum 16-150 from Parks Art Recreation and Culture Advisory Commission as backup.

Memorandum 16-151 from City Clerk as backup.

Mayor Wythe advised there is a motion on the floor from September 12th to accept Resolution 16-091 by reading of title only.

There was brief comment acknowledging the submission was reviewed and approved by the Parks Art Recreation & Culture Commission.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Ordinance 16-45(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$30,000.00 From Port and Harbor Reserves to Purchase Twelve New LED Lights for the High Mast Light Pole #7 at the Harbor From Puffin Electric of Homer, Alaska, as a Sole Source Contract. City Manager/Port and Harbor Director. Postponed from September 12, 2016.

Memorandums 16-136 and 16-143 from Port and Harbor Director as backup.

Councilmember Smith was excused due to an ongoing conflict of interest.

Mayor Wythe asked for a motion for the adoption of Ordinance 16-45(S) by reading of title only for second and final reading.

ADERHOLD/LEWIS MOVED FOR THE ADOPTION OF ORDINANCE 16-45(S)

There was brief comment regarding voting this down and addressing Ordinance 16-49 under new business.

VOTE: NO: LEWIS, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

Motion failed.

Councilmember Smith returned to the table.

NEW BUSINESS

- A. **Ordinance 16-49**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$180,000.00 From Port and Harbor Depreciation Reserves to Purchase New LED Lights for Seven High Mast Light Poles at the Harbor and Authorizing the City Manager to Issue a Request for Proposals. City Manager/Port and Harbor Director. Recommended dates: Introduction September 26, 2016, Public Hearing and Second Reading October 10, 2016.

Memorandum 16-143 from Port and Harbor Director as backup.

Mayor Wythe called for a motion for the adoption of Ordinance 16-49 for introduction and first reading by reading of title only.

LEWIS/ADERHOLD SO MOVED.

Councilmember Smith questioned if this is an adequate amount of funding based on the \$30,000 figure in Ordinance 16-45(S). Port Maintenance Supervisor Glidden confirmed this is the correct amount and noted that pole #7 is more expensive as it has more light fixtures than the other poles.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

RESOLUTIONS

- A. **Resolution 16-098**, A Resolution of the Homer City Council Awarding the Contract for the Homer Library Emergency Generator Installation to a Firm to be Announced in an Amount to be Disclosed, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Resolution 16-098(S), A Resolution of the Homer City Council Awarding the Contract for the Homer Library Emergency Generator Installation to the Firm of Puffin Electric, Inc. of Homer, Alaska, in the Amount of \$31,550.00 and Authorizing the City Manager to Execute the Appropriate Documents.

Memorandum 16-158 from Public Works Director as backup.

Councilmember Smith was excused due to an ongoing conflict of interest.

Mayor Wythe asked for a motion for the adoption of Resolution 16-098 by reading of title only.

LEWIS/ADERHOLD SO MOVED.

Mayor Wythe asked for a motion to substitute Resolution 16-098(S) for Resolution 16-098.

LEWIS/ADERHOLD SO MOVED.

There was no discussion on the substitution.

VOTE (Substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold acknowledged the letters of protest that were submitted.

ADERHOLD/LEWIS MOVED TO RETURN THE CONTRACTING ISSUE TO STAFF FOR THEM TO ADJUDICATE THE PROTEST AND COME BACK WITH EITHER A NEW RFP OR RESOLUTION TO THE PROTEST.

There was brief discussion confirming they are leaving this to the discretion of staff to address this and come back with a replacement resolution or to issue a new RFP.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Smith returned to the table.

B. **Resolution 16-099**, A Resolution of the Homer City Council Awarding the Contract for Eric Lane Road and Sewer Improvements Project to a Firm to be Announced in an Amount to be Disclosed, and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Resolution 16-099(S), A Resolution of the Homer City Council Awarding the Contract for Eric Lane Road and Sewer Improvements Project to the Firm of Herndon Construction LLC of Homer, Alaska, in the Amount of \$924,344.98 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Memorandum 16-157 from Public Works Director as backup.

Mayor Wythe asked for a motion for the adoption of Resolution 16-099 by reading of title only.

LEWIS/ADERHOLD SO MOVED

Mayor Wythe asked for a motion for the substitution of Resolution 16-099(S) for Resolution 16-099

LEWIS/ADERHOLD SO MOVED.

There was no discussion on the substitution.

VOTE (Substitution): NO OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Wythe asked for a motion for the adoption of Resolution 16-099(S)

ZAK/LEWIS SO MOVED.

There was no discussion.

VOTE: NO OBJECTION: UNANIMOUS CONSENT

C. **Resolution 16-101**, A Resolution of the Homer City Council Adopting the 2017-2022 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2018. Mayor/City Council. Recommend: Public Hearing on October 10, 2016.

Memorandum 16-145 from Special Projects and Communications Coordinator as backup.

Memorandum 16-153 from Parks Art Recreation and Culture Advisory Commission as backup.

Mayor Wythe asked for a motion for the adoption of Resolution 16-101 by reading of title only.

LEWIS/ADERHOLD SO MOVED.

Mayor Wythe asked for a motion to postpone Resolution 16-010 to October 10th for a public hearing.

ZAK/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

Deputy City Clerk Jacobsen reminded listeners that early voting for the City and Borough Elections is open at the City Clerk's office from 8:00 a.m. until 5:00 p.m.

COMMENTS OF THE CITY MANAGER

Acting City Manager Johnson thanked the Council for their good work tonight and for going easy on her.

COMMENTS OF THE MAYOR

Mayor Wythe thanked Deputy City Clerk Jacobsen and City Clerk Johnson for doing a great job of keeping them on track. It was a great meeting tonight; Council did a good job working through the CIP so they'll stay on schedule even though they lost a meeting in the process.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold reminded everyone we have a very important election next week. She hopes everyone does everything they can to get educated all of the issues and candidates on the ballot and goes to the polls. She would like to see Homer blow away their election numbers. She acknowledged a letter in the supplemental packet and appreciates the concerns that were raised about cost going up for the city. It's what has made it so difficult for council to figure out the next steps, she encouraged everyone, including the letter writer to help us figure out new revenues for the city so we can be a viable city.

Councilmember Reynolds thanked everyone for a good meeting even though she couldn't participate as fully being on the phone. She is exited to get home and will be present for the rest of the year.

Councilmember Lewis said it's great to be home after four weeks away. When his package arrives from Japan he would like to do a presentation on his trip to Teshio, our sister city outdoes itself and he's never been treated so well. He encouraged people to get out and vote next week. He'd like to see us break the 50% mark.

Commissioner Smith thanked the listeners and participants in the meeting. He also encouraged everyone to get out and cast your vote. He noted that regardless if the hospital propositions pass or fail the hospital will borrow the money. If they don't bond it they will borrow from the Borough, and borrowing from the Borough will be at a higher interest rate than a bond. It will happen one way or the other.

Mayor Wythe added that Ms. Ferraro noted at their last meeting this will not increase the mil rate for the hospital, it will be paid from the taxes already being collected.

Councilmember Van Dyke thanked the advisory body commissioners for their work. They deserve a good pat on the back. He considers Homer his home and puts his two cents worth in when he can. People who consider Homer their home need to get out and vote. He's always been a proponent for voting and if you don't vote, you can't gripe about what goes on in the city. He left them with three words; Vote, vote, vote.

Councilmember Zak said we had to compete with Monday night football and the Presidential debate. He thanked city staff for their wonderful job. He recognized the two Council candidates in the audience, Kimberly Ketter and Tom Stroozas sitting through the meeting and learning a little more about how we do business here. Tomorrow night there will be a debate between the candidates at the Elks Club at 5:45 and the following night at the Kenai Peninsula College at 7:00 after the HEA Meeting. We ask people to vote, but also ask that you educate yourselves about the issues.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:36 p.m. The next Regular Meeting is Monday, October 10, 2016 at 6:00 p.m., Worksession 4:00 p.m., and Committee of the Whole 5:00 p.m. A Worksession is scheduled for Monday, October 17, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-159

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: OCTOBER 3, 2016
SUBJECT: APPOINTMENT OF MARY MONTGOMERY TO THE LIBRARY ADVISORY BOARD AND REAPPOINTMENT OF LOUISE ASHMUN AND PETER ROEDL TO THE PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION.

Mary Montgomery is appointed to the Library Advisory Board to fill the seat vacated by Susan Braund. Her term will expire April 1, 2019.

Louise Ashmun and Peter Roedl are reappointed to the Parks Art Recreation and Culture Advisory Commission for terms to expire October 31, 2019.

RECOMMENDATION:

Confirm the appointment of Mary Montgomery to the Library Advisory Board and the reappointment of Louise Ashmun and Peter Roedl to the Parks Art Recreation and Culture Advisory Commission.

Fiscal Note: N/A



**CITY OF HOMER
COMMISSION, COMMITTEE, BOARD & TASK FORCE
APPLICATION FORM**

CITY CLERKS OFFICE
CITY OF HOMER
491 E. PIONEER AVENUE
HOMER, ALASKA 99603
PHONE 907-235-3130
FAX 907-235-3143

RECEIVED BY CLERK'S OFFICE

SEP 19 2016 AM 11:40 *pk*

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

Name Mary Montgomery Date 9/17/16

Physical Address 508 GRUBSTAKE City Homer

Mailing Address Same Zip Code 99603

Phone 399-0855 Work # 235-8761 Cell # _____

Email Address mary4montgomery@hotmail.com

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

Please indicate the commission(s), committee(s), board or task force you are interested in:

Select	COMMISSION/COMMITTEE/BOARD.TASK FORCE	REGULAR MEETING SCHEDULE
<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1ST & 3RD WEDNESDAY OF THE MONTH AT 7:00 P.M. WORKSESSIONS AT 5:30 P.M.
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input checked="" type="checkbox"/>	LIBRARY ADVISORY BOARD	1ST TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3RD THURSDAY OF THE MONTH AT 6:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4TH WEDNESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	3RD THURSDAY OF THE MONTH AT 11:00 A.M. WORKSESSIONS AT 10:00 A.M.
<input type="checkbox"/>	TRANSPORTATION ADVISORY COMMITTEE	3RD TUESDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	QUARTERLY - 2ND THURSDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	LEASE COMMITTEE	QUARTERLY - 2ND THURSDAY AT 3:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE ENTER THE COMMITTEE/TASK FORCE	

I have been a resident of the City for 3 mos. yrs I have been a resident of the area for 6 mos. yrs.

I am presently employed as: Chapman School Anchor Point

List any special training, education or background you have which is related to your choice of commission, committee, board, or task force: teacher/volunteer librarian for city of Seldovia + Susan B English School.

Have you ever served on a similar commission, committee, board or task force? _____

If so, when & where: City of Seldovia, Susan B English School

When are you available for meetings? Weekly Monthly Bi-Monthly

I am interested in serving on the above because:

I have been a teacher in the bush, Seldovia, and Anchor Point. I was volunteer librarian in Seldovia

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on? Susan B.
 Yes No If yes, please list organizations: _____

Questions regarding the Homer Advisory Planning Commission:

Have you ever developed real property, other than your personal residence? If yes, briefly describe the development:

No

Questions regarding the Port & Harbor Advisory Commission:

Do you use the Homer Port and/ or Harbor on a regular basis? No

If yes, is you use primarily: Commercial Recreational Both

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

I love the library and have worked as a volunteer for 5 years in Seldovia.

When you have completed the form please review all the information and then click on the submit or print button.

Print Form

Submit by Email

Jo Johnson

From: Renee Krause
Sent: Wednesday, September 14, 2016 2:31 PM
To: Jo Johnson
Subject: FW: Terms Expiring on October 31st

Here is one request for reappointment

From: Louise Ashmun [<mailto:leashmun@gmail.com>]
Sent: Wednesday, September 14, 2016 11:52 AM
To: Renee Krause
Subject: Re: Terms Expiring on October 31st

I would like to continue serving as a commissioner on the PARCAC. Please request that the Homer City Council reappoint me for another term.

Thank you,
Louise Ashmun

Louise Ashmun
457 Mountain View Dr.
Homer, AK 99603
907 299 6360
leashmun@gmail.com

On Wed, Sep 14, 2016 at 8:51 AM, Renee Krause <RKrause@ci.homer.ak.us> wrote:

Good Morning It was brought to my attention that your terms are expiring October 32st and to make sure there is no lapse I am requesting each of you to submit a letter or email requesting reappointment to the PARCAC! ☺

Thanks for your immediate attention to this matter.

If you desire to be reappointed it will be done at the October 10th Council meeting.

Sincerely,

Renee Krause, CMC

Deputy City Clerk I

City of Homer

491 E. Pioneer Avenue

Homer, Alaska 99603

Ph. 907-235-8121 ext 2224

Fax 907-235-3143

rkrause@ci.homer.ak.us

All Correspondence sent from this email address can possibly be available for public inspection.

Please note some correspondence is confidential in nature and if you have received this in error please contact the sender as soon as possible so we can correct the contact information we have on file.

“The Secret of Change is to Focus All of Your Energy Not on Fighting the Old, But Building the New” - Socrates

lj

10-3-2016

I would like to request reappointment
to PARCAC COMMISSION

Peter Bell

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-50

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.62.040 Currently Entitled “Pre-Application Conference,” to Authorize the City Planner to Recommend to the State of Alaska That It Deny an Application for a Marijuana Establishment That Does Not Comply With Homer City Code and Authorize the City Planner to Recommend That the State Impose Conditions to Approval When Necessary to Ensure Compliance With the Homer City Code.

Sponsor: City Manager/Cannabis Advisory Commission

1. Council Regular Meeting October 10, 2016 Introduction
 - a. Memorandum 16-163 from Cannabis Advisory Commission

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

3 City Manager/
4 Cannabis Advisory Commission

5 **ORDINANCE 16-50**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.62.040 CURRENTLY ENTITLED
9 “PRE-APPLICATION CONFERENCE,” TO AUTHORIZE THE CITY
10 PLANNER TO RECOMMEND TO THE STATE OF ALASKA THAT IT
11 DENY AN APPLICATION FOR A MARIJUANA ESTABLISHMENT
12 THAT DOES NOT COMPLY WITH HOMER CITY CODE AND
13 AUTHORIZE THE CITY PLANNER TO RECOMMEND THAT THE
14 STATE IMPOSE CONDITIONS TO APPROVAL WHEN NECESSARY
15 TO ENSURE COMPLIANCE WITH THE HOMER CITY CODE.
16

17 WHEREAS, The State of Alaska marijuana establishment registration application
18 process required under Alaska Statute 17.38 subjects approval of all applications to the non-
19 opposition of the city in which the applicant’s establishment is located; and
20

21 WHEREAS, It is in the City’s best interest to authorize the City of Homer Planner (“City
22 Planner”), or his or her designee, to review the State of Alaska applications for registration of
23 marijuana establishments within the City and ensure that all establishments operating within
24 the City comply with Homer City Code.
25

26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
27

28 Section 1. Homer City Code 21.62.040, “Pre-application conference,” is amended to
29 read as follows:
30

31 Homer City Code 21.62.040 Pre-application conference **and State of Alaska application**
32 **review process.**
33

34 **a.** When this title requires a conditional use permit for a marijuana facility, the
35 applicant must meet with the City Planner to discuss the conditional use permit
36 process and any issues that may affect the proposed conditional use. This meeting
37 is to provide for an exchange of general and preliminary information only and no
38 statement made in such meeting by either the applicant or the City Planner shall
39 be regarded as binding or authoritative for the purposes of this title.
40

41 **b.** **The City Planner shall be responsible for reviewing all applications filed with**
42 **the State of Alaska under AS 17.38 for the operation of marijuana**

43 **establishments in the City of Homer once those applications have been**
44 **submitted to the city for its review by the State of Alaska. The City Planner, or**
45 **his or her designee, shall recommend to the State of Alaska, within 15 days of**
46 **receipt of an application denying an application that does not comply with**
47 **this code or he or she may recommend approving the application with**
48 **conditions that, if adopted, will result in compliance with this code.**

49
50 Section 2. This ordinance shall take effect upon its adoption by the Homer City
51 Council.

52
53 Section 3. This ordinance shall be of a permanent and general character and shall be
54 included in the City code.

55
56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
57 _____, 2016.

58
59 CITY OF HOMER

60
61
62
63 _____
64 MARY E. WYTHE, MAYOR

65 ATTEST:
66
67
68 _____
69 JO JOHNSON, MMC, CITY CLERK

70
71
72
73

74 YES:
75 NO:
76 ABSTAIN:
77 ABSENT:

78
79
80

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

[Bold and underlined added. Deleted language stricken through.]

85 Reviewed and approved as to form.

86

87

88

89 _____
Mary K. Koester, City Manager

Holly C. Wells, City Attorney

90

91 Date: _____

Date: _____

92

93

94 Fiscal Note: N/A



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 16-163

TO: ADVISORY PLANNING COMMISSION

FROM: CANNABIS ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

CC: KATIE KOESTER, CITY MANAGER

DATE: AUGUST 30, 2016

SUBJECT: ORDINANCE 16-50, AMENDING TITLE 21.62.040, DESIGNATING THE CITY PLANNER TO APPROVE ALL MARIJUANA RELATED APPLICATIONS

At the regular meeting on August 25, 2016 the Cannabis Advisory Commission reviewed and approved a draft ordinance providing the City Planner or his/her designee, as the designated authority to review and approve all applications submitted to the City of Homer from the State of Alaska pertaining to marijuana as they relate to city code with the amendment that it be reviewed and approved or denied with or without recommendations within 15 days of receipt of the application.

Following is the excerpt of the meeting minutes that reflects the discussion and motions amending and approving the draft ordinance.

Recommendation:
Review and amend or approve Ordinance 16-50.

NEW BUSINESS

A. Draft ordinance 16-XX, Outlining the Regulatory Responsibilities of the Commission regarding Applications

Correct title according the draft ordinance submitted by the City Attorney: Amending Homer City Code 21.62.040, Currently Entitled Pre-Application Conference” to Authorize the City Planner to Recommend to the State of Alaska that it Deny an Application for a Marijuana Establishment that Does Not Comply with Homer City Code and Authorize the City Planner to Recommend that the State Impose Conditions to Approval When Necessary to Ensure Compliance with the Homer City Code.

There was a bit of confusion to bringing the ordinance to the floor for discussion or making a motion to approve. City Planner Abboud stated he could provide a report on the ordinance. Chair Young yielded the floor.

City Planner Abboud stated that this ordinance was very simple and amended Title 21 putting the applications under his review. Since it is amending Title 21 this will have to go before the Planning Commission for review, Public Hearing and approval before going to Council and he has not finalized the next Planning Commission agenda so he can get it on that for the next meeting.

Commissioner Harris wanted to postpone this ordinance until after the new council is elected.

Commissioner Clark commented that he saw no reason to move this forward that it is pretty straight forward. Commissioner Reynolds agreed and recommended sending this to Planning Commission that everything is so up in the air that there is no reason to withhold action on it now.

Commissioner Harris expressed concerns with expediency in reviewing and approving applications received by the city. City Planner Abboud responded with the time requirement that is already imposed in state regulations regarding local opposition. He did not believe it would take much time to review and resubmit to the state.

Commissioner Harris expressed clarification on her concerns that existing membership on Planning Commission would try to change the rules from the time an application is received and approval. City Planner Abboud noted that under the proposed regulation the Planning Commission would not be involved unless the applicant appealed his decision. He further noted that his recommendations would fall under existing requirements. He further noted that reviewing an application within 10 or 15 days is doable.

Commissioner Harris further explained that she would like to see a date within this ordinance that current regulations as of this date to make sure that no regulations change in the meantime.

Discussion and points made by the commission ensued on the following:

- *10-15 day limit is appropriate*
- *the application will be coming from the state to the city planner*
- *to change current city code will require two meetings at the planning commission and two meetings at the city Council level and will also require at least two weeks to get on the agenda.*
- *lack of public involvement in the zoning changes because they fall under the public's radar*
- *notice requirement by the state gives the city the notice required to make changes in building requirements and codes*
- *preference to have a review board other than the planning commission review an application especially those applications that have been denied*

REYNOLDS/YOUNG - MOVED TO AMEND LINE 45 TO ADD WITHIN 15 DAYS OF RECEIPT OF APPLICATION.

Discussion ensued in clarification of intent of the motion was to amend the ordinance to provide the 15 day time limit for review and approval with or without recommendations. The intent for the paragraph to read as follows:

b. The City Planner shall be responsible for reviewing all applications filed with the State of Alaska under AS 17.38 for the operation of marijuana establishments in the City of Homer once those applications have been submitted to the city for its review by the State of Alaska. The City Planner or his or her designee, shall recommend to the State of Alaska, WITHIN 15 DAYS OF RECEIPT OF AN APPLICATION, denying an application that does not comply with this code or he or she may recommend approving the application with conditions that, if adopted, will result in compliance with this code.

City Planner Abboud stated that he does have staff available to act in his absence in response to a question by the commission.

Chair Young called for the vote.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Reynolds recognized that the City Planning Department has a responsibility to follow and apply the guidelines and regulations that are imposed and she has never seen a bias previously. Commissioner Sarno echoed those sentiments and further stated that City planner Abboud has shown professionalism and believes that any application they received would get a fair hearing.

Commissioner Sarno inquired if any zoning changes were proposed to revise code that affect marijuana businesses would this (Cannabis Advisory) commission get a chance to review these changes before going to Council?

Commissioner Stead responded that they would not, he is not the expert but any proposed changes to zoning falls under the purview of the Planning Commission and there is no requirement to notify this commission. He also stated that to suggest that members of the Planning Commission are nefarious and feels that those acts would be a criminal, he cannot think that the commission in how it acts and works together today would do that, they do their very best to put personal feeling aside and he is a bit affronted at the implication but appreciates it is Commissioner Harris' personal opinion and she is entitled to her opinion. Commissioner Stead appreciates the other commissioners supportive comments and believes City Planner Abboud does his very best to be fair in his recommendations.

HARRIS/REYNOLDS - MOVED TO AMEND THE DRAFT ORDINANCE TO INCLUDE ADDITIONAL WHEREAS ON LINE 16 THAT STATES CONDITIONAL USE PERMITS WILL BE APPROVED ACCORDING TO EXISTING ZONING REGULATIONS AS OF THIS MONTH.

Commissioner Reynolds cited that there is no precedent to set a zoning map and regulations in place. She understands that it is confusing but does not think there is a way to lock the zoning into place. Further discussion on the time frame for approval within 15 days and additional limits would be onerous.

VOTE. NO. ROBL, STEAD, YOUNG, SARNO, REYNOLDS, CLARK

VOTE. YES. HARRIS.

Motion failed.

REYNOLDS/ROBL – MOVED TO FORWARD THE DRAFT ORDINANCE TO THE PLANNING COMMISSION.

There was no discussion.

VOTE. YES. CLARK, REYNOLDS, SARNO, YOUNG, STEAD, ROBL.

VOTE. NO. HARRIS.

Motion carried.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-51

An Ordinance of the City Council of Homer, Alaska, Enacting HCC Chapter 11.36, Vegetation in Rights-of-Way, Providing for the Removal of Vegetation That Interferes With the Reasonable Public Use of a Right-of-Way.

Sponsor: City Manager

1. Council Regular Meeting October 10, 2016 Introduction
 - a. Memorandum 16-164 from Public Works Superintendent

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

3 City Manager

4 **ORDINANCE 16-51**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ENACTING HCC CHAPTER 11.36, VEGETATION IN RIGHTS-OF-
8 WAY, PROVIDING FOR THE REMOVAL OF VEGETATION THAT
9 INTERFERES WITH THE REASONABLE PUBLIC USE OF A RIGHT-
10 OF-WAY.

11
12 THE CITY OF HOMER ORDAINS:

13
14 Section 1. Homer City Code Chapter 11.36, Vegetation in Rights-of-Way, is enacted to
15 read as follows:

16
17 Chapter 11.36
18 VEGETATION IN RIGHTS-OF-WAY

19 Sections:

20 11.36.010 Vegetation in rights-of-way.

21 11.36.020 Removal of vegetation in rights-of-way.

22
23 11.36.010 Vegetation in rights-of-way.

24 All or any part of a tree, shrub or other vegetation that is located in, over or under a
25 public right-of-way in the city is subject to removal by the city as necessary for the reasonable
26 public use of the right-of-way, including without limitation removal as authorized in HCC
27 11.36.020, regardless of whether:

28 a. The vegetation existed in, over or under the right-of-way before the granting,
29 dedication or improvement of the right-of-way;

30 b. The vegetation was planted in the right-of-way by another person, including
31 without limitation an owner of property adjacent to the right-of-way; or

32 c. The vegetation originated on property adjacent to the right-of-way, to the extent
33 that limbs, branches or roots of the vegetation extend into, over or under the right-of-way.

34
35 11.36.020 Removal of vegetation in rights-of-way.

36 The city manager may cause the removal of all or any part of a tree, shrub of other
37 vegetation that is located on, over or under a public right-of-way if the city manager finds that
38 the vegetation:

39 a. Obstructs or interferes with the use of the right-of-way by vehicular or pedestrian
40 traffic;

41 b. Obscures visibility to or from the right-of-way or otherwise constitutes a safety
42 hazard;

43 c. Interferes with the maintenance of the right-of-way, including without limitation
44 paving, grading, cleaning and snow removal;

45 d. Has the potential if not removed to damage pavement or other improvements in
46 the right-of-way;

47 e. Has the potential if not removed to damage or interfere with the operation of
48 overhead or underground public utility facilities in the right-of-way.

49
50 Section 2. This ordinance is of a permanent and general character and shall be
51 included in the City code.

52
53 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
54 2016.

55
56 CITY OF HOMER

57
58
59 _____
60 MARY E. WYTHE, MAYOR

61 ATTEST:

62
63
64 _____
65 JO JOHNSON, MMC, CITY CLERK

66
67
68 AYES:

69 NOES:

70 ABSTAIN:

71 ABSENT:

72
73
74 First Reading:

75 Public Reading:

76 Second Reading:

77 Effective Date:

78
79 Reviewed and approved as to form:

80
81
82
83 _____
84 Mary K. Koester, City Manager

85
86 _____
Holly C. Wells, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 16-164

To: Katie Koester, City Manager
From: Dan Gardner, PW Superintendent
Date: September 23, 2016
Subject: Vegetation in Road Right-of-Ways

The city is charged with clearing vegetation within the right-of-way (ROW) in order to deal with sight distance issues, maintain drainages, and to prevent damage to equipment. Over the years, ROW creep has occurred where branches from large spruce and alders have reached into the ROW. This can create problems where snow laden branches fall to a point where snow removal equipment cannot operate without the cab being slapped by the branches. This is a safety matter and also a matter of protecting equipment. Some of the ROW creep prevents periodic ditching efforts to maintain drainages due to alders growing into the drainage ditch and backslope areas.

As many of the alders have grown over the years to significant heights, it is becoming increasingly more hazardous to attempt to “trim” the sides of the alders vertically as the heights often reach higher than our equipment can reach. And, it’s not the safest operation to be trimming vertically at those heights with the brush cutter.

It is our intention to begin the task of manually cutting vegetation to the limits of the ROW to reclaim the ROW and then attempt to keep the vegetation mowed to ground elevation with the brush cutter. This will take years to accomplish as time permits. The proposed vegetation ordinance is intended to put existing standards and law into a city ordinance. As we work through areas where clearing will take place, reasonable efforts will be made to notify property owners of any trimming that will take place of branches on trees that are located on private property where branches are encroaching into the ROW. No work will take place on private property unless approval is obtained from the property owner.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-52

An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Provide for Complete Natural Gas Conversion and Energy Efficient Lighting at the Fire Hall by Appropriating \$115,000 From the Revolving Energy Fund.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting October 10, 2016 Introduction
 - a. Memorandum 16-165 from Public Works Director

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 16-52**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2016 OPERATING BUDGET TO PROVIDE FOR
9 COMPLETE NATURAL GAS CONVERSION AND ENERGY EFFICIENT
10 LIGHTING AT THE FIRE HALL BY APPROPRIATING \$115,000 FROM
11 THE REVOLVING ENERGY FUND.
12

13 WHEREAS, The Fire Hall is currently undergoing expansion and this would be the most
14 cost effective time to convert the Fire Hall to natural gas and install energy efficient lighting;
15 and
16

17 WHEREAS, Significant operating cost savings can be gained by converting the Fire Hall
18 to natural gas and installing energy efficient lighting; and
19

20 WHEREAS, The Revolving Energy Fund was created by the City Council to provide a
21 long term source of funding for energy efficiency projects in City facilities; and
22

23 WHEREAS, Costs associated with this conversion include installation of gas service
24 lines and meters, installation of boiler, new hydronic baseboard and unit heaters, and
25 installation of energy efficient light fixtures/luminaires.
26

27 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
28

29 Section 1. The FY 2016 Operating Budget is hereby amended by appropriating
30 \$115,000 from the Revolving Energy Fund for the conversion to natural gas and installation of
31 efficient lighting at the Fire Hall.
32

33 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
36 620-0375	37 Fire Hall Gas Conversion/ Efficient Lighting	\$115,000
(Revolving Energy Fund)		

38
39 Section 2. This is a budget amendment ordinance, is not permanent in nature, and
40 shall not be codified.
41

42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
43 _____, 2016.

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50

CITY OF HOMER

MARY E. WYTHE, MAYOR

51 ATTEST:

52
53
54

55 JO JOHNSON, MMC, CITY CLERK

56
57
58

59 YES:

60 NO:

61 ABSTAIN:

62 ABSENT:

63
64
65

66 First Reading:

67 Public Hearing:

68 Second Reading:

69 Effective Date:

70
71
72

73 Reviewed and approved as to form:

74
75
76

77 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

78
79

Date: _____

Date: _____

80



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 16-165

TO: Mary K. Koester, City Manager
FROM: Carey Meyer, Public Works Director
DATE: October 4, 2016
SUBJECT: **Homer Fire Hall Improvements Utilizing Revolving Energy Fund to Complete Energy Conservation Improvements**

Although not a part of the original scope of work, this would be the time to convert the Fire Hall to natural gas and install energy efficient lighting. The Council created and has utilized the Revolving Energy Fund to provide a long-term source of funding for energy efficiency projects in City facilities. This fund was created in 2010 and currently has \$138,000 in the fund. This fund has been used to complete similar energy conservation improvements at City facilities (including City Hall, Public Works, Harbor Facilities, Sewer Treatment Plant, Airport and Police Station).

Adding electric heat and improving ventilation in the bays at the Fire Hall would require costly upgrades to the electrical service. To eliminate this cost, Public Works has directed the design team to extend natural gas to the Fire Hall and convert the electric unit heaters in the bays to natural gas; freeing up electrical service capacity for heating the proposed expansion. This work can be completed within the original budget.

Currently the Fire Hall spends about \$27,500 annually for electricity. Without conversion to natural gas, annual energy costs would increase to \$33,000 due to square foot expansion.

Complete conversion to natural gas and installation of energy efficient lighting would decrease overall energy costs by 65%. This would result in a savings of approximately \$21,500 per year. The total cost to convert to natural gas and install energy efficient lighting is estimated to be \$145,000 (\$30,000 from original budget; \$115,000 additional funding). The "investment" of \$145,000 would be "paid back" in 6.7 years. Reduced operating costs will benefit the Fire Hall's operating budget while the building is being used as a fire station and increase the building's value when the time comes to sell.

Recommendation: The Council pass an ordinance amending the 2016 Operating Budget by appropriating \$115,000 from the Revolving Energy Fund to provide for the conversion to natural gas and installation of energy efficient lighting at the Fire Hall and authorizing the City Manager to execute all appropriate documents. (Fiscal Note: 620-0375)

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-53

An Ordinance of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposal for Lot 11, Homer Spit Subdivision No. 5, for a Long-Term Communications Tower Lease and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$12,500.00 From Port and Harbor Depreciation Reserves to Fund Tower Consultant Services With Cityscape Consultants, Inc.

Sponsor: City Manager

1. Council Regular Meeting October 10, 2016 Introduction
 - a. CityScape Consultants, Inc. – Wireless Communications Consulting Services

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

3 City Manager

4 **ORDINANCE 16-53**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY MANAGER TO ISSUE A REQUEST FOR
8 PROPOSAL FOR LOT 11, HOMER SPIT SUBDIVISION NO. 5, FOR A
9 LONG-TERM COMMUNICATIONS TOWER LEASE AND AMENDING
10 THE FY 2016 OPERATING BUDGET BY APPROPRIATING FUNDS IN
11 THE AMOUNT OF \$12,500.00 FROM PORT AND HARBOR
12 DEPRECIATION RESERVES TO FUND TOWER CONSULTANT
13 SERVICES WITH CITYSCAPE CONSULTANTS, INC.

14
15 WHEREAS, Resolution 15-030(A) authorized the City Manager to issue a request for
16 proposal (RFP) for Homer Spit No. 5 Lot 11 for a long term cell tower lease; and

17
18 WHEREAS, On June 29, 2015, Resolution 15-049 awarded a twenty year lease with two
19 five-year options on a portion of Lot 11, Homer Spit Subdivision, No. 5 to SpitwSpots Inc. of
20 Homer, Alaska, and authorized the City Manager to execute the appropriate documents; and

21
22 WHEREAS, On August 3, 2016 negotiations with SpitwSpots were terminated after
23 failure to come to an agreement that both parties found mutually beneficial; and

24
25 WHEREAS, Since August 2016, the City has received letters of interest from four
26 different companies interested in constructing a tower on Homer Spit No. 5 Lot 11; and

27
28 WHEREAS, It is the policy of the City of Homer for a letter of interest to trigger Council
29 to consider authorizing a request for proposal; and

30
31 WHEREAS, Moving forward without additional delay on this project is important so
32 that a tower can be up by the next construction season to serve the great demand for
33 increased communications capacity in Homer; and

34
35 WHEREAS, Due to the complexity of tower regulations and requirements, staff
36 recommends hiring a professional wireless communications firm to facilitate the request for
37 proposal process and subsequent negotiations; and

38
39 WHEREAS, Hiring a third party will allow for an expert and objective analysis of all
40 RFPs which will be both beneficial to the City of Homer and the businesses submitting
41 proposals; and

42 WHEREAS, CityScape Consultants, Inc. has extensive experience in Alaska handling
43 tower negotiations with municipalities such as Juneau and the MatSu Borough and is
44 qualified to facilitate the process for the City of Homer.

45
46 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

47
48 Section 1. The City Council of Homer, Alaska, authorizes the City Manager to issue a
49 request for proposal for a long-term tower lease on a portion of Lot 11, Homer Spit
50 Subdivision No. 5.

51
52 Section 2. The Homer City Council hereby amends the FY 2016 Operating Budget by
53 appropriating \$12,500.00 from Port and Harbor Depreciation Reserves to hire CityScape
54 Consultants, Inc. to facilitate the lease negotiations, including request for proposal, selection
55 process, and siting of the tower and equipment.

56
57 Expenditure:

58 <u>Account</u>	59 <u>Description</u>	60 <u>Amount</u>
59 456-380	60 Consultant services for 61 communications tower	62 \$12,500.00

63 Section 3. This is a budget amendment ordinance only, is not permanent in nature,
64 and shall not be codified.

65 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
66 _____, 2016.

67
68 CITY OF HOMER
69
70
71 _____
72 MARY E. WYTHE, MAYOR

73
74 ATTEST:
75
76
77 _____
78 JO JOHNSON, MMC, CITY CLERK

82 YES:

83 NO:

84 ABSTAIN:

85 ABSENT:

86

87 First Reading:

88 Public Hearing:

89 Second Reading:

90 Effective Date:

91

92 Reviewed and approved as to form:

93

94 _____

95 Mary K. Koester, City Manager

96

Holly C. Wells, City Attorney

97 Date: _____

Date: _____

98

99 Fiscal Note: \$12,500.00 from Port and Harbor Depreciation Reserves (456-380).

Helping Local Government Solve Wireless Telecommunications Issues

CityScape CONSULTANTS, INC.



Wireless Telecommunications Consulting Services

Contact:
CityScape Consultants, Inc.
Elizabeth H. Smith
Direct: 561-541-3104
Elizabeth@CityScapeGov.com
Or Kay Miles
Tel: 561-558-2808
Kay@CityScapeGov.com

www.CityScapeGov.com

WIRELESS TELECOMMUNICATIONS CONSULTING SERVICES

OVERVIEW

Telecommunications is a specialized technology that requires not only radio frequency engineering, but also land use planners, attorneys who understand communications law, and tower management administrative personnel.

CityScape began in 1997 and specializes in working with local governments and all stakeholders who have an interest in the wireless telecommunications industry. Whether the interest is founded on promoting the long range goals of our clients and industry; or protecting the aesthetics of the community; or managing state or local land use development standards, CityScape is able to bridge the common concerns and make recommendations for solutions that meet the underlying interest of each special interest group.

CityScape's menu of radio frequency engineering and land use planning consulting services related to wireless telecommunications planning issues include:

- **Review and Revisions to Telecommunications Ordinance:** review of existing tower regulations in local zoning codes and draft text amendment recommendations designed to promote healthy deployment of wireless networks;
- **Third Party Expert Application Review:** wireless site plan and radio frequency (RF) review;
- **Wireless Master Planning:** mapping to illustrate theoretical and actual propagation network coverage; network gap analysis; network forecasting and gap analysis troubleshooting; land use strategies designed to control wireless telecommunications deployments;
- **Assessment, Mapping and Inventory of Existing Wireless Facilities:** comprehensive assessment of existing antenna and tower infrastructure;
- **Public Workshops on Wireless Telecommunications:** informational workshops on wireless network deployment and design.
- **Professional Site Management and Leasing:** wireless lease negotiations for antenna and tower infrastructure proposed on publicly owned property;

CityScape provides technical information used to develop policy decisions based on factual engineering data related to the necessities in wireless network design. Important in the CityScape program is our expertise and background in wireless telecommunications engineering, legal, and land use planning and zoning disciplines. Our specialized knowledge of the wireless industry will help local government better understand technical and legal options relating to wireless siting decisions as it relates to your telecommunications policies and decisions.

CityScape has no current affiliations with any wireless communication industry companies, service providers, or tower owners and/or construction companies. CityScape consults only to local government agencies on wireless telecommunications issues related to wireless telephone, broadband, broadcast and public safety network deployments.

GOALS, OBJECTIVES AND TASKS FOR HOMER, AK WIRELESS INFRASTRUCTURE RFP

PHASE 1:

CityScape will assist with the revision of an existing RFP for wireless infrastructure development on City properties. CityScape will offer proposed text for the revisions, including but not limited to revisions to a standard lease form to be attached as an exhibit to the RFP, as well as assist the City in refining its goals, utilizing applicable industry standards and relevant information requirements needed for a vendor to design and construct wireless infrastructure on public property. Additionally, CityScape will offer language in terms of acceptable design and location of such infrastructure. CityScape will facilitate the distribution of the RFP to prospective bidders and upon receipt of responses, CityScape will assist the City in the review and evaluation of all proposals received in the RFP process including but not limited to; negotiating the lease terms, including best rental rates; checking references of proposers, analyzing feasibility of the proposed deployment plans against applicable industry standards and communicating with potential candidates regarding additional questions. Additionally, CityScape will assist the City in choosing the correct candidate for the construction and build-out of the projects.

Cost approximately* \$8,500 plus time and travel if applicable

PHASE 2:

Once the vendor is selected from the RFP process, CityScape will provide expert review for the placement and construction of the facility ensuring they meet the requirements of the applicable zoning, permissible and necessary height, safety and aesthetics, potential maximum collocation, siting of public safety equipment and compliance with applicable federal guidelines. CityScape will assist in reviewing all aspects and details of the project.

Cost approximately* \$4,000 per infrastructure plus time and travel if applicable

PHASE 3:

Oversee the construction and development of the infrastructure by selected vendor.

Cost depends on mutually agreed upon scope tbd

*Exact cost of services will be agreed upon and set once complete scope is determined and mutually accepted. CityScape works on a fixed rate schedule without any additions or contingencies.

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

3 Mayor/City Council

4 **RESOLUTION 15-030(A)**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING THE
7 CITY OF HOMER 2015 LAND ALLOCATION PLAN.

8
9 WHEREAS, The Property Management Policy and Procedures Manual sets policy for
10 municipal land management; and

11
12 WHEREAS, Chapter 3 of the Property Management Policy and Procedures Manual
13 establishes that a Land Allocation Plan will be developed annually; and

14
15 WHEREAS, The City Council discussed the Land Allocation Plan during a Worksession on
16 April 27, 2015; and

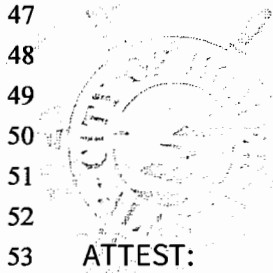
17
18 WHEREAS, The Economic Development Advisory Commission, Parks and Recreation
19 Advisory Commission, Port and Harbor Advisory Commission, and Advisory Planning
20 Commission reviewed the draft Land Allocation Plan and provided their recommendations as
21 outlined in Memorandum 15-055 by the Deputy City Planner; and

22
23 WHEREAS, Council had the following recommendations to amend the plan:

- 24
- 25 1. Homer Spit No. 5 Lot 11 - portion be available for long term cell tower lease
 - 26 2. Homer Spit No. 2 Lot 12-A - remove from short term lease
 - 27 3. Homer Spit Subdivision Amended, Lots 28 and 29 - retain for parking and
28 restrooms, deleting reference to harbormaster office
 - 29 4. HM T06S R 13W S19 Portion Thereof S of Olsen Lane; T 6S R 13W Sec 28 Seward
30 Meridian HM Govt Lots 5, 6, 7, 8; T 6S R 13W Sec 28 Seward Meridian HM Govt Lots
31 10-15 - designate as parks
 - 32 5. C7 - Government Lots 10, 21, 24, 25 HM T06S R13W S14 will be advertised for sale
 - 33 6. E19 - T 6S R 13W Sec 20 Seward Meridian HM 0840005 Lakeside Village Sub
34 Amended Lot 2 Blk 4 staff to explore and bring a recommendation to replat to
35 extend through to Lakeside Drive (act on Resolution 09-33)
 - 36 7. E22 - That Portion of Govt Lot 3 Lying Southwesterly of Kachemak Drive, T6S
37 R13W S23 list lot for sale pending appraisal and attempt to contact adjacent land
38 owners to see if they have an interest in purchasing
 - 39 8. E23 - Government Lot 36 HM T06S R13W S14, Harry Feyer Subdivision Lot 1 list
40 lot for sale pending appraisal
 - 41 9. E6 - HM0880016 T06S R14W S24 Lillian Walli Estate Sub Lot 60, 65, 66, 67, 70, 57,
42 58, 59 list all lots for sale

43 NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Homer 2015
44 Land Allocation Plan is hereby approved as presented.

45
46 PASSED AND ADOPTED by the Homer City Council this 27th day of April, 2015.



47 CITY OF HOMER

48
49
50
51 *Mary E. Wythe*
52 MARY E. WYTHE, MAYOR

53 ATTEST:

54
55 *Jo Johnson*
56 _____
57 JO JOHNSON, MMC, CITY CLERK


58
59 Fiscal Note: N/A

39 WHEREAS, The City administration has reviewed the proposal using the criteria
40 contained in the adopted Lease Policy, determined that the new proposal is in the City's
41 interest, and recommends approval of a new lease; and
42


43 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves a
44 new twenty-year lease, with two five-year options, for SPITwSPOTS, Inc. on a portion of Lot
45 11, Homer Spit Subdivision, No. 5, and authorizes the City Manager to negotiate and execute
46 the appropriate documents.
47

48 PASSED AND ADOPTED by the Homer City Council this 29th day of June, 2015.
49

50 CITY OF HOMER

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53 
54 MARY E. WYTHE, MAYOR

55 ATTEST:

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57 
58 _____
59 JO JOHNSON, MMC, CITY CLERK
60

61 Fiscal Note: Lease revenue \$3,100 per month and 25% of sublease fees.

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

3 City Clerk/
4 Police Chief

5 **RESOLUTION 16-104**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 CONTRACT FOR THE HOMER ANIMAL SHELTER OPERATION AND
9 MANAGEMENT SERVICES TO THE FIRM OF ALASKA MINDFUL PAWS
10 OF HOMER, ALASKA, IN THE AMOUNT OF \$179,150.00 PER YEAR FOR
11 TWO YEARS WITH OPTION TO EXTEND, AND AUTHORIZING THE
12 CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.
13

14 WHEREAS, In accordance with the Procurement Policy the Request for Proposals was
15 advertised in the Homer News on July 28 and August 4, 2016, the Peninsula Clarion and
16 Alaska Dispatch News on July 31, 2016, sent to two in-state plans rooms, and posted on the
17 Clerk's home page; and
18

19 WHEREAS, Bids were due on September 16, 2016 and one bid was received; and
20

21 WHEREAS, Alaska Mindful Paws of Homer, Alaska, was found to be the lowest
22 responsive bidder.
23

24 WHEREAS, This award is not final until written notification is received by the firm from
25 the City of Homer.
26

27 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
28 contract for the Homer Animal Shelter Operation and Management Services to the firm of
29 Alaska Mindful Paws of Homer, Alaska, in the amount of \$179,150.00 per year for two years
30 with the option to extend, and authorizes the City Manager to execute the appropriate
31 documents necessary to complete this work.
32

33 PASSED AND ADOPTED by the Homer City Council this 10th day of October, 2016.
34

35 CITY OF HOMER
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38 _____
39 MARY E. WYTHE, MAYOR
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43 ATTEST:

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45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: \$179,500.00 per year, Account No. 100-0165-5210

50



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum 16-166

TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
DATE: October 3, 2016
SUBJECT: Animal Shelter Contract

We issued a request for proposals for a new contractor to operate the Animal Shelter this summer. One firm, Alaska Mindful Paws (AMP), submitted a bid. The bid is in the amount of \$179,150 for a two-year period. They are requesting a renewal option for two additional three-year periods. I recommend we obtain permission from the Council to accept this bid and enter into a contract for Animal Shelter operations with them.

I believe the operating plan submitted by AMP meets or exceeds all of the requirements set forth in our RFP and will result in a very professionally operated shelter. The qualifications of AMP's executive director and principals are excellent.

This bid is an increase of approximately \$50,000 over what we have been paying to operate the shelter. We will still be operating our shelter at a lower cost than Kenai or Soldotna does if we accept the bid. Running the shelter with city employees would cost us an additional \$50,000 to \$80,000 per year.

**Request for Proposals
By the City of Homer, Alaska
For Operation and Management of the
Homer Animal Shelter**

Sealed proposals for Operation and Management of the Homer Animal Shelter will be received until 4:00 p.m., September 16, 2016 at the office of the City Clerk, City Hall, City of Homer, 491 E. Pioneer Avenue, Homer, Alaska, 99603. The time of receipt will be determined by the City Clerk's time stamp. All proposers must submit a City of Homer Plan Holders Registration Form to be on the Plan Holder's List.

All proposers are required to attend one mandatory Pre-Proposal Conference and Tour either: Wednesday, August 24, 2016 at 2:00 p.m. or Thursday, August 25, 2016 at 2:00 p.m., at the Homer Animal Shelter, 3575 Heath Street, Homer, Alaska.

Please direct all questions regarding this proposal to:

Mark Robl, Police Chief
City of Homer, Police Department
4060 Heath Street
Homer, AK 99603
(907) 235-3150

The Request for Proposals package and Plan Holder registration form is posted on the City website: <http://www.cityofhomer-ak.gov/rfps>. Paper copies of the Proposal Documents may be purchased at the Office of the City Clerk upon payment of \$5 per set (\$10 for overnight delivery). All fees are non-refundable.

Proposals received after the time specified or proposals received from proposers not listed on the Plan Holders List will be considered non-responsive and shall not be considered. The City of Homer reserves the right to accept or reject any or all proposals, to waive irregularities or informalities in the proposals, and to award the contract to the respondent that best meets the City's needs.

Dated this 25th day of July, 2016.

CITY OF HOMER


Katie Koester, City Manager

Advertise:

Homer News: July 28, 2016 and August 4, 2016

Peninsula Clarion: July 31, 2016

Anchorage Daily News: July 31, 2016

Acct #100-160-5227

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

VISITORS

Homer City Council Meeting October 10, 2016
South Peninsula Hospital Forensic Nursing Services
Presentation to the Homer City Council

Members of the Homer City Council,

We appreciate this opportunity to meet with you and provide information about the services provided by South Peninsula Hospital Forensic Nurse Examiners for the communities of Homer and the Southern Kenai Peninsula.

What is a forensic nurse?

- Forensic nurses work with people who have experienced domestic violence/ interpersonal violence, sexual assault, child physical abuse, child sexual abuse, child neglect and maltreatment, commercially sexually exploited children, drug endangered children, elder abuse and neglect, and human trafficking
- Forensic nurses respond to violence for patients across the lifespan
- Forensic nurses provide specialized clinical services using evidence-based practices and standards of care
- South Peninsula Hospital currently has two Forensic Nurse Examiners who are certified Sexual Assault Nurse Examiners for Adult/Adolescent and Pediatric patients

Forensic nurses work within the Emergency Department at South Peninsula Hospital. Forensic nurses also work closely with our *community multidisciplinary teams*, including

- Kenai Peninsula Child Advocacy Centers: South Peninsula Multidisciplinary Child Protection Team
- South Peninsula Sexual Assault Response Team and Domestic Violence Task Force

What is a multidisciplinary team?

- A multidisciplinary team is a group of professionals from specific, distinct disciplines that collaborate to provide response to victims and families. MDTs coordinate interventions so as to reduce potential trauma and improve services overall while preserving and respecting the rights, mandates and obligations of each agency.

What are standards of practice for forensic nurses?

- National Children's Alliance Standards for Accredited Members: 2017 Edition
- National Protocol for Sexual Assault Medical Forensic Examinations *Adults/Adolescents* 2nd Edition: U.S. Department of Justice: Office on Violence Against Women: April 2013
- National Protocol for Sexual Abuse Medical Forensic Examinations *Pediatric*: U.S. Department of Justice: Office of Violence Against Women: April 2016

For resources and information:

Alaska Children's Alliance alaska.nationalchildrensalliance.org

CDVSA: Alaska's Council on Domestic Violence and Sexual Assault www.dps.state.ak.us/cdvsa

Futures Without Violence www.futureswithoutviolence.org

National Children's Alliance www.nationalchildrensalliance.org



Center of Excellence

for the Southern Kenai Peninsula

An idea whose time has come

Out of every 100 adult women who reside in the Kenai Peninsula Borough:

43 experienced intimate partner violence (IPV):



30 experienced sexual violence:



52 experienced intimate partner violence, sexual violence, or both:



These lifetime estimates come from a 2013 survey of adult women in the Kenai Peninsula Borough.

Source: UAA Justice Center, Alaska Victimization Survey, <http://justice.uaa.alaska.edu/avs>.

Our Current Response

- o South Peninsula Sexual Assault Response Team (S.A.R.T.) and the Domestic Violence Task Force
 - o Law enforcement: Homer Police, Alaska State Troopers, Village Public Safety Officers, Seldovia Police Department, US Coast Guard
 - o Medical: South Peninsula Hospital, Clinical Forensic Services Dept.
 - o Victim Advocacy: South Peninsula Haven House
- o South Peninsula Child Advocacy Center
 - o Law enforcement: Homer Police, Alaska State Troopers
 - o Medical: South Peninsula Hospital Clinical Forensic Services
 - o Office of Children's Services (for in-home abuse)
 - o Mental Health: South Peninsula Behavioral Health
 - o Victim and Family Advocacy: South Peninsula Haven House

Barriers to Meeting Best Practices

- o No shared space to do our jobs that currently meets national standards
- o Barriers to providing standards are a result of “place”
- o Service and we are unable to best serve community needs
- o Forensic interview room not accessible to adults
- o Non-acute medical exams are taking place in the emergency department
- o Interview room is across town from the medical examination room (victims and families must navigate multiple systems)

Snapshot of the Current Process

- o Report
- o Medical assistance
- o Forensic Exam
- o Forensic Interview
 - o DV/SA
 - o CAC
- o Potential agency visits
- o Every person's situation is unique; the process varies for each person and family according to needs and availability of services

From the perspective of the patient:









Our Vision

- o A central “hub” for multidisciplinary partners working to provide the best standard of care and service to victims and their families.
- o This center will give agencies a greater ability to: identify, investigate, and prosecute crimes of domestic violence (DV), sexual assault (SA), and child abuse (CA)

Our vision cont.

- o A private and secure trauma-informed facility focused on victim centered care
- o DV, SART, and CAC multidisciplinary team (MDT) on-site capabilities for:
 - o Forensic exam and interview services
 - o MDT accessible capacities
 - o Neutral location
 - o Focus for community efforts in prevention and elimination of DV, SA, and CA on Southern Kenai Peninsula
- o **To meet and exceed the current national standards**

A center of excellence is a:

- o A team
- o A shared facility
- o An entity that provides leadership to include:
 - o Best practices
 - o Standard of care research
 - o Support
 - o Training for a focused area

A center of excellence may also be aimed at revitalizing stalled initiatives.

- o Such a center brings together members from different disciplines and provides shared facilities
- o A center that provides sufficient and easily accessible services

Principles of Care

- o Child-focused: An approach to care that is developmentally, linguistically and culturally appropriate for children; designed with their needs, abilities and best interests in minds, and intended to reduce potentially traumatic effects of the exam process
- o Adult: Victim centered, trauma informed and the response should be: safe, timely, appropriate, sensitive, and respectful.

Best Practice

- o A child –friendly environment that speaks to the physical, developmental, psychological, and spiritual needs of children and takes into account the child’s best interest at all times (**although the exam facility may not be specifically devoted to the care of children, it should make the process as child-focused and friendly as possible**)

We are the only program in the state of Alaska that does not have a dedicated space



Waiting Room
Copper River Basin, AK



Waiting Room
Wasilla, AK



Reception
Fairbanks, AK



Exam Room Nome, AK

Optimal exam site includes:

- o Capacity to access victim advocacy and other child and family support services during the exam process
- o Privacy and confidentiality are enhanced needs
- o Safety and security- are enhanced needs
- o Co-location of services helps to reduce the impact of the event on the victim and greatly reduces barriers to seeking services
- o Promoting high-quality, sensitive, and supportive exams for all victims.
- o Victim-centered care is paramount to the success of the entire process.

What do we need?

- o Your ideas
- o Community participation
- o Partnerships
- o Encouragement & help in spreading the word



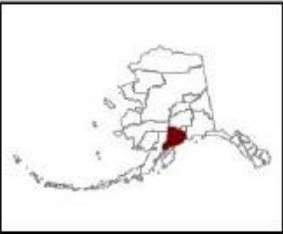
*Leadership to
Foster, Enhance and
Promote Economic
Development*

2016 Fall Update

Tim Dillon
Executive Director
www.kpedd.org

Kenai Peninsula Borough

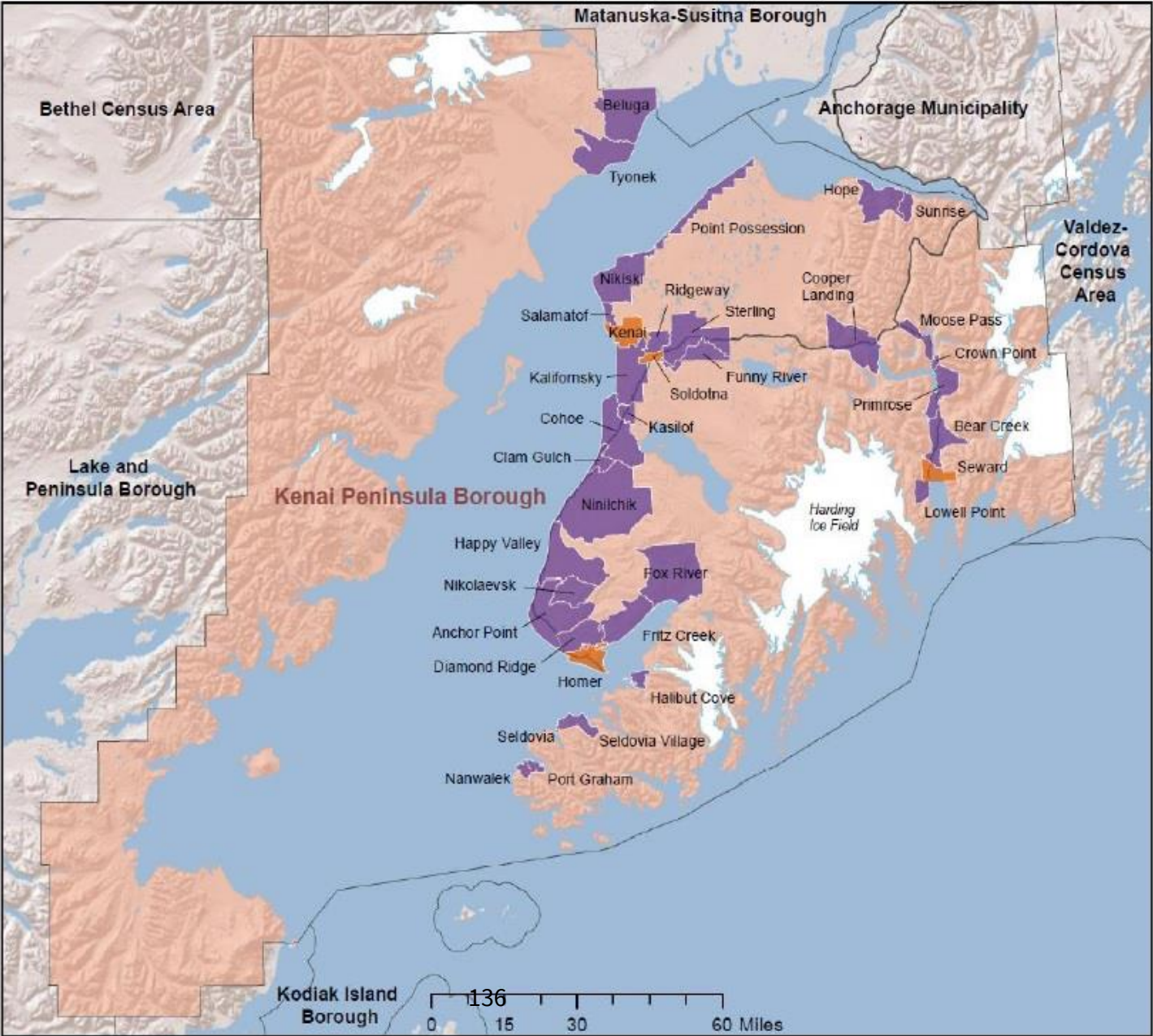
- City
- CDP
- Highway
- Road
- Borough/CA



Map Prepared by:
 Alaska Department of Labor
 & Workforce Development

September 2011

Source: US Census
 2010 TIGERline



K.P.E.D.D. – 501C(4)

Non-Profit Regional Economic Development Organization

Funding Sources

- Kenai Peninsula Borough
- US Dept. Commerce – Economic Development Administration
- State of Alaska Dept. Commerce, Community and Economic Development
(Renewed Without Fiscal Note)



**United States Department of
Commerce, Economic Development
Administration**



Kenai Peninsula
Opportunities
501 (C) (3)

Grant Support
for KPCA

Community
Events



Leadership Transition

Tim Dillon, Executive Director

Lived in Alaska Since 1992



Brendyn Shiflea, President

Born and Raised in Palmer, Alaska

Todd Smith, Vice President

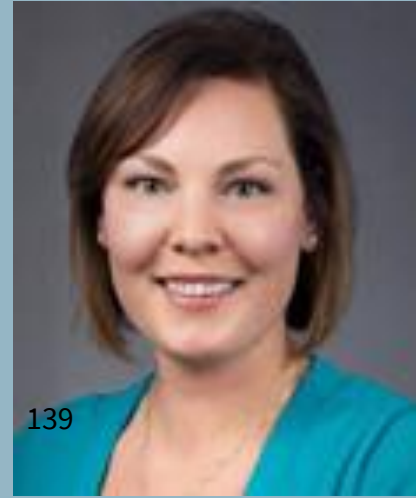
Born in Soldotna and Graduated from KCHS

Rachel O'Brien, Treasurer

Lived in Alaska Over 15 years, 7 Years in Kenai

Stephanie Queen, Secretary

Second Generation KCHS Graduate



Comprehensive Economic Development Strategy

Process

August 2015 – June 2016

University of Alaska
Center for Economic Development

Kpedd.org



Pictures are from Community Photo Library, Division of
Community and Regional Affairs

Kenai Peninsula Borough Comprehensive Economic Development Strategy 2016

Kenai Peninsula Economic
Development District

Prepared by the University of Alaska
Center for Economic Development

Vision for Economic Stability and Growth 2016 - 2021



Regional Partnerships

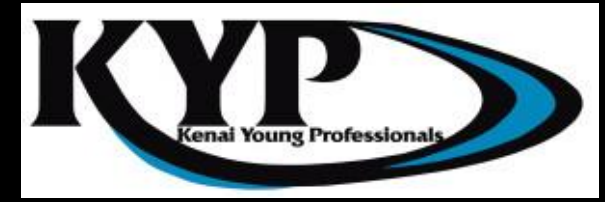
Infrastructure and
Technology

Workforce and
Human Capital

Business Climate and
Entrepreneurship

Quality of Place

Knowledge Creation
and Dissemination



Regional Partnerships

Build ties to industry associations and communities

Coordinate regional-wide economic development with communities



Infrastructure and Technology

Industry
Focused
Infrastructure

Transportation
Infrastructure

Expanded
Broadband
Access

Workforce and Human Capital

Industry
Partnerships
and Voc-Tech

Workforce
Attraction
and Retention



Business Climate and Entrepreneurship

Strengthen Existing
Businesses Through
Business Retention
and Expansion

Promote
Responsible
Development

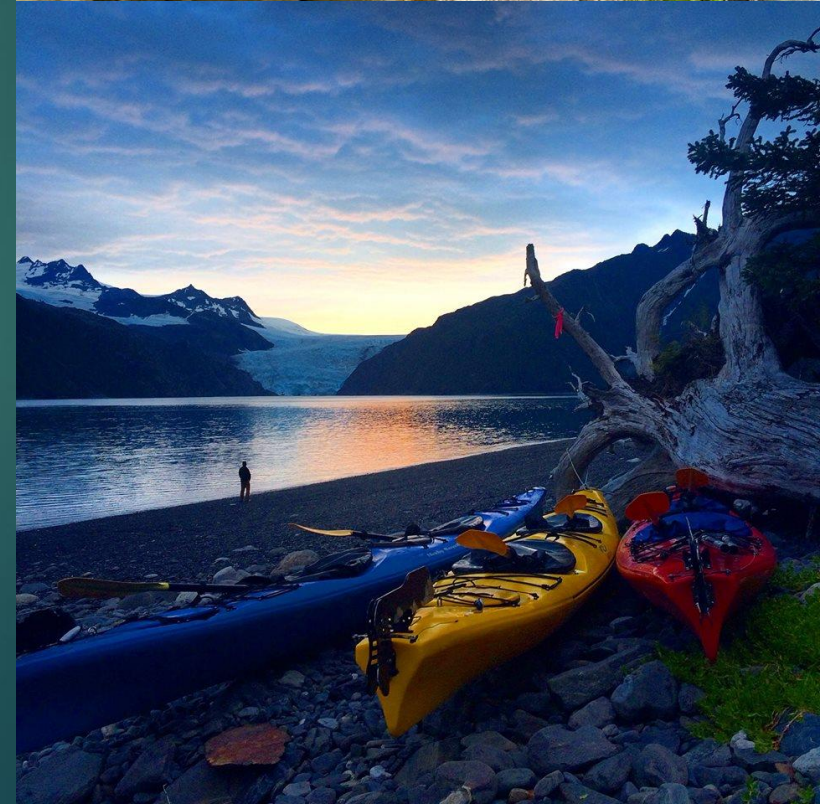
Develop an
Entrepreneurial
Ecosystem



Quality of Place

Develop Kenai Peninsula Brand for Residents, Visitors and Businesses

Promote Expansion of Recreational Amenities and Public Access

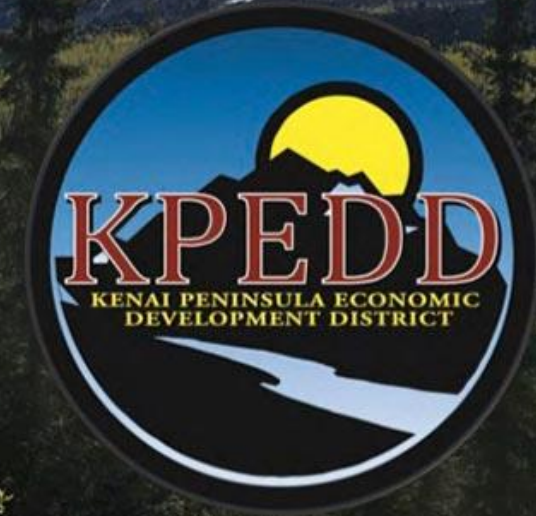


Knowledge
Creation and
Dissemination

Track and Report
Economic and
Demographic
Trends

Seek New Venues
to Publicize
Findings

2016 Kenai Peninsula Situations and Prospects



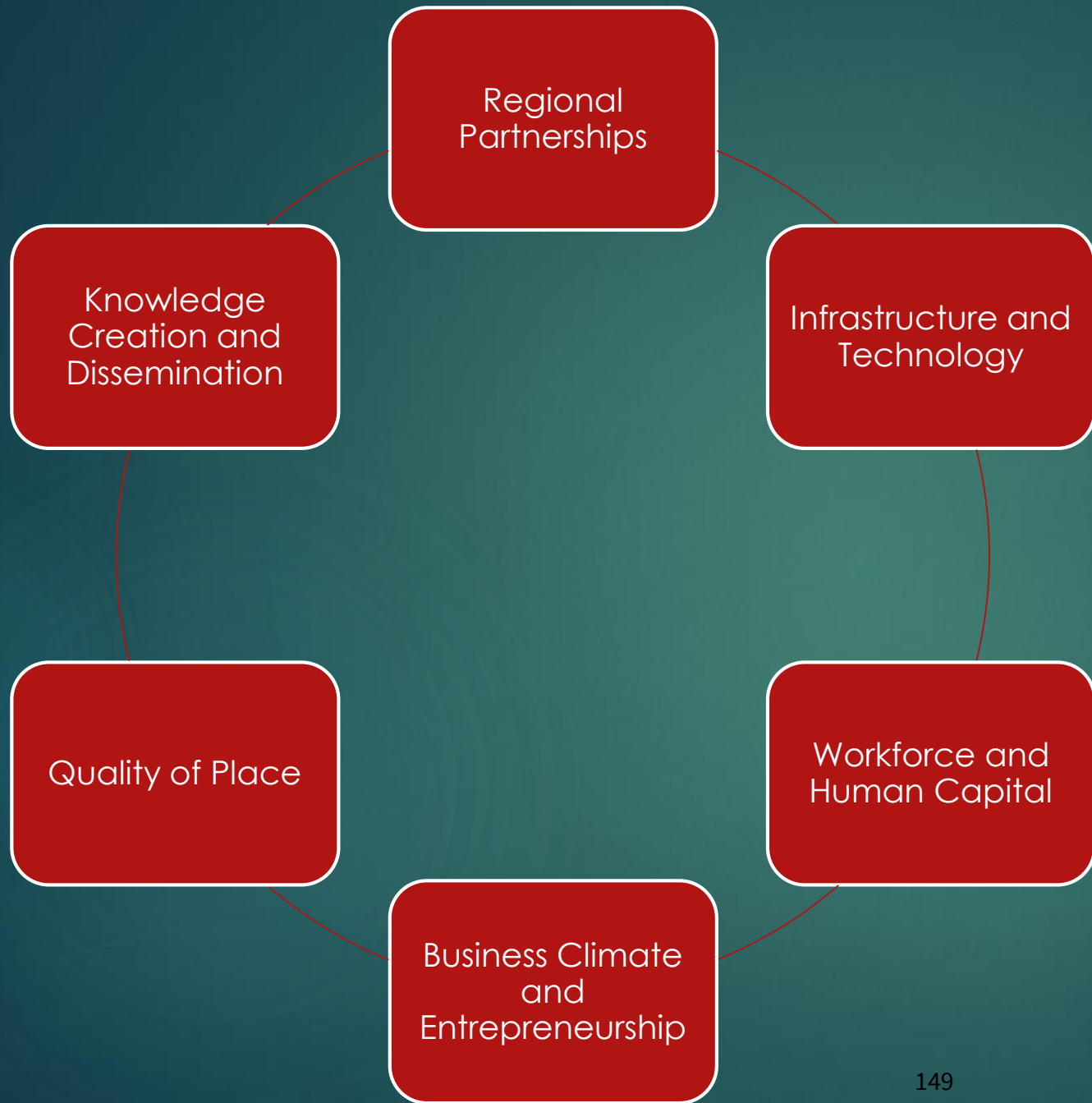
*Leadership to Enhance, Foster, and
Promote Economic Development*

May 2016

Industry Outlook Forum

January 11th, 2016 – Kenai Chamber of Commerce & Visitors Center







Thank you

Tim Dillon, Executive Director

tim@kpedd.org

907-242-9709

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

Mayor's Proclamation

National Friends of Libraries Week
October 16 - 22, 2016

WHEREAS, Friends of the Homer Library raise money that enables our library to move from good to great -- providing the resources for additional programming, much needed equipment, support for children's summer reading, and special events throughout the year; and

WHEREAS, The work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present; and

WHEREAS, The Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers' advisory, and children's services; and

WHEREAS, The Friends' gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim October 16 - 22, 2016 as:

Friends of Libraries Week

in Homer, Alaska, and urge everyone to join the Friends of the Homer Library and thank them for all they do to make our library and community so much better.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED THE Seal of the City of Homer, Alaska, to be affixed this 10th day of October, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK



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 16-160

TO: MAYOR WYTHE AND CITY COUNCIL

CC: KATIE KOESTER, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 21, 2016

SUBJECT: JACK GIST PARK NOISE CONCERNS

The Commission discussed and reviewed the issues presented by two property owners that have property that borders the backside of Jack Gist Park at their regular meetings held on June 16, 2016, August 18, 2016 and September 15, 2016 at the request of Council member Lewis.

At the June 16, 2016 regular meeting there was comment provided by two property owners that have property located adjacent to the lower or southern end of the park and borders the first four tees and baskets of the Disc Golf course installed four years ago by a group of volunteers on approval by Council. The complaints ranged from general noise to loud expletives, noise from the players throwing the Frisbees at the baskets directly behind the property owner's home irritating their dogs causing them to bark incessantly, people in the park after hours and lack of police presence/enforcement.

At the August 18, 2016 regular meeting the Commission entertained testimony and public comment by several members of the public, the Disc Golf Club and one property owner. It was apparent that there were several issues notwithstanding the general complaint of noise and foul language funneling down towards the property owners.

After lengthy discussion the commission made the following recommendation to change the park operating times, closing the park at 10:00 p.m. and installation of additional signage to include the closure time, being mindful of neighboring property owners and the use of foul language and loud noise. It was requested to postpone implementing these recommendations until notification was given to the Softball Association since they did not have a representative at the meeting.

At the regular meeting of September 15, 2016 the commission discussed and were informed that the Softball Association while not happy about the closure times would modify their schedules to comply with the new rules, the commission agreed to forward the recommendations regarding closure and signage to Council and address additional remedial recommendations at a later date.

Following are the excerpts from the minutes of the meetings mentioned:

Minutes
June 16, 2016
Regular Meeting

D. Noise and Jack Gist Park Concerns

Chair Steffy introduced the item into the record. He reviewed the request from Council to facilitate a solution to the complaint. He noted that he has never visited the park. He referred to the mentioned privacy wall that was never funded and related a previous experience during his tenure as Park Manager in Fairbanks. He suggested following staff recommendation to encourage collaborative solutions with the Disc Golf Association.

Deputy City Planner Engebretsen suggested that if the commission decides to facilitate a discussion at the next meeting to invite Councilmember Lewis to attend.

Commissioner Lowney related her recollection of the prior history on this issue that has been before the commission three years ago. She did note that the commission recommended a natural barrier, to allow vegetation to grow and fill in an area between the residences and the Disc Golf course and that it should assist with diffusing the noise. She acknowledged that tees one and two are close to Mr. Arsenault's house but that the distance of 50 feet is exaggerated. Commissioner Lowney has been on that course and personally could not see Mr. Arsenault's home from the course. She sympathized with him, knowing what he has experienced as they have a basketball court just down from her home and when someone turns on the music late at night it can be a bit irritating. She additionally expressed concern with the temper Mr. Arsenault displayed and conducting a meeting with everyone and the commission's ability to channel that aggression.

Commissioner Lowney expressed belief that the Disc Golf people need to address these complaints but that they are positive group of people, her nieces play and it is a positive thing but with some negative attached to it as with anything else. She recommended installation of walls around the tees to deflect the noise that the Frisbee hitting the baskets may help.

Commissioner Ashmun recommended more enforcement or patrols as it may be people who are at the park that are not playing Disc Golf. She is not sure what they can do regarding enforcement with their limited police force.

Commissioner Archibald opined the Mr. Arsenault had a valid complaint if the disc golfers are behaving in that manner. Staff recommended the commission exercising caution since there is no evidence that it is the disc golfers behaving badly.

The commission discussed possible solutions and approaches on handling this matter such as a neighborhood meeting which may or may not go smoothly due to the high tempers, recommend staff entertain discussion with both parties and clarification on specifics of the complaints such as time frames, does it happen during the day and on the weekends. Further factors is verbal assault, such as profanity, enforcement or rules, possible change in operating hours for the park and separate hours for the Disc Golf course and closure was discussed.

Commissioners recommended discussing and request the following:

- Can they police themselves or the course?*
- Are the problems coming from the users/players on the course or just visitors to the park in general?*

- *Would they be amenable to changing the last tee time as 8:30 p.m.*
- *Earliest tee time 9:00 a.m.*
- *This is a public park*
- *Try these suggestions for the month of July through August meeting date then take further action if required at the August meeting*
- *Suggest closure during the week of the course.*
- *Relocate the baskets/tees that are located behind the residences*
- *Establish partial fencing around baskets and post notices of quiet times, please be considerate of neighbors, etc.*

This item will be on the August agenda. Staff will invite members of all parties involved to attend.

Minutes

August 18, 2016

Regular Meeting

PENDING BUSINESS

A. Jack Gist Park Noise Concerns

Chair Steffy read the title into the record and summarize the background information provided by staff since several of the commissioners were not around the first time. He added that now the commission needs to discuss the conflict between the neighbors and the disc golf park. He noted that the first recommendation was the alteration of the park hours.

The commissioners discussed that the later hours are the issue and it is not so much scheduled use of the park but the unscheduled use later in the evening that presented a problem. It was noted that the usual quiet hours established for all parks should be applied to this park for consistency. Commissioner Lowney commented on the Arsenault report of all the noise generated from the park being an annoyance and that they could probably supply specific instances regarding the activities at those two holes closet to them but that closing at 10:00 p.m. would accommodate the ball players too. She also cited that changing the time is easily accomplished however they run into the issue of enforcement and maybe some assistance by the disc golf players with self-enforcement. The commission also discussed closing and locking the gate, and who would be responsible for closing and locking the park every night. Additional first initial actions would be improved signage such as replacing the map, larger, informational signage to alert the users to the close proximity of the neighbors, self-enforcement by the disc golf course users, installation of cloth baskets, alternate course for the summer season and relocating those two baskets.

Chair Steffy would like to address each recommendation separately. Noting he has not heard any opposition to the early morning hours. Chair Steffy wanted to make the motions separately taken on the separate merits so that it does not get shot down due to one portion of the motion.

LOWNEY/ROEDL – MOVED TO AMEND THE JACK GIST PARK CLOSING HOURS TO 10:00 P.M.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Steffy then noted the next recommendation was to have an alternate course during the summer. He would recommend installing alternate locations for holes one and two. Staff recommended input from the Disc Golf Association players on the alternate course layout and relative costs. The commissioners suspended the rules to have a direct discussion with the members of the Disc Golf present on possible remediation that could be implemented to solve the problem.

Edan Badajos, speaking for the disc golf players, stated that the course was installed slightly different than that of the provided map, but that holes one through four were the same. He also stated that all the equipment, materials and labor was provided through sponsorship by local businesses, donations and volunteer efforts. There is still a core group that maintains the tees and baskets, clean up trash; maintain the park areas that the course occupies and assists the city in clearing additional park land to prevent illegal camping. The initial investment costs for the tees and basket including the concrete was \$1600. The baskets can be removed and transfer to another location. They would need funding for additional tee-pads and basket sleeves.

They are just slabs flush with the ground but not with rebar and could be relocated or removed if required but it would be simpler to build and pour new ones.

Mr. Badajos agreed with the hours but before implementing he like the softball people to be informed of the change since it would affect them. As far as relocating the tee pads and holes there may be some changes that could be implemented especially if they could use the middle field which currently is not be used. The Homer Softball Association which he is a part of currently only uses the upper larger field.

Chair Steffy stated that he would want an official nod from the Softball association before using those fields. Commissioner Roedl inquired about the installation of sound barriers at about the same costs as it would be to put in those new tee pads.

Commissioner Lowney brought forward the concern of making decisions and then countering those decisions in the next discussion so would prefer to entertain all the discussion then take action by making appropriate motions. Chair Steffy acknowledged her concern and agreed to discuss then make the necessary motions.

Further discussion on the installation and use of sound barriers as far as the commissioner's prior experience ensued. Commissioner Ashmun noted several remedies used at her last place of residence and nothing worked and they had the benefit of an engineer. She noted that short of putting in one of those walls that are used in major cities to combat the traffic sounds she is not sure anything would work. It was noted that it might just make the noise worse with noise bouncing off the wall from the other side and deflected back to the homeowner. Some points on the pro side of the barrier issue were the visual border, a show of good faith to abate that noise, aesthetics, location of walls could infringe upon the intent of the game to play where it lay, question as to walls needed at the pitching area or just the baskets, clearing additional areas to the west for replacement of those tees and baskets in question, funding issues to relocate those baskets, etc.

Commissioner Lowney cautioned the consideration of use of the middle field as there is only one field available and that would possibly compromise availability during tournaments. Further discussion on creating a dual usage for that area when not being used by the ballplayers ensued.

Chair Steffy inquired about dipping the chains in rubber coat or cloth baskets he is not sure if that will assist but it might lessen the noise where the dogs are irritated by the chains clanking together.

Commissioner Brann brought forth an idea that may not help in the short term but in the long term could offer an alternative location for those problem holes; there is a parcel of land that currently is for sale and the asking price is \$69,500 which is higher than valued really in his opinion but they may be able to purchase through the Land and Water Conservation Grant. This parcel is 2.33 acres. It was agreed that this would be a perfect solution by the Disc Golf players present. Observation was made by Chair Steffy that would increase the neighbors too and maybe the problem. Mr. Badajos agreed that additional land would be very nice to add to the park.

Jon Sharp advocated implementing signage, public education and the closing time change and maybe more police presence. He did not support changing everything up just for one when there are so many more benefitting and after they have implemented some of those changes approach the property owner and see if those steps are helping.

Additional comments from Mr. Husz stated that there is already a gate, reported on the bums in the woods, more signage and police enforcement along with signage and additional police presence. Relocating the tees and pads can be done but at additional expense. The fact that there are bad apples out there ruining it for everyone is not right either. There is a group of people who use the course daily and weekly who have recognized each other and get to know each and it is not a club as much as a community enjoying the sport from all walks of life. They do have a Facebook page and good be a good start for public education. Mr. Husz did not agree with erecting walls and changing things up. He also noted that you could shout an expletive at any of the holes in the course and the property owner would hear them and it is just more of an issue of awareness.

Further discussion on reducing the number of holes during the summer, replaying the same holes to accommodate the property owner; this course is a certified course through PDGA so it qualifies for the two – three tournaments that are held at the park each year. The necessity of more police presence at the park to enforce current regulations including illegal camping, noise, etc.

ARCHIBALD/ - MOVED TO SEND A REQUEST FOR MORE POLICE PRESENCE DURING THE OPERATING HOURS OF THE PARK TO ENFORCE ILLEGAL CAMPING, NOISE AND OPERATING HOURS.

Motion died for lack of a second.

Comments and suggestions were made on the following:

- Police currently visit the park once a day usually in the evening hours*
- that the issue is a two way street, illegal activities must be called in, that way there is a substantiation of the complaints. If there are no calls then the police or the city don't know there is anything going wrong, that applies to all user groups. The calls can be made to the regular number.*
- Confirmation that the time change recommendation will be forwarded through resolution to Council for approval.*
- Signage is required, including in the budget request applies for the entire park listing the regulations including immediate signage to make sure that users are aware of the noise issues/compliance*
- Illegal camping*
- Postpone recommendation to Council on hours until the Softball folks are notified of the intent to change the times*

This item will be on the September agenda, Parks Maintenance will be requested to post additional signage regarding noise and regulations.

Staff requested that this item be on the October agenda to allow time to make all the necessary contacts.

The commission thanked the Disc Golf players for coming to the meeting and working with them to come up with some remedial action to solve the problem.

Minutes
September 15, 2016
Regular Meeting

PENDING BUSINESS

A. Jack Gist Park Noise Concerns

Chair Steffy read the title into the record and requested an update from Commissioner Lowney. She provided information on her response from the Softball Association, Jessica Marx. They expressed some dismay at having to make sure games ended at 10:00 p.m. but would try to amend schedules and comply with the rules. She advised them to bring forward their concerns before the commission. Commissioner Lowney expressed no concerns for the High School girls softball teams as they normally finish by 8:00 p.m.

Chair Steffy requested some input from Commissioner Sharp from the Disc Golf players. Commissioner Sharp reported that he made it a point to visit the park later in the evening and has more empathy for the noise concerns since at night it echoes like crazy. He witnessed visits by the Police, verbal expletives loudly being used and lots of open containers.

Chair Steffy inquired about the recommendations to have larger signage being supplied and installed by Parks Maintenance. Staff noted that they should be able to perform that task.

LOWNEY/ASHMUN – MOVED TO FORWARD A MOTION TO COUNCIL TO CLOSE THE PARK AT 10:00 P.M. INCREASE SIGNAGE THROUGHOUT THE PARK REGARDING THE CLOSURE AND THE NOISE LEVELS SPECIFICALLY NOTICES AT TEES AND BASKETS ONE THROUGH FOUR.

A brief discussion ensued regarding posting notice as soon as possible even if it was hand painted plywood plus repairing existing signage. Commissioner Sharp noted that there is a work party planned for next weekend and repairing that kiosk is on the list plus he felt that they could address temporary signage regarding noise. Commissioner Hart advised the commissioners that Miss Koppen has advised her that the discs get thrown into her yard and people are coming into her yard which is actually trespassing. Commissioner Hart was informed that the property owner should post their property. Commissioner Sharp informed the commission that there is no delineation of the park boundary and he noted that they are very cautious on going into people's property. Further discussion ensued on getting signage regarding all the changes in regulations in relation to dogs, driving on beaches, etc. Chair Steffy inquired about assistance from staff on designs for signage. Commissioner Lowney then requested that information in their next packet regarding signage and design choices. Staff explained that most of this signage is regulatory so the designs will be limited. Chair Steffy explained that he was understanding collaboration with Islands and Ocean. Commissioner Lowney requested her motion to be read back for the commission. There was a brief discussion on what the signage was going to be. Commissioner Lowney requested amending her motion to just deal with the closure time change. Staff requested if Commissioner Ashmun was agreeable to the

amendment. A response was unheard. Chair Steffy offered an amendment to the amendment that the closure is effective upon installation of signage. Commissioner Lowney did not accept the amendment since the Police has pointed out that the public is responsible to inform themselves of the regulations. Chair Steffy commented that he was looking at it from a public relations point of view and he knows that there is some volatility there regarding the property owner and wanted it to be "bubble wrapped." Commissioner Hart brought up previous comments regarding Parks Maintenance personnel making signage and that they could use that until permanent signs were created and installed.

Ms. Krause advised the commission that they were off from the intent of the motion. Chair Steffy apologized for getting knee deep in Robert's Rules and asked Commissioner Lowney if she would like to remove her motion from the table and offer a new motion on the closure. Commissioner Lowney removed her motion from consideration and requested Chair Steffy to offer a motion.

STEFFY/LOWNEY - MOVED TO REQUEST COUNCIL CHANGE THE OPERATING HOURS FOR JACK GIST PARK TO CLOSE AT 10:00 P.M. AND THAT THE NEW CLOSURE TIME BECOME EFFECTIVE WITH INSTALLATION OF SIGNAGE REGARDING THE CLOSURE.

Discussion ensued regarding clarifying the intent of the motion to address closure time only including the signage. Also pointed out that temporary signage can be used until permanent signs are obtained and installed.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Lowney requested signage, designs and ideas for review and discussion. She requested input from Parks Maintenance Coordinator Otteson. Chair Steffy clarified that the signage previously discussed by the Commission to address all issues such as leash laws, vehicles, closure, etc.

Commissioner Hart wanted to make the recommendation to have a seasonal alternate course for the Disc Golf as a permanent course. She wanted it to be away from those property owners so they have a permanent solution.

Chair Steffy commented that the commission can address that as it stands with this memorandum there are a lot of unknowns and they need to work with the disc golf players as to whether it is permanent or seasonal alternate. They both have their merits.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-161

TO: MAYOR WYTHE AND CITY COUNCIL

CC: KATIE KOESTER, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 21, 2016

SUBJECT: REQUEST TO MATCH FUNDS FROM HOMER ANIMAL FRIENDS TO PURCHASE DOGGIE BAGS AND DISPENSER/RECEPTACLES FOR PLACEMENT AROUND TOWN

At the May 19, 2016 meeting and Commissioner Lowney was to provide additional information for the commission to make a recommendation on. At the September 15, 2016 meeting Commissioner Lowney provided the necessary information and the commission made the following recommendation to match the funding to be provided by the Homer Animal Friends.

PENDING BUSINESS

B. Report on Costs for Requested Doggie Bag Dispenser/Receptacle, Locations and Placement

Commissioner Lowney stated she has spoken with Homer Animal Friends and others and they have offered to fund \$500 if the city will match those funds for the purchase of doggie bags and dispenser/receptacles.

Commissioner Lowney then segued into the previous recommendation of the Commission to budget \$5000 for a media campaign regarding the laws of the city and cleaning up after your pet, and being a responsible pet owner; these groups have offered to do this but have not put money up front on this educational component.

Commissioner Lowney opined that Council does have a responsibility to educate the public on these issues. She recommended using the remaining \$4500 for the education component. She further stated that she was not sure how they are to address this and move forward with making sure this happens, signage is not a problem but again she would refer again to staff to determine what type of signage that is required. Commissioner Lowney stressed that they need to submit a recommendation to Council that they want signage in specific locations, but want to see and select what they want. If the city will fund the groups she is sure will come up with the programs.

Chair Steffy supported making a recommendation on the expenditure for the doggie bags and dispensers but that they should address the other issues separately.

LOWNEY/BRANN – MOVED TO RECOMMEND THAT THE CITY MATCH THE \$500 FOR THE PURCHASE OF DOG BAGS AND DISPENSER/RECEPTACLES.

Brief discussion on the costs for the dispensers ensued. It was estimated that the cost is guesstimated at \$130 each. Two locations were picked for placement on the Spit, but there are other locations around town. There are about 10 that are needed.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.



City of Homer

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Memorandum 16-162

TO: MAYOR WYTHE AND CITY COUNCIL

CC: KATIE KOESTER, CITY MANAGER

FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 21, 2016

SUBJECT: RECOMMENDATION TO FORM A COMMITTEE TO DEVELOP AN OUTREACH PROGRAM

The Commission has discussed and made recommendation at the September 15, 2016 regular meeting to have Council approve formation of a committee to develop public information that will address being a responsible pet owner, picking up after your pet and the new city regulations. The funding of which was included in the commission 2017 Budget requests.

Following is the excerpt from minutes regarding the discussion and subsequent recommendation.

PENDING BUSINESS

C. Recommendations for Media Campaign on Leash Laws and Picking Up after Your Pooch

Chair Steffy stated that this will not only cover the leash law and how to pick up after your pooch how it is to be approach and gave the floor to Commissioner Lowney again.

Commissioner Lowney would like to turn this over to the groups to deal with the issues for them. The City may have already given direction since there was a group that was established by the city that came up with all these rules.

Staff explained that this was a temporary committee established to update city code. Commissioner Lowney pointed out that they did not provide direction on how to implement these regulations and she would like to see these organizations to come up with a proposal on how to expend the funding in the budget request they submitted and see where that would go.

Chair Steffy asked if that would be possible to have this as an outside group or would they need approval from the city.

Commissioner Lowney requested that Council form or allow the Commission to form a committee to address this issue.

Staff suggested that a memorandum to the Council through the City Manager expressing the recommendations of the Commission explaining why and what the intent of the committee is for could be done.

Chair Steffy opined that this could be accomplished in a couple of meetings citing the experience of the commission's request for the formation of a committee to deal with the beach policy.

LOWNEY/ASHMUN - MOVED TO RECOMMEND THAT COUNCIL FORM A COMMITTEE OR TASK FORCE TO DEVELOP AN OUTREACH PLAN REGARDING CHANGES TO THE REGULATIONS AND INCLUDE PICKING UP AFTER YOUR POOCH.

There was no additional discussion.

YES. NON-OBJECTIONS. UNANIMOUS CONSENT.

Motion carried.

Recommendation

Motion to approve or not the formation of a committee to develop a public outreach program on the new regulations and picking up after your pooch.

PUBLIC HEARING(S)

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

Ordinances 16-47 and 16-49 and Resolution 16-101(A)

A **public hearing** is scheduled for **Monday, October 10, 2016** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinances 16-47 and 16-49 internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 16-47, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating FY 2016 State Homeland Security Program Grants for Upgrading the City's Radio Communication System in the Amount of \$343,363.40, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager.

Ordinance 16-49, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$180,000.00 From Port and Harbor Depreciation Reserves to Purchase New LED Lights for Seven High Mast Light Poles at the Harbor and Authorizing the City Manager to Issue a Request for Proposals. City Manager/Port and Harbor Director.


Resolution 16-101(A) internet address:
<http://www.cityofhomer-ak.gov/resolutions>

Resolution 16-101(A), A Resolution of the Homer City Council Adopting the 2017-2022 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2018. Mayor/City Council.



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

** Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us or fax 235-3143.

Jo Johnson, MMC, City Clerk 
Publish: Homer Tribune: October 6, 2016

CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 16-47**, Accepting and Appropriating FY2016 State Homeland Security Program Grants for Upgrading the City's Radio Communication System in the Amount of \$343,363.40; **Ordinance 16-49**, Amending the FY2016 Operating Budget by Appropriating Funds in the Amount of \$180,000.00 from Port & Harbor Depreciation Reserves to Purchase New LED Lights for Seven High Mast Light Poles at the Harbor; **Resolution 16-101(A)**, Adopting the 2017-2022 Capital Improvement Plan and Establishing Capital Project Legislative Priorities for State Fiscal Year 2018 was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Wednesday September 28, 2016 and posted the same on City of Homer Website on Tuesday, September 27, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 28th day of September, 2016.



Renee Krause, CMC, Deputy City Clerk



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

3 Mayor/City Council

4 **RESOLUTION 16-101(A)**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
7 2017-2022 CAPITAL IMPROVEMENT PLAN AND ESTABLISHING
8 CAPITAL PROJECT LEGISLATIVE PRIORITIES FOR FISCAL YEAR
9 2018.

10
11 WHEREAS, Duly published hearings were held on September 26 and October 10, 2016
12 in order to obtain public comments on capital improvement projects and legislative
13 priorities; and

14
15 WHEREAS, The Council received comments from all of the Commissions and held a
16 Worksession on September 26, 2016; and

17
18 WHEREAS, It is the intent of the City Council to provide the Governor, the State
19 Legislature, State agencies, the Alaska Congressional Delegation, and other potential funding
20 sources with adequate information regarding the City's capital project funding needs.

21
22 NOW, THEREFORE BE IT RESOLVED by the City Council of Homer, Alaska, that the "City
23 of Homer Capital Improvement Plan 2017-2022" is hereby adopted as the official 6-year
24 capital improvement plan for the City of Homer.

25
26 BE IT FURTHER RESOLVED that the following capital improvement projects are
27 identified as priorities for the FY 2018 State Legislative Request:

- 28
29 1. Public Safety Building
30 2. Homer Large Vessel Harbor
31 3. Fire Department Fleet Management
32 4. Storm Water Master Plan
33 5. Barge Mooring Facility, Phase I

34
35 BE IT FURTHER RESOLVED that projects for the FY 2018 Federal Legislative Request
36 will be:

- 37
38 1.
39 1.

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41 BE IT FINALLY RESOLVED that the City Manager is hereby instructed to advise
42 appropriate State and Federal representatives and personnel of the City's FY 2018 capital
43 project priorities and take appropriate steps to provide necessary background information.

44 PASSED AND ADOPTED by a duly constituted quorum of the City Council of Homer,
45 Alaska, on this 10th day of October, 2016.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

53 ATTEST:

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JO JOHNSON, MMC, CITY CLERK

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Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 16-167

TO: Mayor and City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: October 5, 2016
SUBJECT: Follow-Up Information on City of Homer 2017-2022 Capital Improvement Plan Project Questions

The purpose of this memo is to provide additional information requested at the August 26, 2016 Worksession on the 2017-2022 City of Homer Capital Improvement Plan (CIP).

Financing Assumptions: The Financing Assumptions #'s 1, 4 and 6 have been updated and is included with this Memorandum.

Main Street Sidewalk Facility (North of Pioneer Avenue): Staff is working on design and construction costs for the new "Main Street Sidewalk Facility (North of Pioneer Avenue)" project added at the August 26 Council meeting. Project cost will be included in the project description when I receive the estimates.

Ocean Drive Reconstruction with Turn Lane: Council Member Aderhold asked staff to revisit the CIP long-term project "Ocean Drive Reconstruction with Turn Lane" for possible removal from the CIP. Removal of this project would be by Motion by the City Council.

I am providing some background for your consideration. The project first appeared in the 2011-2016 CIP as a Legislative Request project with the recommendation that the project be added to the Statewide Transportation Improvement Program and be completed as soon as possible. The following year, the project moved to the State Road Project section of the CIP and in 2014 the project moved to the long-range project section of the CIP.

Ocean Drive got some State DOT attention in 2014 when ADOT/PF conducted a repaving project in Homer on the Sterling Highway from its intersection with Pioneer Avenue to the end of the Homer Spit. Sean Baski, the Project Engineer reported at the August 11, 2014 City Council meeting that while alternatives for safety measures were discussed, the preferred plan was a shared use pathway on either side for pedestrians and bicyclists. Extension of the road (for wider shoulders at that time) was out of the project's resurfacing scope.

ADOT/PF's 2016-2019 Statewide Transportation Improvement Program (STIP), which was approved Sept. 22, 2016 does not include an Ocean Drive Reconstruction project.

Federal Legislative Request: By Motion at the October 10 City Council meeting. Council should select 2 projects to include in the Federal Legislative Request.

City of Homer Financing Assumptions: Capital Improvement Program

Implementation of the City of Homer Capital Improvement Plan requires utilization of various financing mechanisms. Financing mechanisms available to the City of Homer include:

- Federal grants or loans
- State grants or loans
- General obligation bonds
- Limited obligation bonds
- Revenue bonds
- Special assessment bonds
- Bank loans
- Pay as you go
- Private sector development agreements
- Property owner contributions
- Lease or lease-purchase agreements

The use of any of the financing mechanisms listed above must be based upon the financial capability of the City as well as the specific capital improvement project. In this regard, financing the CIP should take into consideration the following assumptions:

1. The property tax cap of six-mill (at which point sales tax goes away) precludes use of this revenue source for major capital improvements. Available revenue should be utilized to fund operation and maintenance activities.
2. The operating revenue of enterprise funds (Port & Harbor, Water & Sewer) will be limited and as such, currently only fund operation and maintenance activities.
3. The utilization of Federal and State grants will continue to be significant funding mechanisms. Grants will be pursued whenever possible.
4. The 1½ percent sales tax approved by voters of Homer for debt service and CIP projects is dedicated at ¾ percent to sewer treatment plant debt retirement, with the remaining balance to be used in water and sewer system improvement projects, and ¾ percent to the Homer Accelerated Roads and Trails (HART) Program. Currently, though, the HART fund balance will not grow as the ¾ percent dedicated to the HART Program fund has been suspended until 2019.
5. The HART Program will require property owner contributions of \$30 per front foot for road reconstruction, with an additional \$17 per front foot for paving.
6. The Accelerated Water and Sewer Program will only be considered if the fund has a debt service of 1.25 or greater.

7. The private sector will be encouraged to finance, construct, and operate certain nonessential capital improvements (e.g., overslope development).
8. The utilization of bonds will be determined on a project-by-project basis.
9. The lease and/or lease-purchase of capital improvements will be determined on a project-by-project basis.

Draft 2017-2022 Capital Improvement Plan

Can be found in council packets September
12 and 26 and on the City's

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

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-47

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating FY 2016 State Homeland Security Program Grants for Upgrading the City's Radio Communication System in the Amount of \$343,363.40, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. Council Regular Meeting September 26, 2016 Introduction
 - a. Memorandum 16-149 from Special Projects and Communications Coordinator
 - b. Department of Homeland Security Grant Award Package

2. Council Regular Meeting October 10, 2016 Public Hearing and Second Reading
 - a. Memorandum 16-149 from Special Projects and Communications Coordinator
 - b. Department of Homeland Security Grant Award Package

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-47

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING FY 2016 STATE HOMELAND SECURITY PROGRAM GRANTS FOR UPGRADING THE CITY'S RADIO COMMUNICATION SYSTEM IN THE AMOUNT OF \$343,363.40, 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; and

WHEREAS, The City is pleased to have been awarded \$343,363.40 from the Division of Homeland Security and Emergency Management (DSH&EM); \$47,363.40 to relocate two repeaters for higher placement on the Homer Spit to improve radio communication performance and reach; and \$296,000.00 to replace the public safety radio system dispatch consoles with new units; and

WHEREAS, Radio communication system upgrades is a proposed project on the City of Homer Capital Improvement Plan 2017-2022.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a 2016 State Homeland Security Program Grant to the City of Homer from the DHS&EM in the amount of \$343,363.40 for upgrading the City's radio communication system as follows:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	State Homeland Security Program Grant	\$343,363.40

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Radio Communication System Upgrades	
	Relocate two repeaters	\$ 47,363.40
	Replace the public safety radio system	\$296,000.00

dispatch consoles

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

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

ENACTED BY THE HOMER CITY COUNCIL this _____ day of September, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:
NOES:
ABSTAIN:
ABSENT:

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

Reviewed and approved as to form:

Mary K. Koester, City Manager

Holly C. Wells, City Attorney

Date: _____

Date: _____

Fiscal information: N/A, existing budget.



City of Homer

www.cityofhomer-ak.gov

Administration

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Memorandum 16-149

TO: Mayor and the City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Katie Koester, City Manager
DATE: September 20, 2016
SUBJECT: 2016 Homeland Security Program Grant Award

Alaska Division of Homeland Security and Emergency Management recently announced recipients of FY2016 State Homeland Security Program grant funds. The City of Homer was awarded \$343,363.40 for two projects related to upgrading the City's radio communication system.

\$47,363.40 was awarded to relocate two City of Homer repeaters (one of the primary fire department repeaters and one of the primary police department repeaters) for higher placement on the Homer Spit to improve radio communication performance and reach.

\$296,000.00 was awarded to replace the public safety radio system dispatch consoles with new units. This Homeland Security award is timely. The current consoles will time out of their manufacturer support in 2018. After support ends, a critical parts failure in dispatch could possibly shut Homer's public safety communication system down. Additionally, FCC is in the process of implementing another round of narrowing bandwidth requirements. All communication system components will need to be upgraded by 2020 to maintain compliance and interoperability with other Alaska-based agencies.

FY2016 State Homeland Security Program funding greatly assists in maintaining the integrity of the City of Homer's operational communication for local incident response and broader emergency response in the event of a natural or manmade disaster. Funding is dependent the City Council formally accepting the grant award.

RECOMMENDATION:

Introduce Ordinance 16-47 to accept and appropriate the FY2016 State Homeland Security Program Grant.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

**Department of Military and
Veterans Affairs**

Division of Homeland Security
and Emergency Management

P.O. Box 5750
JBER, AK 99505-0750
Main: 907.428.7000
Fax: 907.428.7009
www.ready.alaska.gov

September 6, 2016

Ms. Katie Koester, Signatory Official
City of Homer
491 E. Pioneer Ave.
Homer, AK 99603

RE: 2016 State Homeland Security Program, EMW-2016-SS-0002
State Grant No.: 20SHSP-GY16

Certified Mail #: 9171 9690 0935 0126 7427 06

Dear Ms. Koester:

The Division of Homeland Security and Emergency Management (DHS&EM) received funds from the U.S. Department of Homeland Security under the 2016 State Homeland Security Program. We are pleased to award the City of Homer the amount of \$343,363.40 under this grant. Funding from this program is provided to support, build, and sustain the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events.

Please review the Grant Requirement and Program Terms and Conditions as articles have changed to incorporate the provisions of 2 CFR Part 200. All changes to these items will be discussed at the 2016 Grant Kick-Off Meetings. Participation at a Kick-Off Meeting is required.

Please review Project Budget Details for Environmental and Historical Preservation requirements and approved project specifics. As a reminder, all procurement transactions must be conducted in a manner providing full and open competition. To ensure this, DHS&EM requires a Procurement Method Report with every expense (with the exception of local advertising, legal notices, and travel arrangements) submitted for reimbursement under this grant. In addition, all service contracts, purchases over \$25,000, and non-competitive/sole source purchases must be pre-approved by DHS&EM. Please see the Procurement Method Report for additional details.

Enclosed are two pre-signed Obligating Award Documents (OAD). Please review the information for accuracy and review any Special Conditions. Sign both OADs, keep one original for your records, and return the other original within 30 days of jurisdiction receipt to:

State Administrative Agency (SAA) Point of Contact
PO Box 5750
JBER, AK 99505

Ms. Koester
September 6, 2016
Page 2 of 2

If the OADs cannot be returned within 30 days due to local jurisdiction policies, a Notice of Intent to Accept Grant Award form and instructions are available for download on DHS&EM's Grants website, <http://ready.alaska.gov/grants.htm>.

If signatory points of contacts have changed since submittal of the application, please complete and return a Signatory Authority Form with the signed OAD. The Signatory Authority Form is available for download on DHS&EM's Grants website. If needed, Electronic Payment enrollment forms are also available upon request.

If you have any questions, please contact the Division Project Manager for this grant, Adrian Avey, at (907) 428-7027, (800) 478-2337, or by email at mva.grants@alaska.gov.



Sincerely,



Michael J. Sutton
Deputy Director

Enclosures: (2 originals) Obligating Award Document
Project Budget Details Report
Quarterly Activities Plan
EHP Screening Memo

cc: Mark Robl, Jurisdiction Project Manager
John Li, Jurisdiction Chief Financial Officer

State of Alaska						Page 1 of 7	
Division of Homeland Security and Emergency Management						FEDERAL AWARD DATE	
Under US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate						July 28, 2016	
OBLIGATING AWARD DOCUMENT						FEDERAL GRANT PROGRAM	
						2016 State Homeland Security Program	
						FEDERAL GRANT NUMBER	
						EMW-2016-SS-0002	
RECIPIENT NAME AND ADDRESS		PERFORMANCE PERIOD		AMENDMENT		CFDA: 97.067	
City of Homer 491 E. Pioneer Ave. Homer, AK 99603		FROM:	September 01, 2016	AMENDMENT #:		AWARD AMOUNT	
		TO:	September 30, 2018	EFFECTIVE DATE:		\$343,363.40	
		STATE PROGRAM NUMBER				20SHSP-GY16	
DUNS NUMBER		040171563		FUNDING ALLOCATION			
EIN		92-0030963		PLANNING		EXERCISE	
METHOD OF PAYMENT		Electronic		TRAINING		EQUIPMENT \$343,363.40	
PURPOSE OF AWARD							
<p>The attached Project Budget Details is the funding allocation. Grant program guidelines and federal, state, and local contracting and procurement compliance requirements apply.</p>							
GRANT REQUIREMENTS AND PROGRAM TERMS AND CONDITIONS							
<p>The acceptance of a grant from the United States government creates a legal duty on the part of the recipient to use the funds or property made available in accordance with the conditions of the grant. [GAO Accounting Principles and Standards for Federal Agencies, Chapter 2, Section 16.8(c)] See attached for continued Grant Requirements and Program Terms and Conditions</p>							
SPECIAL CONDITIONS (Grant funds cannot be expended until these conditions have been met. See Obligating Award for details)							
See Attached							
AGENCY INFORMATION							
ADDRESS Division of Homeland Security and Emergency Management PO Box 5750 JBER, AK 99505-5750		WEBSITE		http://ready.alaska.gov			
		EMAIL		mva.grants@alaska.gov			
		PHONE		907-428-7000			
		FAX		907-428-7009			
STATE PROJECT MANAGER		PHONE		FAX		EMAIL	
Adrian Avey		(907) 428-7027		(907) 428-7009		adrian.avey@alaska.gov	
AGENCY APPROVAL				RECIPIENT ACCEPTANCE			
NAME AND TITLE OF APPROVING AGENCY OFFICIAL				NAME AND TITLE OF AUTHORIZED RECIPIENT OFFICIAL			
Michael J. Sutton, Deputy Director				Katie Koester, Signatory Official			
SIGNATURE OF APPROVING AGENCY OFFICIAL				SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL			
			DATE				DATE
9/2/16							
FOR STATE USE ONLY							
Division File Number:		1.6.2.08		Date Returned			
Fund	Unit	AR Unit	Object	Activity	Function	Program	PPC
1004	2001	099170010	7001	2012	16 SHSP HOMR	2SHSP2016	GYSHSP

Grant Requirements

(A) Monies may not be obligated outside of the time period as stated on the grant document. An obligation occurs when funds are encumbered, as with a purchase order and/or commitment of salaries and benefits. All obligated and encumbered funds must be liquidated within 45 days of the end of the performance period (unless otherwise specified in the Program Terms and Conditions) when the *Final Performance Progress Reports* are due.

(B) The signature of the signatory officials on this award certifies that all financial expenditures, including all supporting documentation submitted for reimbursement, have been incurred by the jurisdiction, and are eligible and allowable expenditures consistent with the grant guidelines for this project. The jurisdiction shall follow the financial management requirements imposed on them by the Division of Homeland Security and Emergency Management (DHS&EM).

(C) The signature of the signatory officials on this award attests to the jurisdiction's understanding, acceptance, and compliance with Acknowledgement of Federal Funding; Lobbying; Debarment, Suspension and other responsibility matters; Drug-free Workplace; Conflict of Interest, and Non-Supplanting certifications. Federal funds will not be used to supplant state or local funds. Federal funds may be used to supplement existing funds to augment program activities, and not replace those funds which have been appropriated in the budget for the same purpose. Potential supplanting may be the subject of application and pre-award, post-award monitoring, and audit. Any cost allocable to a particular Federal award or cost objectives under the principles provided for in 2 CFR Part 200, Subpart E, may not be charged to other Federal awards to overcome fund deficiencies.

(D) The jurisdiction shall ensure the accounting system used allows for separation of fund sources. These grant funds cannot be commingled with funds from other federal, state or local agencies, and each award is accounted for separately.

(E) The jurisdiction shall comply with the requirements under 2 CFR 25, Appendix A, to maintain and keep jurisdiction information current within the System of Award Management (SAM). Also the jurisdiction is requirement to be non-delinquent to the Federal government as required in OMB Circular A-129.

(F) The jurisdiction shall comply with Federal Laws and Regulations: Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, Age Discrimination Act of 1975, Americans with Disabilities Act of 1990. Per Executive Order 13166. The jurisdiction will take reasonable steps to ensure Limited English Proficient (LEP) persons have meaningful access to its programs and activities. Executive Order 13347 Individuals with Disabilities in Emergency Preparedness requires government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13224 prohibits transactions with and support to organizations associated with terrorism. Energy Policy and Conservation Act, National Environmental Policy Act (NEPA) of 1969 and the Coastal Wetlands Planning, Protection, and Restoration Act of 1990 (as applicable.) The USA PATRIOT Act of 2001, Trafficking Victims Protection Act of 2000, Hotel and Motel Fire Safety Act of 1990, Fly America Act of 1974, subrecipients who collect Personally Identifiable Information (PII) are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

(G) The jurisdiction certifies that it has an Affirmative Action Plan/Equal Employment Opportunity Plan. An EEOP is not required for subrecipients of less than \$25,000.00 or fewer than 50 employees.

(H) The jurisdiction certifies that its employees are eligible to work in the U.S. as verified by Form I-9, Immigration & Naturalization Service Employment Eligibility.

(I) It is the responsibility of the jurisdiction as the subrecipient of these federal funds to fully understand and comply with the requirements of:

1. Administrative requirements

2 CFR Part 200 *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*
http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

2. Cost Principles

2 CFR Part 200 Subpart E *Cost Principles*
<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=a470d16f3403a225479f2a8a6c7c4058&n=pt2.1.200&r=PART&ty=HTML#sp2.1.200.e>

3. Audit Requirements

2 CFR Part 200 Subpart F *Audit Requirements*
<http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=a470d16f3403a225479f2a8a6c7c4058&n=pt2.1.200&r=PART&ty=HTML#sp2.1.200.f>

- a. **Federal:** The applicant agrees that, as a condition of receiving any federal financial assistance, a Single audit of those federal funds will be performed, if required by law, and further agrees it will comply with all applicable audit requirements.
- b. **State:** If the applicant is an entity that received state financial assistance the applicant shall submit to the State coordinating agency, within one year after the end of the audit period, an annual audit report covering the audit period as required by 2 AAC 45.010.
- c. Subrecipients identified as "non-compliant" by the Alaska Dept. of Administration, Division of Finance, Single Audit Coordinator shall be subject to the following grant payment restrictions:
 - 1) The Division of Homeland Security & Emergency Management (DHS&EM) will not process grant payments of any nature directly to the subrecipient.
 - 2) Subrecipients will be required to meet the Single Audit requirements as specified by the Alaska Dept. of Administration, Division of Finance, Single Audit Coordinator.

- 3) Subrecipients will provide compliance evidence (letter of engagement) to DHS&EM before any payment will be processed.
 - 4) DHS&EM may process On-Behalf-Of (OBO) payments to vendors for costs directly associated to the scope of work on approved awards.
 - 5) Performance periods will not be extended due to a subrecipient's failure to comply with Single Audit requirement.
 - 6) Payments made in error to subrecipients that are "non-compliant" must be repaid to the State of Alaska within 90 days of receipt of notice from DHS&EM.
4. **Procurement and Contracts.** Contracts must be of a reasonable cost, generally be competitively bid, and must comply with Federal, State, and local procurement standards. Detailed requirements for eligible procurement methods and contract types can be found in 2 CFR Part 200, Subpart D. The applicant agrees to review and follow procurement and contract requirements necessary for compliance with the grant program. Further, the applicant understands that failure to comply with these requirements may result of loss of funding for the entire project.
 5. **Debarred/Suspended Vendors.** As required by Executive Orders 12549 and 12689, Debarment and Suspension, and implemented at 2 CFR Part 180, the applicant certifies that it and its principals:
 - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b. Have not within a three-year period preceding this award been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public a public (Federal ,State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c. Are not presently indicted for otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
 - d. Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause of default. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.
 6. **Reporting of Matters Related to Recipient Integrity and Performance.**
If the total value of the subrecipients' active grant, cooperative agreements, and procurement contracts from all Federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, the subrecipient must comply with the requirement set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 CFR Part 200, Appendix XII, the full text of which is incorporated here by reference in the terms and conditions of the subrecipients' award.
 7. **Conflict of Interest**
2 CFR Part 200.112 – the jurisdiction must disclose in writing to DHS&EM any potential conflict of interest per the applicable Federal awarding agency policy in the award's performance period.
 8. **False Claims Act, Program Fraud Civil Remedies, and Mandatory Disclosures**
 - a. 31 U.S.C. §3729, no recipient of federal payments shall submit a false claim for payment.
 - b. 38 U.S.C. §3801-3812, details the administrative remedies for false claims and statements made.
 - c. 2 CFR Part 200.113 – the jurisdiction must disclose, in a timely manner and in writing to DHS&EM, all violations of Federal criminal law involving fraud, bribery, or gratuity potentially affecting the award.
 9. **Federal Leadership on Reducing Text Messaging while Driving.**
All subrecipients are encourage to adopt and enforce policies that ban text messaging while driving as described in Executive Order 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
 10. **Technology Requirements**
28 CFR Part 23, Criminal Intelligence System Operating Policies
 11. **Research and Development (R&D) Requirements**
Grants awarded to DHS&EM are not R&D
 12. **Duplication of Benefits**
2 CFR Part 200, Subpart E, Cost Principles
 13. **Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. §5121-5206, and Related Authorities, where applicable.**
 14. **State Requirements**
 - a. Alaska State Procurement Code AS 36.30, AS36.30.005–.030
www.state.ak.us/local/akpages/ADMIN/dqs/docs/as3630.doc
 - b. Alaska Administrative Code Title 2 Chapter 12, 2 AAC 12.74. <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac>
 - c. Alaska Administrative Manual <http://doa.alaska.gov/dof/manuals/aam/index.htm>

SHSP Program Terms and Conditions

The total allocation of the 2016 State Homeland Security Program awarded to the Division of Homeland Security and Emergency Management (DHS&EM) is \$3,734,500.00 under *Federal Grant EMW-2016-SS-0002, CFDA# 97.067*. The City of Homer has been awarded \$343,363.40, which shall be used to support activities essential to the ability of states, territories, and urban areas to prevent, protect against, mitigate, respond to, and recover from terrorist attacks and other all-hazards events. The performance period of this grant award is September 1, 2016 through September 30, 2018. Project conditions must be completed by this date. The City of Homer cannot sub-grant all or any part of this award to any other entity or organization. All awards require confirmation within the first reporting quarter that activities toward projects will be made, or DHS&EM may execute de-obligation of the funds.

(A) Changes to Award: All change requests must be submitted in writing, or electronically to the DHS&EM project manager, accompanied by a justification narrative and budget/spending plan, for review and approval. Changes must be consistent with the scope of the project and grant guidelines. Requests for changes will be considered only if the reporting requirements are current, and if terms and conditions have been met at the time of the request. Changes in the programmatic activities, or purpose of the project, changes in key persons specified on the grant award, contractual services for activities central to the purposes of the award, requests for additional funding, change in project site, or release of special conditions may result in an amendment to this award. No transfers of funds between budget categories will be authorized, only de-obligation of funds, except on a case-by-case basis.

(B) Reporting Requirements: The City of Homer shall submit timely quarterly *Performance Progress Reports* and *Financial Progress Reports* to the project manager at DHS&EM. Instructions and blank forms are located electronically at <http://ready.alaska.gov/grants>, and may be reproduced. Jurisdictions must check the web site quarterly for the most current forms. Use of outdated forms will not be accepted. Quarterly reports are due:

Number of Scheduled Report Due	Jurisdiction Performance Period	Performance Progress and Financial Progress Report Due Dates
1	09/01/2016-09/30/2016	Waived
2	10/01/2016-12/31/2016	01/20/2017
3	01/01/2017-03/31/2017	04/20/2017
4	04/01/2017-06/30/2017	07/20/2017
5	07/01/2017-09/30/2017	10/20/2017
6	10/01/2017-12/31/2017	01/20/2018
7	01/01/2018-03/31/2018	04/20/2018
8	04/01/2018-06/30/2018	07/20/2018
9	07/01/2018-09/30/2018	10/20/2018
10	Final Report	11/15/2018

Invoices with progress reports will be submitted to DHS&EM by the due date as specified in the above schedule. Should the grant period be extended for any reason, a modified report schedule will accompany the award amendment.

The *Performance Progress Report (PPR)* contains an AK-PPR-A cover page form and an AK-PPR-B Program Indicators form. Both forms must be completed and submitted by the report due date. Requests for grant extensions, budget adjustments, project realignments, and significant problems or delays are reported on the AK-PPR-A. An AK-PPR-A must be submitted even if no additional information is required. The AK-PPR-B shall describe the progress and percent completed of projects and detail any related expenditures submitted on the *Financial Progress Report*. *Financial Progress Reports* shall describe the status of the funds, show encumbrances, and receipts of program income, cash or in-kind contributions to the project, whether or not a local match is required. A final PPR is a summary report, showing project completion, evaluating project activities and measuring performance against project goals for the entire performance period, and is required in addition to the last quarterly PPR. An *After-Action Report/Improvement Plan (AAR/IP)* is required within 30 days of the conduct of an exercise.

(C) Signatory Requirements: The primary signatory official, project manager and financial officer as listed on the *Signatory Authority Form* must sign the original obligating award document and any amendments. Delegates may sign quarterly and final reports, however, the signatures of the project manager, signatory official and the financial officer must be three different signatures.

(D) Reimbursements: Submit on the *Financial Progress Report* form. Reimbursement shall be based upon authorized and allowable expenditures consistent with project narrative and budget detail and grant guidelines, and submission of timely quarterly *Performance Progress* and *Financial Progress Reports*. Payments may be withheld pending correction of deficiencies or for use of outdated forms. Reimbursement of expenditures may be requested at any time within the performance period. Expenditures must be supported with source documentation (e.g. copies of invoices, receipts, timesheets with name/wage/hours, cost allocation, warrants, etc.), method of solicitation must be documented with a *Procurement Method Report* and documentation of payment must be included.

- **Personnel Costs:** Payroll reports signed and certified by the Chief Financial Officer that capture the employee name, position, coded allocation to the project, amount paid, are acceptable. Staff may not self-certify their own time and wages. The City of Homer shall retain all supporting payroll records, including time and attendance records signed by the employee and supervisor and copies of warrants as per the recordkeeping requirements in Section N. Limited to 50 percent for employees assigned to program management functions, not operational duties. The limit does not apply to contractors.
- **Contracts:** All sole-source procurements, single vendor response to a competitive bid, service contracts of any value, and contracts over \$25,000 require DHS&EM pre-approval prior to implementation. Final signed copies of all contracts are required for submission to DHS&EM with the request for reimbursement.

- **Program Income and Local Match:** Program income may be used to supplement project costs, reduce project costs, or may be refunded to the federal government, and must be used for allowable program costs and be expended prior to requests for reimbursement. Local matching funds must clearly support the source, the amount, and the timing of all matching contributions.
- **Equipment:** Allowable equipment categories are listed on the web-based Authorized Equipment List (AEL) on the Responder Knowledge Base (RKB). Documentation required per instructions attached to DHS&EM quarterly reports.
- **Travel:** Travel must be listed in the approved budget.
- **Training:** Requires DHS&EM pre-approval prior to registering or participating in training opportunities.
- **Exercise:** Requires submission of an AAR/IP within 30 days after conduct of the exercise.
- **Food and Beverages:** All food and/or beverage expenses require pre-approval by DHS&EM and are only allowable costs if related to a grant funded sheltering exercise, such as a Mass Care Shelter Exercise where food is prepared as part of the exercise objectives in evaluating food preparation capabilities.

(E) Non-reimbursable Expenses:

- Contracts, service contracts of any value, single vendor response to a competitive bid, and/or procurements over \$25,000 not pre-approved by DHS&EM
- Sole source contracts and procurements not pre-approved by DHS&EM
- Reimbursable training and related travel costs not pre-approved by DHS&EM
- Construction and renovation
- Indirect costs
- Management and Administration (M&A) costs to manage sub-contracts
- Supplanting
- Maintenance and/or wear and tear costs of general use vehicles (e.g., construction vehicles), medical supplies, and emergency response apparatus (e.g., fire trucks, ambulances) Maintenance and/or wear and tear costs of general use vehicles and emergency response apparatus during exercises.
- Equipment purchased for an exercise cannot be used for permanent installation and/or beyond the scope of the conclusion of the exercise.
- Hiring of sworn public safety officers to fill traditional public safety duties or to supplant traditional public safety positions and responsibilities
- Weapons, weapons accessories, ammunition
- Entertainment and sporting events
- Personal items such as laundry, personal hygiene items, magazines, in-room movies, personal travel
- Travel insurance, visa, and passport charges
- Lodging costs in excess of federal per diem, as appropriate
- Lodging fees associated with violation of the lodging facility's policies, such as smoking in a non-smoking room
- Lunch when travel is wholly within a single day
- Stand-alone working meals
- Bar charges, alcoholic beverages
- Tips
- Finance, late fees, or interest charges
- Lobbying, political contributions, legislative liaison activities
- Organized fund-raising, including salaries of persons while engaged in these activities
- Land acquisition
- Organizational Costs
- Expenditures not supported with appropriate documentation when submitted for reimbursement. Only properly documented expenditures will be processed for payment. Unsupported expenditures will be returned to the jurisdiction for resubmission.

(F) Property and Equipment Management: The City of Homer shall maintain an effective property management system; safeguards to prevent loss, damage or theft; maintenance procedures to keep equipment in good condition; and disposition procedures. A *Property Inventory Report* is available at <http://ready.alaska.gov/grants> shall be submitted to DHS&EM annually each June 20 with the *Financial Progress Report*, and continued submission is required annually until final disposition of the equipment. No equipment purchased with these grant funds may be assigned to other entities or organizations without the expressed approval in writing from DHS&EM, prior to the jurisdiction's encumbrance or expenditure for that equipment. Management of property and equipment shall be in accordance with state laws and procedures as outlined, and 44 CFR Part 13, sections 13.31 and 13.32. For items over \$5,000.00, a Single Equipment Reporting Form must be submitted at the time of reimbursement at the time of reimbursement request

(G) Procurement: Each purchase in excess of \$25,000.00, service contracts of any value, sole-source procurement, and single vendor response to a competitive bid require pre-approval of DHS&EM. A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement (with the exception of local advertising, legal notices and travel arrangements). Contractors that develop or draft specifications, requirements, *Statements of Work (SOW)*, and/or *Requests for Proposals (RFP)* for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Local bidder's preference is not allowed for federally funded procurements. Procurement transactions shall be conducted to provide maximum open and free competition.

(H) Contracts: Any contract entered into during this grant period shall comply with local, state and federal government contracting regulations. To the extent that subrecipients of a grant use contractors, subrecipients shall use small, minority, women-owned or disadvantaged business concerns and contractors to the extent practicable. Contracts for professional and consultant services must include local, state and federal government required contract language, a project budget, and require pre-approval by DHS&EM prior to implementation. Contract deliverables must meet the intent of the grant application and grant requirements. Justification is required for compensation for individual consultant services, which must be reasonable and consistent with the amount paid for similar services in the market place. Detailed invoices and time and effort reports are required for consultants. A *Procurement Method Report* documenting method of solicitation is required for reimbursement for every procurement.

(I) Use of DHS Seal, Logo and Flags: All subrecipients must obtain DHS&EM approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

(J) Publications and Copyright: All recipients must affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under Federal financial assistance awards, unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations) Publications created with funding under this grant should prominently contain the following statement: *This document was prepared under a grant from the Federal Emergency Management Agency (FEMA)'s Grant Programs Directorate, U.S. Department of Homeland Security and the Alaska Division of Homeland Security and Emergency Management. Points of view or opinions expressed in this document are those of the*

authors and do not necessarily represent the official position or policies of FEMA's Grant Programs Directorate, the U.S. Department of Homeland Security or the State of Alaska.

(K) Acknowledgement of Federal Funding: All subrecipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

(L) Federal Debt Status: All subrecipients are required to be non-delinquent in their repayment of any Federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129 and form SF-424, item number 17 for additional information and guidance.

(M) False Claims Act and Program Fraud Civil Remedies: All subrecipients must comply with the requirements of 31 U.S.C. § 3729 which set forth that no subrecipient of federal payments shall submit a false claim for payment. See also 38 U.S.C. § 3801-3812 which details the administrative remedies for false claims and statements made.

(N) Recordkeeping Requirements: Grant financial and administrative records shall be maintained for a period of three (3) years following the date of the closure of the grant award, or audit if required. Time and effort, personnel and payroll records for all individuals reimbursed under the award must be maintained. Property and equipment records shall be maintained for a period of three (3) years following the final disposition, replacement or transfer of the property and equipment.

(O) Performance Measures: Quarterly Progress Reports shall demonstrate performance and progress relative to:

1. Acceptable performance on applicable critical tasks in Exercises using approved scenarios
2. Progress in achieving project timelines and milestones identified on the Grant Activities Plan
3. Percent measurable progress toward completion of project
4. How funds have been expended during reporting period, and explains expenditures related to the project

(P) Subrecipient Monitoring Policy: Periodic monitoring is required to ensure that program goals, objectives, timelines, budgets and other related program criteria are being met. DHS&EM reserves the right to periodically monitor, review and conduct analysis of the City of Homer's financial, programmatic and administrative policies and procedures such as, accounting for receipts and expenditures, cash management, maintaining adequate financial records, means of allocating and tracking costs, contracting and procurement policies and records, payroll records and means of allocating staff costs, property/equipment management system(s), progress of project activities, etc. This may include desk and field audits. Technical assistance is available from DHS&EM staff. The Monitoring Policy is available in the Grants Management Handbook at <http://ready.alaska.gov/grants>.

(Q) Penalty for Non-Compliance: For the reasons listed below, special conditions may be imposed, reimbursements may be partially or wholly withheld, the award may be wholly or partly suspended or terminated, or future awards, reimbursements and award modifications may be withheld. DHS&EM may institute the following, but is not limited to, withholding authority to proceed to the next phase of a project, requiring additional or more detailed financial reports, additional project monitoring, and/or establish additional prior approvals. DHS&EM shall notify the City of Homer of its decision in writing stating the nature and the reason for imposing the conditions/restrictions, the corrective action required and timeline to remove them, and the method of requesting reconsideration of the imposed conditions/restrictions. The City of Homer must respond within five (5) days of receipt of notification.

1. Unwillingness or inability to attain project goals
2. Unwillingness or inability to adhere to Special Conditions or Grant Assurances.
3. Failure or inability to adhere to grant guidelines and federal compliance requirements
4. Improper procedures regarding contracts and procurements
5. Inability to submit reliable and/or timely reports
6. Management systems which do not meet federal required management standards

(R) Termination for Cause: If performance is not occurring as agreed, the award may be reduced or terminated without compensation for reduction or termination costs. DHS&EM will provide five (5) days notice to City of Homer stating the reasons for the action, steps taken to correct the problems, and the commencement date of the reduction or termination. DHS&EM will reimburse City of Homer only for acceptable work or deliverables, necessary and allowable costs incurred through the date of reduction or termination. Final payment may be withheld at the discretion of DHS&EM until completion of a final DHS&EM review. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(S) Termination for Convenience: Any project may be terminated upon convenience, in whole or in part, for the convenience of the Government. The U.S. Department of Homeland Security and the DHS&EM, by written notice, may terminate this grant, in whole or in part, when it is in the Government's interest. Allowable costs obligated and/or incurred through the date of termination shall be reimbursed. Any equipment purchased under a terminated grant may revert to DHS&EM at the option of DHS&EM.

(T) Project Implementation: Due to the competitiveness of the 2016 State Homeland Security Grant, approved projects must be ready-to-go. Project implementation shall begin within the first reporting quarter.

1. If a project cannot be operational within the first reporting quarter of the approved award date, the subrecipient should provide notice to DHS&EM, stating the implementation delay and expected starting date. At the discretion of DHS&EM, the grant award is subject to cancellation and funds may be de-obligated and reallocated to other projects if project implementation is unjustifiably delayed.

(U) The City of Homer shall comply with the requirements and restrictions of the Federal Fiscal Year (FFY) 2016 Homeland Security Grant Program (HSGP) Program Guidance, State Overview and Guidelines, State Preparedness Report, and the State Homeland Security Strategy. By signing this obligating award document, the City of Homer certifies it has read, understood and accepted these documents as binding.

(V) No funds will be reimbursed until City of Homer fiscal and programmatic representatives attend a 2016 Grant Kick-Off Meeting to be held throughout the state in September and October, 2016. Activity towards grant acceptance and projects may take place prior to Kick-Off meeting attendance.

(W) The City of Homer must complete a Quarterly Activities Plan by January 20, 2017. Information on this requirement will be provided at 2016 Grant Kick-off meetings.

(X) The City of Homer must complete/update the Alaska Assessment annually by December 31.

(Y) The City of Homer must have programmatic jurisdictional representatives at the annual DHS&EM Multiyear Training and Exercise Plan Workshop (TEPW).

(Z) The signature of the signatory officials on this award attests to the City of Homer's understanding and acceptance of the National Incident Management System (NIMS) compliance requirements. For FFY 2016, the Alaska Assessment will be the required means to report NIMS compliance for future preparedness award eligibility.

Special Conditions

(A) The City of Homer shall not undertake any project having the potential to impact Environmental or Historical Preservation (EHP) resources without the prior approval of FEMA, including but not limited to communications towers, physical security enhancements, new construction, and modifications to buildings, structures and objects that are 50 years old or greater. The City of Homer must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project scope of work will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the City of Homer must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the City of Homer will immediately cease construction in that area and notify FEMA and the appropriate State Historic Preservation Office. Any construction activities that have been initiated without the necessary EHP review and approval will result in a non-compliance finding and will not be eligible for FEMA funding. The City of Homer must submit an Environmental Historic Preservation (EHP) Statement of Work Request for the following project(s):

1. Repeater Relocation

We certify we have read, understood, and accept the Grant Terms and Conditions, the Grant Requirements, and Assurances and Agreements, and Special Conditions in accordance with this Award.

Project Manager's Signature

Chief Financial Officer's Signature

Signatory Official's Signature

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-49

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$180,000.00 From Port and Harbor Depreciation Reserves to Purchase New LED Lights for Seven High Mast Light Poles at the Harbor and Authorizing the City Manager to Issue a Request for Proposals.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting September 26, 2016 Introduction
 - a. Memorandum 16-143 from Port and Harbor Director
2. Council Regular Meeting October 10, 2016 Public Hearing and Second Reading
 - a. Memorandum 16-143 from Port and Harbor Director

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

3 City Manager/
4 Port and Harbor Director

5 **ORDINANCE 16-49**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING
9 FUNDS IN THE AMOUNT OF \$180,000.00 FROM PORT AND HARBOR
10 DEPRECIATION RESERVES TO PURCHASE NEW LED LIGHTS FOR
11 SEVEN HIGH MAST LIGHT POLES AT THE HARBOR AND AUTHORIZING
12 THE CITY MANAGER TO ISSUE A REQUEST FOR PROPOSALS.

13
14 WHEREAS, The Homer Harbor facility is primarily illuminated using 150' high mast
15 light poles with 1000w high-pressure sodium lights; and

16
17 WHEREAS, The light fixtures in the high mast lights are nearly 30 years old, are
18 showing wear and tear, and energy costs are expensive; and

19
20 WHEREAS, Port and Harbor staff has researched and tested new LED lights, and has
21 determined the new LED lights will provide glare reduction, may be directed, and will result in
22 lower operation and maintenance costs; and

23
24 WHEREAS, Goals for this project include:

- 25
26 1) Lower operating costs.
27 2) Lower maintenance costs.
28 3) Lower the City's carbon footprint.
29 4) Improve the level of lighting at the Harbor for customers.
30 5) Follow the guidelines laid out by the American Medical Association for outdoor
31 lighting.
32 6) Lower glare caused by undirected light.

33
34 WHEREAS, Pole Number 7 will be converted and tested to ensure success of the stated
35 goals before continuing with the entire project; and

36
37 WHEREAS, Port and Harbor is requesting \$180,000.00 to purchase and install new LED
38 lights for seven high mast light poles at Homer Harbor; and

39
40 WHEREAS, Pursuant to the City's Procurement Policy, the City Manager will issue a
41 Request for Proposals to obtain competitive bids for the project.

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

44 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
45 appropriating \$180,000.00 from Port and Harbor Depreciation Reserves to purchase and
46 install new LED lights for seven high mast light poles and authorizes the City Manager to issue
47 a Request for Proposals.
48

49 Expenditure:

50 <u>Account</u>	50 <u>Description</u>	50 <u>Amount</u>
51 456-380	51 Refurbish 7 high mast poles with 52 LED lighting	51 \$180,000.00

53
54 Section 2. This is a budget amendment ordinance only, is not permanent in nature,
55 and shall not be codified.
56

57 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
58 _____, 2016.

59 CITY OF HOMER

60
61
62 _____
63 MARY E. WYTHE, MAYOR
64

65 ATTEST:

66
67
68 _____
69 JO JOHNSON, MMC, CITY CLERK
70

71 YES:

72 NO:

73 ABSTAIN:

74 ABSENT:

75

76

77 First Reading:

78 Public Hearing:

79 Second Reading:

80 Effective Date:

81 Reviewed and approved as to form:

82

83 _____

84 Mary K. Koester, City Manager

85

Holly C. Wells, City Attorney

86 Date: _____

Date: _____

87

88 Fiscal Note: \$180,000.000 from Harbor Depreciation Reserves, Acct. No. 456-380.



Memorandum 16-143

TO: Mayor Wythe and Homer City Council
FROM: Bryan Hawkins, Port and Harbor Director / Harbormaster
THROUGH: Katie Koester, City Manager
DATE: September 7, 2016
SUBJECT: Rehabbing the Port and Harbor High Mast Lights From High Pressure Sodium to LED

Memorandum 16-136 recommended a \$30,000 expenditure on a test project to change the lights on pole #7 from high pressure sodium to LED lights to prove the theory that LED technology has improved to the point that it can be used for high-level area lighting. As you know, this is a subject that has generated a lot of conversation around town. I too have received many calls to my office since our last meeting. Some came from industry professionals who question the suggestion to sole source the contract. They informed me that there are many lights on the market that could perform to the standard the Port and Harbor requires and they would appreciate the opportunity to compete for the work.

My original thought was that the technology needed to be proven at this height, which is why Ordinance 16-45(S) only authorizes a pilot project - switching out the light bulbs on one pole. However, I am convinced that the technology has jumped ahead to fill the need and that a competitive RFP for the entire project would ensure that the product meets the Port and Harbor's needs. Fixtures will be replaced on one pole and tested before all seven lights are replaced regardless.

My recommendation is to vote down Ordinance 16-45(S) and introduce a new ordinance at the September 26 meeting that funds the replacement of all high mast lighting and authorizes the City to issue a Request for Proposals for the project.

One hundred and fifty foot high mast poles are used all over the world because they are the most cost effective way of lighting expansive areas. A night drive on any highway or freeway showcases the same lights that we now are using down at the Harbor. They are good, but now we have a chance to upgrade to a higher quality and lower cost light making what was good even better.

Goals for the high mast light replacement project:

- 1) Lower operating costs. LED lighting will use half the electricity of existing lights. Port and Harbor budgeted \$535,600/yr. for electricity in 2016. Projected savings of changing the highmast lights over to LED is \$33,000/yr., or 7% savings overall in electricity costs. These savings will net the Enterprise an impressive 4-year return on investment for the project.
- 2) Lower maintenance costs. The average life of a high pressure sodium bulb is 2 to 4 years. The life span of LED lights are about 20 years. This factor is not even considered in the ROI because it's too difficult to quantify, but less maintenance is certainly a positive factor.
- 3) Lower the City's carbon footprint.
- 4) Recognizing the importance of area lighting as it pertains to the City's most valuable asset, we will maintain or improve the level of lighting on the Spit for our customers.
- 5) Follow the guidelines laid out by AMA for outdoor lighting to reduce any potentially harmful human and environmental effects of high intensity street lighting.
- 6) Lower glare caused by undirected light by only considering dark sky compliant fixtures that will direct light to the ground with permanently affixed visors on the lights.

Recommendation:

Vote down Ordinance 16-45(S). Approve a new Ordinance that authorizes funding to upgrade all seven highmast lights to LED lighting and directs staff to draft an RFP to advertise using the stated goals in this memo (Introduction September 26). Staff will develop grading criteria to compare proposals in both performance and costs. The estimated overall project cost is \$180,000. Staff recommends funding for the project to come from the Port and Harbor Reserves (456-380 GL).

Enc: AMA Press Release: "AMA Adopts Community Guidance to Reduce the Harmful Human and Environmental Effects of High Intensity Street Lighting" www.ama-assn.org

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 5, 2016
SUBJECT: City Manager's Report – October 10, 2016

Real Estate Sales

The City has finalized the sale of several parcels in the Kachemak Drive area. They were recommended for sale in the Land Allocation Plan and by Resolution 16-069. These parcels are now on the tax rolls, and several are now on the assessment rolls for water and sewer along Kachemak Drive. The proceeds from these transactions are deposited into the Land Reserve fund.

Cooper Landing Bypass

The Borough has asked municipalities to weigh in on the preferred alternative for Cooper Landing Bypass (MP45-60), a project with over 30 years in the planning stages. The Borough has significant concerns with the G-South Alternative, which exposes a lot of traffic, and potential for contamination to the Kenai River. They are advocating for a delay in the Record of Decision for this project, increased opportunity for public comment on the alternatives, and a more thorough consideration of the impacts of the alternatives of the Kenai River and watershed. I have attached information from the Borough on this topic, including Resolution 2016-049 that they passed with an accompanying memo that is quite informative. They have also drafted a sign-on letter for Borough municipalities to consider. Would Council be interested in signing this letter and/or weighing in with a resolution?

Potential Changes to Title 4, Regulation of Alcoholic Beverages

I have been following a statewide issue that I want to bring Council up to speed on and solicit any input you have. Changes to Title 4 of Alaska's Statutes, which regulates alcoholic beverages, have been undergoing review over the past several years to address some needed updates and revisions. The set of recommended revisions to Title 4 has recently been released.

One of the recommendations, P-3, regarding Public Convenience Licenses, could potentially have long-term consequences for Homer's robust restaurant industry. Homer has 12 Public Convenience Licenses, and while the report states these licenses have not been associated with significant enforcement problems, Title 4 reviewers claim their issue circumvents the population limitation system intended to control the number of retail access points to alcohol in a community and is an administrative burden on the ABC Board.

Recommendation P-3 would place a permanent moratorium on issuing new Public Convenience Licenses, and convert existing licenses to a new license type, Seasonal REPL Tourism License. These function similarly as a Public Convenience License, but can only be operated for six months of the year. Seasonal REPL's are intended to respond to the demands of the seasonal visitor market; their number will be limited by a city's population, modified by DCCED-generated visitor counts.

I have been contacted by other Kenai Peninsula cities and have discussed potential consequences with the Chamber of Commerce's Legislative Affairs Committee: negative impact on important year-round businesses (Fat Olives, Café Cups, Two Sisters Bakery for example) and the lost potential to attract new businesses – including the emerging micro-brewery/winery industry. The Kenai Peninsula holds nearly half the 57 Public Convenience Licenses in the state and will feel the impact of this rolling-back proportionally more than other parts of the state.

I will be following this issue closely as I believe it has the potential to adversely economic impact Homer. I will keep Council updated on any opportunity for formal input from the City. I have attached an excerpt from the extensive review of Title 4 that is relevant to this issue and a letter that the City of Soldotna wrote that sums up the concerns of small peninsula hub cities.

ENC:

KPB Resolution 2016-049 and accompanying backup

Draft letter from Peninsula Mayors to ADOT on Cooper Landing Bypass

Excerpt from Alaska Title 4 Review

Letter of comment from City of Soldotna on Title 4 Review



KENAI PENINSULA BOROUGH

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www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Blaine Gilman, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Mike Navarre, Mayor *MN*

DATE: August 25, 2016

SUBJECT: Resolution 2016-049, A Resolution Opposing the Selection of G-South as the Preferred Alternative for the Sterling Highway MP 45-60 Project and Supporting the Juneau Creek Alternative (Mayor)

This resolution opposes the selection of G-South as the preferred alternative for the Sterling Highway MP 45-60 project, and supports the selection of Juneau Creek Alternative as the preferred route.

The Sterling Highway MP 45-60 Project, commonly referred to as the Cooper Landing Bypass, has been under consideration by the Alaska Department of Transportation and Public Facilities ("DOT&PF") since the early 1980's. The current Supplemental Environmental Impact Statement ("SEIS") process for the highway was initiated in 2000.

The purpose of the project is to bring the Sterling Highway through MP 45-60 up to current design standards, reduce highway congestion, and improve highway safety. In achieving this purpose, DOT&PF and the Federal Highway Administration ("FHWA") recognized the importance of protecting the Kenai River corridor. Benefits of the project include increased safety for motorists and pedestrians; improved access to local properties and recreation opportunities along the existing highway; improved travel time through the area; reduced noise, dust, and traffic in Cooper Landing proper; and reduced risk of spills in the Kenai River.

After the assessment of various alternative routes for the highway throughout the years, four build alternatives were analyzed in detail in the 2015 Draft SEIS: G-South Alternative, Juneau Creek Alternative, Juneau Creek Variant, and Cooper Creek Alternative. The Draft SEIS was released in April 2015, and DOT&PF and the FHWA announced the selection of G-South as a preferred alternative in December 2015. A Final SEIS and Record of Decision ("ROD") are expected before the end of 2016. There will not be a formal comment period after the release of the Final SEIS before a ROD on the route.

Attached to this memo is the DOT&PF project overview, which outlines the costs and proposed routes of each of the considered alternatives. Of particular note, the G-South Alternative has an estimated construction cost that is almost \$54 million more than the Juneau Creek Alternative.

Concerns with G South Alternative

There are significant concerns with the selection of the G-South Alternative and the continued risk that it poses to the Kenai River. While it is recognized that this is a complicated process and that each alternative will have an impact on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area. The selection process also failed to recognize long term protection of the Kenai River Corridor as a key element of the purpose of this project.

Comments from the Kenai Watershed Forum concerning the impacts of G-South are attached to this memo. The G-South Alternative maintains substantial encroachments on the Kenai River Corridor, and does not significantly decrease traffic immediately adjacent to the river. A significant portion of this alternative would be built on the existing alignment near the river, and an additional bridge would be built over the Kenai River. Forty-five percent of the G-South Alternative remains within 500 feet of the Kenai River or other Tier 1 Waterbody, compared to 25 percent of the Juneau Creek Alternative. The separation provided by 75 percent of the Juneau Creek Alternative gives first responders more time to protect the Kenai River in the event of a hazardous spill.

When the Kenai River is given as much emphasis as other significant areas along the proposed route, the G-South Alternative is neither the least harmful nor does it achieve one main purpose of the project – moving traffic away from the Kenai River. The benefit that G-South does offer over other alternatives is an easier path to completion due to avoiding administrative boundaries associated with the congressionally-designated Wilderness.

Your consideration is appreciated.

Introduced by:
Date:
Action:
Vote:

Mayor
09/06/16

**KENAI PENINSULA BOROUGH
RESOLUTION 2016-049**

**A RESOLUTION OPPOSING THE SELECTION OF G-SOUTH AS THE PREFERRED
ALTERNATIVE FOR THE STERLING HIGHWAY MP 45-60 PROJECT AND
SUPPORTING THE JUNEAU CREEK ALTERNATIVE**

- WHEREAS**, the Sterling Highway MP 45-60 (Cooper Landing Bypass) project has been under consideration by the Alaska Department of Transportation and Public Facilities (“DOT&PF”) and Federal Highway Administration (“FHWA”) for numerous years; and
- WHEREAS**, a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation were released for public review in April and May 2015; and
- WHEREAS**, on December 11, 2015, DOT&PF and FHWA announced the identification of the G-South Alternative as the preferred alternative for the project; and a final SEIS and Record of Decision (ROD) are expected in 2016; and
- WHEREAS**, the DOT&PF and FHWA recognized the importance of protecting the Kenai River Corridor in the purpose of the project and included reduced risk of spills in the Kenai River as a benefit of the project; and
- WHEREAS**, the G-South alternative does not adequately protect the Kenai River Corridor; and
- WHEREAS**, the Juneau Creek Alternative bypasses all crossings of the Kenai River, while the G-South route will require an additional crossing and replacement of an existing bridge; and
- WHEREAS**, a substantial portion of G-South would be built on the existing alignment near the river, such that 45 percent of the G-South Alternative is within 500 feet of the Kenai River or another Tier 1 stream, as opposed to 25 percent of the Juneau Creek Alternative.
- WHEREAS**, a small portion of the congressionally-designated Mystery Creek Wilderness Area and the southern end of the Resurrection Pass trail would be impacted by the Juneau Creek Alternative; and
- WHEREAS**, long-term protection of the Kenai River, the opportunity to prevent a major chemical spill in the river, and the opportunity to significantly decrease traffic adjacent to the river, should take priority in the selection of an alternative;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough opposes the selection of the G-South alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

SECTION 2. That the Kenai Peninsula Borough supports the selection of the Juneau Creek Alternative as the preferred alternative for the Sterling Highway MP 45-60 Project.

SECTION 3. That the Kenai Peninsula Borough urges Governor Bill Walker, all state legislators representing the Kenai Peninsula Borough, Marc Luiken, Commissioner of DOT&PF and Sandra Garcia-Aline, the Division Administrator of the FHWA to reevaluate the selection of G-South, and give adequate weight to the protection of the Kenai River.

SECTION 4. That a copy of this resolution shall be provided to DOT&PF, FHWA.

SECTION 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF SEPTEMBER, 2016.

Blaine Gilman, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

Sterling Highway MP 45–60 Project

Project Overview



Updated January 2016

Originally completed in 1950, the Sterling Highway is the only road that links western Kenai Peninsula communities (Kenai, Soldotna, and Homer) to the rest of the state. Since 1978, the Alaska Department of Transportation and Public Facilities (DOT&PF) has recognized the need for improved safety and traffic flow to accommodate the increased Kenai population growth, recreation, and tourism.

DOT&PF has prepared a Draft Supplemental Environmental Impact Statement (SEIS) and Draft Section 4(f) Evaluation that examines alternatives for improvements to the Sterling Highway between mileposts (MP) 45 and 60. With public input, FHWA and DOT&PF will select an alternative that meets the best overall public interest based on a balanced consideration of these transportation problems and the potential social, economic, and environmental impacts.

Purpose and Need

There are three major needs that the MP 45–60 Project would address:

- » Need 1: Reduce Highway Congestion.
- » Need 2: Meet Current Highway Design Standards.
- » Need 3: Improve Highway Safety.

The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreation destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River corridor.

Project Benefits

Any of the build alternatives would:

- » Increase safety for motorists and pedestrians,
- » Improve access to local properties and recreation opportunities along the existing highway,

- » Improve travel time through the area,
- » Reduce the risk of fuel spills in the Kenai River by moving some traffic away from the river, and
- » Reduce noise, dust, and traffic in Cooper Landing proper.

None of the alternatives would induce further residential or commercial development more than would be anticipated under the No Build Alternative because of DOT&PF's decision to prohibit driveway or side street access to new sections of highway from adjacent property.

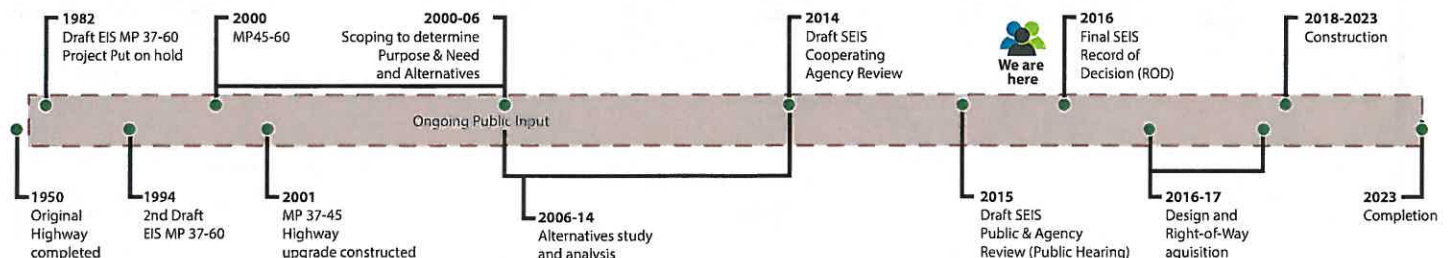
The Issues

The SEIS process considers several important issues.

These include:

- » Increased traffic flow and safety in areas where there are many vehicles turning onto and off of the highway.
- » How to balance the need for safe and efficient transportation and the potential social, economic, and environmental impacts
- » How to balance local desires to keep traffic passing existing businesses with alternatives that would route traffic away from existing businesses.
- » The potential changes in the community of Cooper Landing that may result from a highway upgrade.
- » How to balance desires to avoid impacts to Kenai River with desires to avoid impacts to bear, moose, and other wildlife habitat and movement corridors.
- » How Cooper Landing area's undeveloped private, borough, and state lands are likely to develop with and without the project.
- » Impacts to Federal public lands important for recreation, cultural resources, and wildlife protection.
- » An evaluation of "Least Overall Harm" to support decision making.

Project Schedule



Sterling Highway MP 45-60 Project

Project Overview



Updated January 2016

Alternatives under Consideration

Five alternatives are considered in detail in the Draft SEIS – four build alternatives and the No Build Alternative. All build alternatives would have 12-foot wide lanes, 8-foot-wide shoulders, and passing lanes in new and rebuilt sections of the highway. Many other alternative alignments were considered, but not advanced for full analysis. These were dismissed for engineering or environmental problems, or were very similar but not as good or preferable as the proposed alternatives.

Cost and Funding

This is a Federal Aid Highway project, and Federal Highway Trust Funds are anticipated to cover 90% of costs, with the State covering 10%. Construction costs are estimated in 2014 dollars and are as follows:

- » No Build Alternative, \$0
- » Cooper Creek Alternative, \$290.7 M
- » G South Alternative, \$303.5 M
- » Juneau Creek Alternative, \$249.6 M
- » Juneau Creek Variant Alternative, \$257.0 M

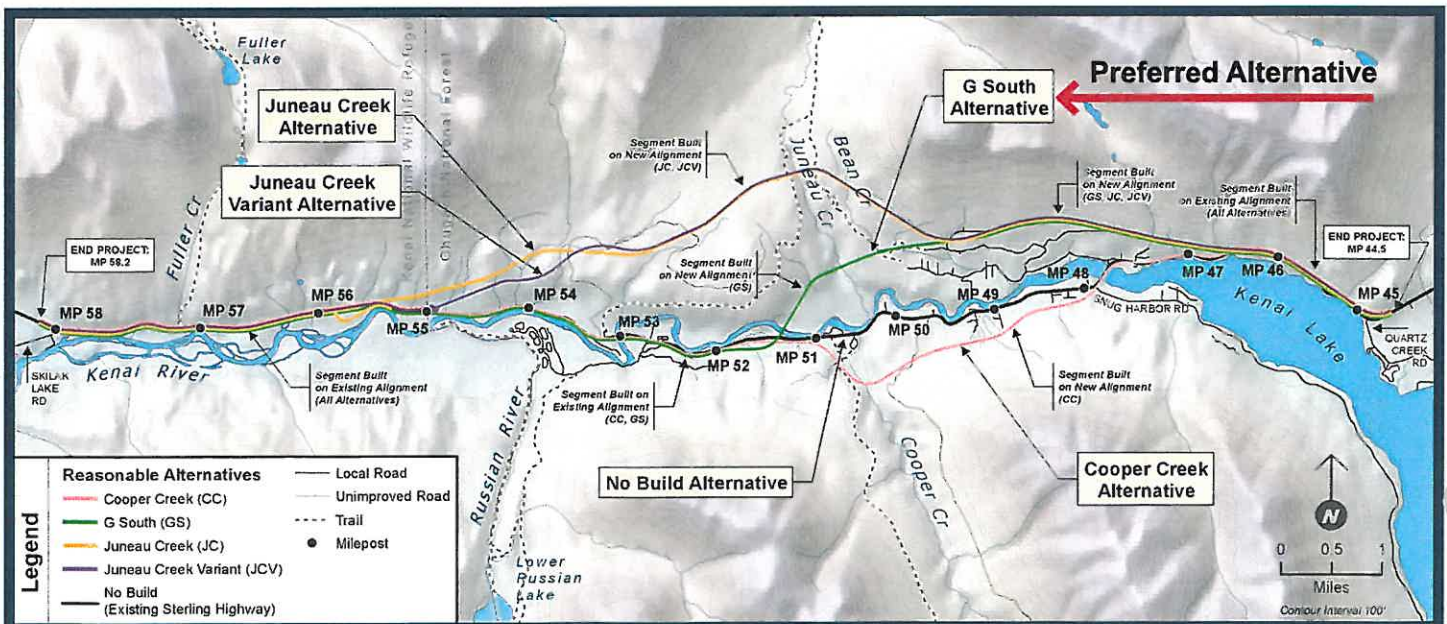
Comments or Questions? Contact us!

- » Via the project website www.sterlinghighway.net
- » Email: sterlinghwy@hdrinc.com
- » Standard mail:
- » DOT&PF Central Region
- » Sterling Highway MP 45-60 Project
- » PO Box 196900 Anchorage, AK 99519-6900

G South Alternative Preferred

On December 11, 2015, DOT&PF and FHWA announced the identification of the G South Alternative as the preferred alternative for the Sterling Highway MP 45-60 project. DOT&PF and FHWA have examined the Draft Supplemental Environmental Impact Statement and technical reports, and have considered the issues raised in hundreds of public and agency comments on the Draft SEIS. G South provides the best balance between meeting the project needs and minimizing impacts to the human environment. The routing avoids impacts to the Resurrection Pass Trail, the Juneau Falls Recreation Area and important cultural properties, and avoids using designated wilderness land within the Kenai National Wildlife Refuge. The alternative skirts the Cooper Landing community to reduce community impacts associated with traffic, noise and property acquisition.

The G South Alternative largely avoids the Cooper Landing community to the north, would not impact undeveloped lands to the extent that the Juneau Creek alternatives would. Its natural environment impacts are between those of the Cooper Creek Alternative and the two Juneau Creek alternatives, but its function for traffic would be much better than the Cooper Creek Alternative, and it would have much less impact on the community. The G South can be seen as a compromise between the Juneau Creek alternatives and the Cooper Creek Alternative.



From: Jack Sinclair
To: Ramponi, Angela
Subject: Cooper Landing Bypass
Date: Wednesday, August 24, 2016 9:02:12 AM

Angela,

The Kenai Watershed Forum urges the Kenai Peninsula Borough to seek a reconsideration of the State of Alaska DOT's decision to move forward with the G South Alternative for the Cooper Landing Bypass project, MP 45-60 of the Sterling Highway.

From an environmental perspective, there are no ideal options offered by any of the alternatives. Each will have its own impact on important habitat for a variety of plant, fish, and wildlife species. An argument can be made for each one being better than the other depending on how you prioritize brown bear and moose habitat versus fish habitat, or loss of wetlands versus potential water quality degradation etc. The fact is that each alternative will result in negative environmental consequences. That being the case, the DOT highlights the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for the fact that the G South route will sustain substantial encroachments on the Kenai River and other noted Tier I Waterbodies.

The key difference between the G South and Juneau Creek alternatives is that the Juneau Creek Alt has the ability to direct major traffic flow (especially commercial vehicles transporting hazardous materials) **away from** the river. With 75% of the Juneau Creek alternatives being 500 ft or more from the river, response personnel will have additional time to contain potential HAZMAT spills before they cause serious harm to the Kenai River and its tributaries. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend.

Additionally, several more small stream and drainage crossings are required under the G South alternative. Although the greater percentage of wetlands and wildlife habitat impacted by the Juneau Creek routes are concerning, it does not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.

A possible compromise that needs to be investigated further is to extend the western end of the G South Alternative out to MP 55 to avoid a longer portion of the Kenai River AND do away with the building of an additional bridge across the Kenai River, perhaps saving \$50 million from this alternative.

It is unfortunate that every alternative to this point has its shortcomings where challenges must be faced regarding sensitive cultural resources, wildlife habitat and congressionally-designated Wilderness. Weighing the potential impacts to each of these against those to the Kenai River and other Tier I Waterbodies is a difficult but necessary task from which we must now make a decision.

Thanks for allowing Kenai Watershed Forum to provide our input.

Sincerely,
Jack Sinclair

Jack Sinclair
Executive Director
Kenai Watershed Forum
44129 Sterling Highway



KENAI PENINSULA BOROUGH

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Mike Navarre
Borough Mayor

September XX, 2016

Kelly Peterson, PE
Project Manager
Alaska Department of Transportation and Public Facilities
P.O Box 196900
Anchorage, AK 99519-6900

RE: Sterling Highway Milepost 45-60 Project

Dear Ms. Peterson:

We are writing this letter to request a delay of Record of Decision (ROD) on the Sterling Highway MP45-60 project until a determination is made on the prospective land exchange between the Cook Inlet Region Inc. and the Kenai Wildlife Refuge. This exchange, authorized in the Russian River Land Act¹, is currently under consideration and would result in a change in land status of the potentially impacted portion of the Mystery Creek Wilderness Area.

Upon this determination, we request a reconsideration of the selection of G South Alternative as the preferred alternative. We ask that this selection is reevaluated in consideration of both the land exchange and the following comments in opposition to the selection of G South.

We have significant concerns regarding the analysis that led to the selection of the G South alternative. There are three areas of concern this letter discusses.

1. **Purpose and need:** The DSEIS fails to recognize the long term protection of the Kenai River as a key element of the purpose and need for this project.
2. **Impacts of the G South alternative to the Kenai River:** We have concerns that the assessment does not fully consider the impacts to the Kenai River, and have concerns with the relative lack of weight that these impacts were given in the selection of a preferred alternative.
3. **Lack of input on G South Alternative:** A number of historical factors, including the previous selection of different preferred alternatives and the length of time this project has been ongoing, create a unique situation where stakeholders and the public were unlikely to provide input specific to G South. As such, ADOT&PF and the FHWA should formally solicit, consider, and respond to, comments on their selection prior to the ROD.

¹ Russian River Land Act, Pub. L. No. 107-362, 116 Stat. 3021

If the Kenai River were given the proper weight in the analysis and if the protection of the Kenai River were recognized as part of the purpose and need for this project, we believe a different preferred alternative would have been selected.

1. Purpose and need

Draft SEIS 1.2.1 Project Purpose

“The purpose of the project is to bring the highway up to current standards for a rural principal arterial to efficiently and safely serve through-traffic, local community traffic, and traffic bound for recreational destinations in the area, both now and in the future. In achieving this transportation purpose, DOT&PF and FHWA recognize the importance of protecting the Kenai River Corridor”

Although DOT&PF and the FHWA recognize the importance of protecting the Kenai River Corridor in the overview of project purpose, this importance is not carried through to any of the three listed needs. We believe that - although not explicitly stated as a need in this DSEIS - protection of the Kenai River Corridor has historically been understood by the public and stakeholders as an important reason for this project. Failing to move a substantial amount of traffic away from the river and accepting the risk of a catastrophic hazardous spill in the Kenai fails to realize a fundamental benefit of this project. We believe that an alternative that does not move the highway off of the Kenai River Corridor does not meet the purpose and need of this project. As such, regardless of the 4(f) analysis, G South should not be selected.

In addition inadequately protecting the Kenai River Corridor, G South Alternative does not meet the stated purpose and need as well as the Juneau Creek Alternatives. While G South does bypass Cooper Landing proper, it fails to bypass Segment 5 (MP 51.3 - 55.09), the section of the project with the highest crash rate cited in the DSEIS. This area, particularly the segment between the Russian River Ferry Entrance and Russian River Campground, is a frequently congested area with multiple parked vehicles and pedestrians along the road during peak summer fishing season.

Bringing the highway up to current design standards but failing to bypass this segment does not improve safety for recreational users and pedestrians as well as moving the majority of traffic away from the area. Many fishermen will continue to travel along and cross this section of the road, and the higher traffic speeds may increase the potential severity of an accident if it does occur.

II. Impacts to the Kenai River

We believe that, in the analysis that lead to the selection of G South as the preferred alternative, impacts to the Kenai River were not given adequate weight. While we recognize the complexity of this process, and are aware of the impacts each alternative will have on important habitat and recreational opportunities, sustained impacts to the Kenai River were shown less concern in the

selection process than impacts to the Mystery Creek Wilderness Area, Resurrection Pass Trail, and the Juneau Falls Recreation Area.

Failure to Avoid Impacts of Potential Spills

Draft SEIS 3.17.2.4 G South Alternative P 2 Spill Risk

“Approximately 6.4 miles of the alignments (45 percent) would be within 500 feet of the Kenai River and other Tier 1 streams, of which about 4.7 miles (33 percent of the total) would be within 300 feet. The G South Alternative has moderate exposure to Tier II streams and wetlands that are hydrologically connected to the Kenai River. A substantial portion of this alternative would be built on the existing alignment near the Kenai River”

Draft SEIS 3.17.2.5 Juneau Creek and Juneau Creek Variant Alternatives

“Both of these alternatives have moderate exposure to steep side slopes and high exposure to wetlands. However, these alternatives provide separation from the Kenai River and other streams over the longest distance, likely providing responders more time to protect the Kenai River in the event of a spill.”

Forty-five percent of the G South Alternative remains within 500ft of the Kenai River or other Tier 1 Waterbodies, compared to 25% of the Juneau Creek Alternative. 33% of G South is within 300 feet of a Tier 1 stream, compared to 15% of Juneau Creek. The separation provided by the Juneau Creek Alternative, which moves 75% of the route more than 500ft away from a Tier 1 waterbody, provides responders with extra time to protect the Kenai River in the event of a hazardous spill. This difference is acknowledged within the DSEIS; however, these risks are minimized citing that “the highway would be reconstructed throughout to meet current standards and improve safety”. Improved safety along the corridor - while marginally decreasing the likelihood of an accident - does not eliminate the risk nor does it mitigate the impact a spill will have when it occurs. In order to mitigate the impact a hazardous spill will have, the road must be moved away from the river to the maximum degree reasonably possible.

Limitations of Emergency Response and Cleanup Capabilities

Emergency Response Assessment Hazardous Materials Spills (HDR 2003b) 3.4 Constraints to Emergency Response and Cleanup

The distance over which some emergency response teams would have to travel to reach a hazardous materials spill along the Sterling Highway between MP 45 and MP 60 can increase the risk of release to resources within the spill migration pathways. In addition, the ability of regional responders to respond to and clean up an accidental spill can be impaired by weather conditions and the accessibility of the spill. Temperatures along this section of the Sterling Highway are often near freezing, which frequently

causes “black ice” on the roadway surface, which creates hazardous driving conditions. Snow on the roads can slow travel to the spill site, as well as hinder spill control activities. Steep slopes can make access to the spill difficult and impair the ability to set up spill control equipment.

Limited regional capability to respond to significant spills in this area, due to both the capacity of local volunteer agencies and the geographic limitations of the area, considerably increase the risk posed by failing to move the majority of traffic off of the Kenai River Corridor. The 2003 risk evaluation, *Emergency Response Assessment and Hazardous Material Spill Control* lays out these limitations in detail. Due to the constraints of the area, and the likelihood of a delayed response to a spill, the additional response time that the Juneau Creek Alternative gives local responding agencies is a crucial consideration and should be given high priority in the analysis.

Sustained impacts on the Kenai River and other Tier I Waterbodies

In addition to the potential impact of hazardous spills, G South also sustains or increases a number of existing impacts to the Kenai River and riparian habitat. G South not only fails to move the majority of traffic away from the corridor – maintaining current general runoff impacts due to heavy traffic immediately adjacent to a Tier 1 waterbody – but also requires additional river crossings. The Juneau Creek alternatives bypass all crossings of the Kenai River, whereas the G South route will require an additional crossing and the replacement of the existing bridge at Schooner Bend. Additionally, several more small stream and drainage crossings are required under the G South alternative. We maintain that, by selecting G South as the preferred alternative, DOT&PF and FHWA have highlighted the Juneau Creek alternatives' impact on wetlands and human recreation, while showing less concern for these substantial encroachments on the Kenai River.

Relative weight of the Kenai River compared to other elements

Protecting the Kenai - a resource crucial to the environmental, cultural, recreational, and economic health of this region - should receive as much, if not more, weight in the decision making process as an administrative boundary such as the Mystery Creek Wilderness Area. The Mystery Creek wilderness area is an extremely small portion of this project, yet carries an outsized weight due to the administratively complex process needed to build in the area. Conversely, moving the road away from the Kenai River - an important resource heavily impacted by a large portion of the project area - is not being given high priority consideration in this project.

Additionally, we recognize that the Juneau Creek Alternative will bisect the south end of the Resurrection Pass Trail and the Juneau Falls Recreation area. We recognize that planning efforts and restraint in development are necessary to mitigate the impacts of the Juneau Creek Alternative to this area. However, we are confident that, were the Kenai River given the appropriate consideration in this analysis, the value of long term protection of the Kenai River would outweigh the impacts of shortening the trail.

Should an accident due to the location of the road negatively impact the health of the Kenai River, the environmental impacts would be extensive and the economic wellbeing and livelihood of borough residents would be significantly impacted. Although the impacts of the Juneau Creek

routes are concerning, they do not outweigh the opportunity to prevent a major chemical spill or the opportunity to dramatically decrease general traffic adjacent to the river.

III. Lack of Agency and Public Comments on G South Alternative

This project has been ongoing in some form since the early 1980's. There have been multiple DEISs, scoping periods, and public comment periods. It is not practical to assume continuous extensive public engagement with the process over such a long time period. Upon DOT&PF and FHWA making a noteworthy announcement about the preferred route, numerous stakeholders that were otherwise disengaged voiced significant concerns. Given that it failed to meet a perceived need of the project, many of these stakeholders did not consider G South a likely option and therefore, did not submit comments specifically regarding this alternative. As such, comments focused on the impacts of the other options and the necessity for further study and mitigation of those impacts. Given the unique history and the likelihood of public disengagement over such a lengthy project period, we believe that ADOT&PF and the FHWA should solicit and respond to comments on their preferred alternative before a final decision is made.

We recognize there are numerous concerning impacts of all alternatives that need to be addressed. We request awareness of those issues and that mitigating steps are taken to minimize impacts on wildlife for all of the alternatives. However, we strongly oppose the selection of any alternative that fails to protect the Kenai River and believe that the protection of such a crucial resource should receive the highest priority in the decision making process.

Please consider these comments in your reconsideration of the alternative.

Sincerely:

Mike Navarre - Kenai Peninsula Borough Mayor;



ALASKA TITLE 4 REVIEW

FOR THE
Alaska Alcoholic Beverage
Control Board

Recommendations for Statutory Change
February 2015

formally empowered, but not required, to issue an advisory opinion on active legislation for proposed changes to Title 4 to benefit legislators as they deliberate on the implications of the proposed statute. The Board could issue an opinion on its own, or seek public and stakeholder input to inform its opinion on matters with significant impacts.

Recommendation P-3. Seasonal Tourism Restaurant License | Place a permanent moratorium on issuing new Public Convenience licenses, and replace existing licenses with a new license type that allows for seasonal REPL licenses in small communities and unincorporated areas.

INTENT OF PROPOSED CHANGES

As noted in Recommendation P-1, most but not all license types are subject to the statutory population limits. A Public Convenience License is one exception: subsection (e) and (g) of the Population Limitations (AS 04.11.400) allows an REPL to be located 18 or more miles outside of a city's limits or with a signed petition of nearby residents. Public Convenience Licenses are not transferrable, and therefore have no market value. There are currently 57 Public Convenience Licenses, nine of which are seasonal. Most are located in small communities that have otherwise been issued the maximum number of allowed REPLS, notably in Homer (12), Seward (7) and the rural Kenai Peninsula (10). To date, Public Convenience licensees have not been associated with significant enforcement problems, but circumvent the population limitation system. From the public health perspective, this weakens the control on the number of retail access points to alcohol in a community. From the industry perspective, exempt license types create loopholes to obtain a retail license at a lower cost. The process for obtaining a license is administratively cumbersome for the ABC Board when determining whether petition signatures are valid, and the Board faces difficulty in determining what constitutes "public convenience" in each case.

The ABC Board would like to respond to the demands of the seasonal visitor (tourist, traveler and worker) market in small communities with few retail licenses allowed under the population limits while addressing issues with Public Convenience licenses. The subcommittee proposes a permanent moratorium on issuing new Public Convenience licenses and converting existing Public Convenience Licenses to a new license type (Seasonal REPL Tourism). Existing licenses would be grandfathered for the short term and allowed one transfer of ownership at the same location to provide an opportunity to sell the business, or pass it to the current owner's family or business partner. Following the one allowed transfer, the license would be retired. The REPL Tourism is a parallel concept to the BDL Tourism, but with a different set of parameters and a different scheme for determining eligibility. The REPL Tourism License would function as a standard restaurant but would be a seasonal license, with an operating limit of 6 months of each calendar year. The 6 months would not need to be contiguous, to accommodate businesses with summer and winter visitors. The license would require annual renewal, including documentation of the intended season start and end date(s).

The number of REPL Tourism licenses would be limited by a modified population limit, which the ABC Board would calculate using a formula and publish annually for each catchment area. REPL Tourism Licenses would only be available within local government jurisdictions with a population under 20,000, which excludes larger cities and boroughs outside of small communities. To determine the number allowed per community, the Board would rely on a modified population count for

numbers published by DCCED, which tracks visitor counts above 4,000 annually in each community (the license type would only be available in communities with more than 4,000 visitors annually). Using a rolling multi-year average of visitor counts and the current number of year-round residents, the formula would use a modified population calculation as follows:

$$(\text{Average annual tourism count}) / (\text{Length of season } [6]) = \text{Estimated average monthly visitor population}$$

This number would yield a modified monthly population estimate during the standard tourist season (6 months), which would be used in the existing formula to yield the number of additional REPLs available to serve this population:

$$(\text{Modified population estimate}) / 1500 = (\text{Number of Tourism REPLs, rounded to nearest whole number})$$

REPL Tourism Licenses would be transferrable and would require the same application and transfer process as other license types, including the regulation of where the license can be transferred. To account for existing Public Convenience Licenses in a catchment area, the number of allowable REPL Tourism Licenses will take into account any current Public Convenience Licenses in the same area. For unincorporated areas without a local government, the ABC Board will follow the petition procedure outlined in AS 04.11.460(b), which is administratively cumbersome but provides a process for rural areas with very few residents and limited local government structure.

Recommendation R-1. Multiple Licensed Premises with a Beverage Dispensary License | Clarify the parameters that would allow and require multiple fixed counters for a Beverage Dispensary License (AS 04.11.090): create a Multiple Fixed Counter Endorsement, a Hotel/Motel Endorsement, and a Large Resort Endorsement.

INTENT OF PROPOSED CHANGES

Beverage Dispensary Licenses (BDLs) have a specific definition of licensed premises. “Licensed premises” is defined as one room with a fixed counter or service bar. Additional rooms in one establishment require Duplicate licenses, even in the same building. Duplicates are not allowed at non-contiguous establishments, even under the same ownership. Exceptions include hotels, motels and similar businesses, which are permitted a Duplicate license “within convenient walking distance” of the original license. In addition, resorts and other large hotel properties that have multiple establishments on a multi-acre property have also been granted Duplicate licenses to execute their concept, even when in separate buildings. Lack of clarity regarding duplicate licenses has made it difficult for the ABC Board to consistently determine when a Duplicate License is appropriate and should be issued. Single establishments with multiple bar rooms have had Duplicates, while other establishments, not meeting the definition of hotel or motel, have used Duplicates to create what appear to be two different establishments, but physically adjacent and under the same business entity. Others have applied to use a Duplicate elsewhere in a larger property, citing the example of existing resorts or hotels that have been granted Duplicates as precedent.

This recommendation presents a logical framework for authorizing multiple licensed premises, and clarifying when this option is available to the holder of a BDL. The proposals below allow businesses some flexibility in operation decisions, but restricts the situations in which more than a single room would be allowed. The definition of BDL Premises remains the same: a single room with a fixed, plumbed bar.



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www.soldotna.org

September 12, 2016

(via email)

Dear Senator Micciche and ABC Stakeholder Group:

Thank you for your work to re-write Alaska's Title 4, our State Statutes regulating alcohol. We commend the Alcohol Control Board and agency staff, numerous stakeholders, and others who have devoted countless hours to this re-write process, and appreciate an opportunity to provide our comments. The purpose of this letter is to highlight how the State's current population-based system of liquor license allocation breaks down in a small municipality like ours, by failing to account for the broader regional population served by our community.

We understand that the current Public Convenience system will be eliminated, but hope that the re-write of Title 4 can incorporate a better system. One that continues to provide additional flexibility to local municipalities, but with more workable and effective controls. In a challenging state economic climate, we want to promote economic growth and opportunity in our community. We also understand the primary goals of the Title 4 re-write are to promote a fair business climate while protecting public health and safety – especially limiting youth access to alcohol and reducing overconsumption. We share these goals, and hope our proposal for enhanced local municipal control in establishing licensing limits is a solution you will embrace. Thank you for your consideration.

Limiting licenses by population sometimes misses the mark

Soldotna is a City of approximately 4,300 residents living in 7.35 square miles. On paper, we are quite small: the third largest city on the Peninsula by population; and a footprint roughly 1/5 the area of nearby Kenai. In reality, our city serves a much broader regional population of borough residents who work, attend school, shop, and recreate in our community every day but aren't tallied as official City residents.

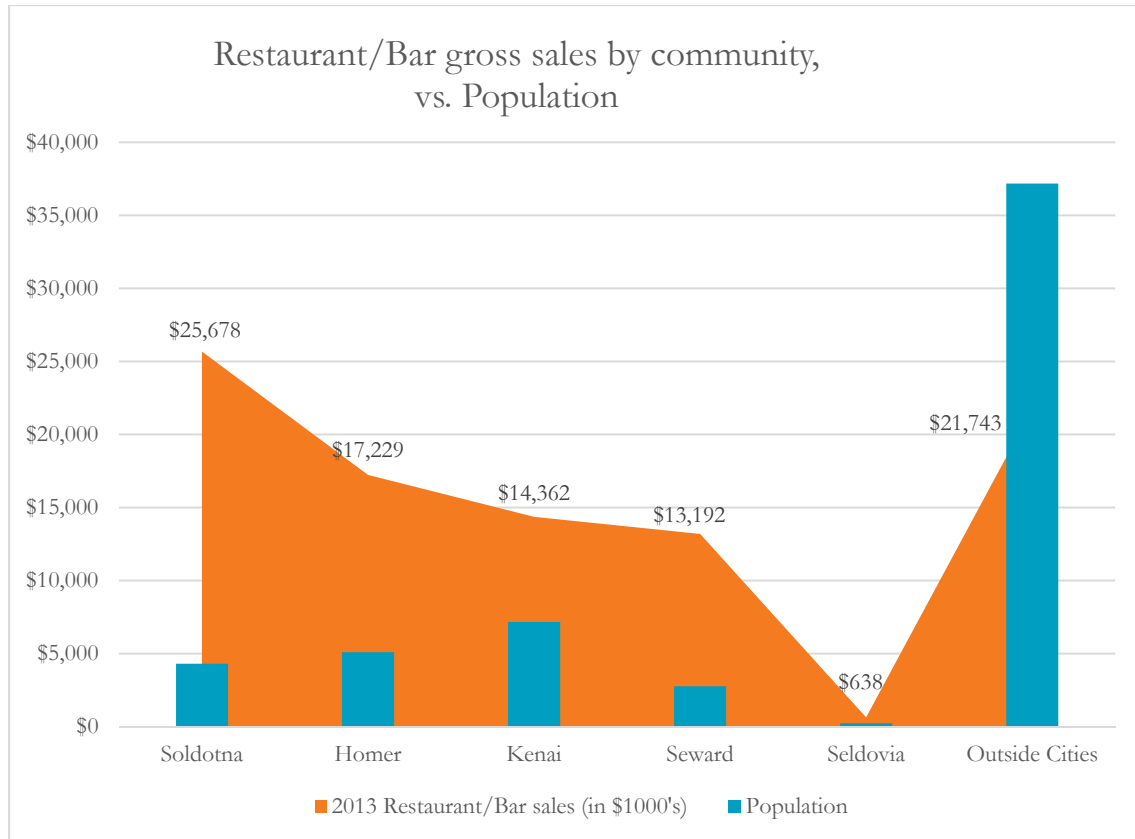
The amount of traffic driving through our downtown, which exceed 22,500 vehicle trips per day on average in 2014, is one way to gauge this situation. The section of Sterling Highway in our downtown core serves local and commuter traffic as well, and has the highest traffic levels of any road segment on the Kenai Peninsula. By comparison, roughly the same number of vehicles per day drive on the Old Seward Highway at Dimond Boulevard in Anchorage¹.

¹ Alaska Department of Transportation and Public Facilities, 2014

The figure below shows the population living within 3-, 5- and 10-miles of a point in downtown Soldotna where the Sterling and Kenai Spur Highways intersect. When we consider users for various city services, we often consider these broader regional populations as a more accurate count in figuring demand.



By examining sales, we can see that demand for goods and services is not necessarily driven by municipal population. The graph on the following page compares the volume of restaurant/bar sales for each city in the borough as well as the combined area outside incorporated cities (in orange), versus each area's population (in teal). It is clear that the two are not correlated.



Though Soldotna has a small population, our businesses within the city limits reported the highest gross restaurant/bar sales of any borough municipality in 2013 at more than \$25 million. The trend is true of other cities in the borough as well, where sales are consistently concentrated within cities, despite the majority of population residing in the unincorporated areas of the borough. **Because state statutes are only concerned with population of a municipality (per AS 04.11.400), there is a mis-match of where licenses are available, versus where the demand is greatest.** And while it remains important to allow for licenses to be distributed geographically throughout our very large borough, we feel the statutes should recognize that cities act as regional hubs of goods and services, in a way that is not reflected by their official populations.

Consequences of our current system

One consequence of the current system has been a proliferation of Public Convenience licenses in small communities – particularly on the Kenai Peninsula². Public convenience licenses have allowed businesses like St. Elias in Soldotna, Two Sister’s Bakery and Fat Olive’s in Homer, and the Tide Pool Café in Seldovia to serve beer and wine in their restaurants. These businesses are important to our communities, and would not have been allowed if the strict population limitations were employed.

² In looking at the database of active licenses in the fall of 2015, approximately half of all Public Convenience licenses in the state were located in the Kenai Peninsula Borough.

Another consequence of the current system is that it encourages development outside of established cities. Though these unincorporated areas of the borough do not have local police presence, land use controls such as zoning, nor the same level of infrastructure development. But that's where the liquor licenses are available. In Soldotna, we see significant development outside but very near the city limits, including restaurants, bars, and package liquor stores.

PC licenses were a solution for some, but not all existing businesses. The owner of Senor Pancho's Mexican restaurant in Soldotna has been unable to achieve the 770 signatures required for his PC license. When Walgreen's expanded to the Peninsula and opened a store at the Soldotna Y, they built their typical footprint without realizing that no package liquor licenses were available. To this day, that square footage of the store remains empty.

An additional concern is that Soldotna will lose out on the potential to attract new businesses to our area. Our city currently has two thriving breweries (one brewery and one brewpub), and have had conversations with an entrepreneur who has purchased land and equipment with the intent of opening a third. The proposal under SB99 would only allow one

brewery to obtain a retail endorsement in Soldotna (since the ratio is the most restrictive of any license type at one per 10,000 population), and would be a step backward for our community and this thriving industry. Tasting rooms in breweries are a draw for tourists, and an important place where our community comes together. They are not places where we have experienced problems with overconsumption nor minors consuming.

Similarly, we have several locations in Soldotna where restaurants may be interested in locating. We feel that by not allowing any new restaurant to serve beer and wine, we're essentially shutting them out of our community. And like breweries, restaurants are important for our quality of life, and not particularly risky locations for alcohol consumption.

Public Convenience licenses

The current system of issuing public convenience licenses based on collecting signatures within a 1-mile radius of the business is difficult to administer, produces very uneven results, and we agree has got to go. But at the same time, we believe it served a valid purpose by allowing some measure of flexibility to the otherwise rigid population ratios. Though some consider it a loophole that has been exploited, we feel that it allowed additional businesses to establish and thrive in our community, and that it provided additional licenses where there exists a valid demand and public need.

After the Public Convenience license type goes away, as proposed in SB99, all existing PC licenses will eventually be phased out over time. They will have the option to convert to a seasonal license, or will otherwise be allowed a single transfer of ownership at the same location. With almost half of all public convenience licenses in the entire state, Kenai Peninsula businesses will feel the impact of this rolling-back significantly, with other areas of the state having little or no impact. We question the logic of trying to close these existing

businesses over time, when the state recognizes there have been no significant enforcement issues with them to date³.

The proposal to allow PC licenses to convert to Seasonal Tourism Restaurant Licenses would not be an appropriate solution for most of our year-round businesses. The stakeholder report issued in February 2015 elaborates on how visitor statistics collected by the State of Alaska Department of Commerce, Community and Economic Development would be used to calculate the number of seasonal licenses allowed. Unfortunately, the annual visitor data described does not exist at the community level. The most recent visitor count at the community level is from 2011, and that report lumped “Kenai/Soldotna” together as a single destination. If we plug in the 2011 statistics and use the formula contained in the Title 4 stakeholder report, the Kenai/Soldotna area would be allowed significantly more liquor licenses under the new seasonal type system than exist now. The four year-round PC licenses operating in our area would be eliminated over time, but then 22 new seasonal licenses would be created, and allowed to operate any 6 months out of the calendar year. **We feel this approach deserves more consideration.**

The most-recent, detailed visitor data from AK DCCED for our community, was from 2011, and the report lumped “Kenai/Soldotna” together as a single destination.

Promoting responsible growth

The state of Alaska is experiencing a boom in the craft brewing industry, and Soldotna has definitely benefitted. As a City, we’ve embraced our local breweries as a key component of our economic development strategy. They employ a lot of people, produce a product and atmosphere that tourists and residents appreciate, and further our goal of being a great place to live and work.

Tourism remains a bright spot for our state economy, and our eating and drinking establishments are important in continuing to attract visitors to our area.

But quality of life isn’t just for tourists, it’s also a way Soldotna and other communities on the peninsula can retain talented Alaskans, and attract new talent. We continue to invest in parks and programming, public safety and infrastructure, and programs to promote a healthy business climate. Facilitating growth and success of our existing businesses, including bars, restaurants and breweries, is something we are focused on.

Our proposal – enhanced local government control

Alaskans know that one size does not often fit all, especially in a state as diverse as ours. We believe that local municipalities are best suited to understand their unique attributes. Local residents can best balance community health concerns, public safety, and economic and

³ “To date, Public Convenience licensees have not been associated with significant enforcement problems, but circumvent the population limitation.” (Alaska Title 4 Review Stakeholder Report, February 2015)

community development needs. We know that raising the limits for additional licenses across the State does not make sense. But we also believe that relying on population alone, without considering a community's broader context, is not always an accurate metric for a community's capacity or demand.

We propose that the updated Title 4 include a mechanism to allow local municipalities to petition the ABC Board for additional licenses, if certain criteria are met. This would put critical decisions about public health and safety, and a community's goals about growth, with local decision-makers, law enforcement, business owners, and community members. The state has adopted a system of maximum local control when it comes to regulating commercial marijuana, and we feel it is appropriate for municipalities to also be provided an opportunity to assist in regulating alcohol within their borders.

Rather than the current system of individual businesses petitioning ABC for a license (through the Public Convenience process), we propose that local governing bodies be given the authority to petition the board. For example, Section AS 04.11.400 could be amended to include an additional section similar to the following:

An incorporated city within an organized borough may apply for additional licenses to be issued within its city if:

- a. The incorporated city is a primary provider of goods and services to the population residing outside the corporate boundary;
- b. The incorporated city maintains a law enforcement agency;
- c. The city has a comprehensive zoning and land use code;
- d. The city has established findings that it is in the best interest of the public to site additional licensees within the city limits; and
- e. The organized borough within which the incorporated city is located does not, upon good cause shown, object to the issuance of additional licenses.

The exact wording deserves to be thoughtfully debated. But I hope we are able to engage the stakeholder group in a dialogue about opening up additional licenses in limited instances. Thank you for your consideration, and I am happy to attend an upcoming meeting of the working group, if this item is added to the agenda for discussion.

Best,



Stephanie Queen, AICP
Director of Economic Development and Planning
City of Soldotna

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-48

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.04.030 to Permit City Employees and the City Manager to Make Local Office Campaign Contributions and Amending HCC 1.18.030 to Add HCC 1.18.030(Q), Which Incorporates HCC 2.04.030, and Its Prohibition Against Council Member Influence and Direction of City Employees and the City Manager, Into the Homer Ethics Code.

Sponsor: Mayor

1. Council Regular Meeting September 26, 2016 Postponed to October 10, 2016
2. Council Regular Meeting October 10, 2016 Introduction

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

3 Mayor

4 **ORDINANCE 16-48**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 2.04.030 TO PERMIT CITY
8 EMPLOYEES AND THE CITY MANAGER TO MAKE LOCAL OFFICE
9 CAMPAIGN CONTRIBUTIONS AND AMENDING HCC 1.18.030 TO
10 ADD HCC 1.18.030(q), WHICH INCORPORATES HCC 2.04.030, AND
11 ITS PROHIBITION AGAINST COUNCIL MEMBER INFLUENCE AND
12 DIRECTION OF CITY EMPLOYEES AND THE CITY MANAGER, INTO
13 THE HOMER ETHICS CODE.
14

15 WHEREAS, The purpose of the Homer Ethics Code is, in part, to set reasonable
16 standards of conduct for City of Homer (“City”) employees, officers, and officials and ensure
17 that these employees, officers, and officials are aware of the standards of conduct demanded
18 of them; and
19

20 WHEREAS, HCC 2.04.030 prohibits certain acts and conduct by City officials, the City
21 Manager, and City employees but is located in a section of the Code applying to the City
22 Manager and thus easily missed by City officials and employees; and
23

24 WHEREAS, It is in the City’s best interest to incorporate HCC 2.04.030 by reference into
25 the Homer Ethics Code, thereby increasing City official and employee awareness of the
26 prohibitions imposed by HCC 2.04.030; and
27

28 WHEREAS, It is also in the City’s best interest to permit City employees and the City
29 Manager to make campaign contributions to candidates for elected positions within the
30 municipal government.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34 Section 1. Homer City Code Chapter 2.04 entitled “City Manager” is amended to read
35 as follows:
36

	Chapter 2.04
	City Manager
39	2.04.010 Appointment.
40	2.04.020 Duties and powers.
41	2.04.030 Interference in administration and elections.
42	2.04.040 Ineligible persons.

[Bold and underlined added. Deleted language stricken through.]

43 2.04.010 Appointment.

44 a. The City Manager shall be appointed by the City Council as provided for
45 under the statutes of the State of Alaska.

46 b. The City Manager shall annually appoint, subject to City Council
47 confirmation, an acting City Manager who shall assume the duties and powers
48 of the City Manager in his or her absence. The City Council may revoke the
49 confirmation at any time.

50

51 2.04.020 Duties and powers.

52 The duties and powers of the City Manager shall be as follows:

53 a. He or she is the executive and administrative officer of the City.

54 b. He or she shall administer the affairs of all City departments.

55 c. He or she shall devote his or her time to the discharge of his or her official
56 duties, attend all meetings of the Council unless excused therefrom by the
57 Mayor or Council, and keep the Council advised at all times of the affairs and
58 needs of the City.

59 d. He or she shall make recommendations to the Council as he or she
60 considers expedient or necessary and once a year he or she shall present a
61 detailed statement of what he or she has done during the year covered by the
62 report.

63 e. He or she shall prepare and recommend to the Council an annual budget.

64 f. He or she shall execute and enforce ordinances and resolutions of the City,
65 administer all contracts entered into by the City and see that provisions of all
66 franchises, permits, leases, and privileges granted by the City are observed.

67 g. He or she shall appoint and remove the heads of all departments, boards,
68 bureaus and all other officers and employees of the City, except the City
69 Attorney, who shall be appointed by and serve at the pleasure of the Council,
70 and he or she shall have supervision and control over them and their work with
71 power to transfer an employee from one department to the other. He or
72 she shall supervise all other City departments to the end of obtaining the
73 utmost efficiency in each of them.

74 h. He or she shall supervise the operation of all public utilities owned and
75 operated by the City and shall have general supervision of all City-owned
76 property.

77 i. He or she shall act as purchasing agent for all City departments, subject to
78 provisions of the annual budget. All purchases shall be made by requisition
79 approved by him or her.

80 j. He or she shall take part in and may enter into all discussions by the City
81 Council but shall have no vote.

82 k. Before assuming office he or she shall take an oath to faithfully discharge
83 the duties of his or her office and furnish a bond in such sum as the Council by
84 resolution shall require. Cost of such bond shall be paid by the City.

Added language Deleted language ~~stricken through.~~

85 2.04.030 Interference in administration ~~and elections.~~

86 No member of the Council shall directly or indirectly, by suggestion or
87 otherwise, attempt to influence or coerce the Manager in the making of any
88 appointment or removal of any officer or employee or in the purchase of supplies, or
89 attempt to exact any promise relative to any appointment from any candidate for
90 Manager; or discuss directly or indirectly with him **or her** the matter of any specific
91 appointment to any City office or employment, or to give orders directly to any officer
92 or employee or to deal with the Manager individually and not by the Council as a body.
93 Nothing in this section shall be construed, however, as prohibiting the Council while in
94 open session from fully and freely discussing with or suggesting to the Manager
95 anything pertaining to City affairs or the interests of the City. ~~Neither the Manager nor~~
96 ~~any person in the employ of the City shall take part in securing or contributing any~~
97 ~~money toward the nomination or election of any candidate for a municipal office.~~

98
99 2.04.040 Ineligible persons.

100 No person related to the Manager by consanguinity or affinity within the third
101 degree shall hold any appointive office or employment with the City except by
102 approval of the Council.

103
104 Section 2. Homer City Code Chapter 1.18.030 is amended to add HCC 1.18.030(q) and
105 to read as follows:

106
107 1.18.030 Standards and prohibited acts.

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

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

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

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

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

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

121 5. Exceptions.

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

Added language. Deleted language ~~stricken through.~~

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

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

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

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

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

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

154 1. A rezoning, quasi-judicial or platting action pending before the
155 Commission; or

156 2. An application that would require approval by a quasi-judicial or
157 platting action of the Commission.

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

164 g. Use of Office for Personal Gain. No City official or the City Manager shall seek
165 office or position or use their office or position for the purpose of obtaining
166 anything of value for himself **or herself**, an immediate family member or a
167 business that he **or she** owns or in which **he or she** holds an interest, or for the

Deleted language stricken through.

168 purpose of influencing any matter in which he **or she** has a financial interest.
169 This subsection does not prohibit the receipt of authorized remuneration for
170 the office or position.

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

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

187 j. Confidential Information. No City official or the City Manager may disclose
188 information he or she knows to be confidential concerning employees of the
189 City, City property, City government, or other City affairs, including but not
190 limited to confidential information disclosed during an executive session,
191 unless authorized or required by law to do so.

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

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

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

Added language Deleted language ~~stricken through.~~

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

- 216 1. A meal of reasonable value;
- 217 2. Discounts or prizes that are generally available to the public or large
218 sections thereof;
- 219 3. Gifts presented by an employer to its employees in recognition of
220 meritorious service, or civic or public awards;
- 221 4. A lawful campaign contribution made to a candidate for public office;
- 222 5. An occasional nonpecuniary gift insignificant in value;
- 223 6. Any gift which would have been offered or given to him **or her** if he **or**
224 **she** were not a City official or the City Manager.

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

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

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

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

- 244 1. They or the City is the applicant; or
- 245 2. They fully and publicly disclose the nature of their interest in the
246 subject of the action.

247 **q. No City Council member may be in violation of HCC 2.04.030.**

248
249 Section 3. This ordinance shall be of a permanent and general character and shall be
250 included in the City code.

251

[Bold and underlined added.] Deleted language stricken through.

252 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
253 _____, 2016.

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259

CITY OF HOMER

MARY E. WYTHE, MAYOR

260 ATTEST:

261
262
263

JO JOHNSON, MMC, CITY CLERK

264
265
266
267

268 YES:

269 NO:

270 ABSTAIN:

271 ABSENT:

272
273
274

275 First Reading:

276 Public Hearing:

277 Second Reading:

278 Effective Date:

279

280 Reviewed and approved as to form.

281

282 _____
283 Mary K. Koester, City Manager

Holly C. Wells, City Attorney

284

285 Date: _____

Date: _____

286

287

288 Fiscal Note: NA

[Bold and underlined added] Deleted language ~~stricken through.~~

43 ATTEST:

44

45

46

47 _____
JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: \$31,550.00, Account No. 151-0005

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CITY OF HOMER

MARY E. WYTHE, MAYOR


ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: \$31,550.00, Account No. 151-0005

MEMORANDUM 16-168

TO: HOMER CITY COUNCIL

FROM: ADAM W. COOK 

RE: LIBRARY GENERATOR BID PROTEST

CLIENT: CITY OF HOMER

FILE NO.: 506,742.901

DATE: SEPTEMBER 30, 2016

SUMMARY

The City Council should deny the bid protest by Steiner's North Star Construction. Steiner's bid was nonresponsive and, therefore, properly rejected by the Public Works Department. The City may award the advertised contract to Puffin Electric, Inc.

FACTUAL BACKGROUND

On September 8 through 15, 2016, the City advertised bids for installation of an emergency generator at the Homer City Library. The City's Request for Proposals ("RFP") contained several instructions to bidders that would later become important:

- Bids must be complete and manually signed by the bidder or bidder's representative;
- Part A of the bidder's response would consist of a bid schedule (describing the total cost of the Work) and either a bid bond or a cashier's check equivalent to 5% of the bid amount;
- Part B of the response consisted of a questionnaire to determine whether the bid was responsive (i.e. contained all elements required by the RFP) and responsible (i.e. the bidder had the necessary experience and qualifications to satisfactorily perform the Work);

- After opening Part B of the bids to ensure that each bid was responsive, the City would open Part A of the responsive bids to determine the lowest responsible and bonded bid;
- Bidders needed to provide a bid schedule at Part A of their proposal, with the schedule describing the proposed total cost of the Work; and
- The City reserved the right to “waive irregularities or informalities in the proposals,” but also insisted that “bids must be regular in every respect, and no alterations shall be made to the bid form.”

In an omission by the City, the forms attached to the RFP did not include a template for the bidder’s bid schedule. This meant that there was no specific place for bidders to list the total amount of their bid. Of course, the bidders would have to include the amount *somewhere* in order to submit a complete bid.

The City received three bids on September 22, 2016: Steiner’s North Star Construction, Inc. (“Steiner’s”) at \$23,575, Puffin Electric, Inc. (“Puffin”) at \$31,550, and Liberty Electric, at \$32,500. After opening Part B of each bid, and finding none disqualified, the City proceeded to open Part A and examine the bid schedules to determine the lowest bid.

Each bidder had submitted a bid schedule in the absence of a City template. In the case of Steiner’s, the bidder used the bid bond template to describe the cost of the Work. In the case of Puffin, the bidder prepared a separate bid schedule. One important difference was that Puffin signed its bid, whereas Steiner’s did not. As noted above, the RFP required signatures on all bids.

Public Works Director Carey Meyer determined that Steiner’s bid was nonresponsive and the City rejected the bid.¹ On September 23, Mr. Meyer advised the bidders and the City Manager that Steiner’s bid was nonresponsive and that he planned to recommend that the City Council accept Puffin’s bid.

On September 26, Steiner’s delivered a bid protest to the City Clerk. Steiner’s asserted the following:

- The City should have waived the signature requirement pursuant to its discretion to “waive irregularities or informalities;”
- The City waived the bid schedule requirement by accepting the Puffin bid, which did not use a template provided by the City, so the City should waive the signature requirement as well, out of fairness; and

¹ Puffin sent an email to the City Clerk on the day of the opening “protesting the bid results.” Although it did not specify, Puffin was apparently giving notice that it believed Steiner’s unsigned bid did not correspond to the RFP requirements.

- Steiner's used the bid bond form as a bid schedule, but it did not have to submit an actual bid bond because it had elected to submit a cashier's check, so the absence of a signature on a form that was not required is not important and therefore waivable.

ANALYSIS AND RECOMMENDATION

The RFP sets no protocol for a protest by an aggrieved bidder. The City Code is equally silent. The Procurement Policy and Procedures Handbook establishes a loose process. It describes the City Council as "the appellate authority with regard to whether a bid/proposal is responsive." The Handbook further specifies that "bids shall be reviewed for completeness," and only complete bids accepted. Also, bids are reviewed to determine if they are "strictly in accordance with the specific terms and evaluation criteria set forth in the Invitation for Bid."

Without any "protest protocol" to guide the Council's analysis, the best resource for analyzing Steiner's protest is general Alaska law regarding acceptance and rejection of bids by governmental entities. The City may reject Steiner's bid if the bid is "nonresponsive." See HCC 3.16.050(a). A bid is "nonresponsive" if it contains an error or omission that is a "material variance from a bid specification." *Lower Kuskokwim School Dist. v. Foundation Services, Inc.*, 909 P.2d 1383, 1386 (Alaska 1996). A variance is "material" if it gives the bidder a substantial advantage over the other bidders and thereby restricts or stifles competition." *Id.*; see also *Chris Berg, Inc. v. State, Dep't of Transp. & Pub. Facilities*, 680 P.2d 93, 94 (Alaska 1984).

Failure to sign a bid is a material variance. The signature is crucial because it indicates the bidder's intention to be bound to a contract with the City. See *Firth Const. Co., Inc. v. U.S.*, 36 Fed. Cl. 268 (1996) (upholding rejection of low bid that failed to contain an original signature or other satisfactory evidence that the bidder intended to be bound by the contract). Without the signature, the low bidder has the substantial advantage of "backing out" of the contract after winning the award, perhaps because it realized its bid amount was not sufficient. Any variance that gives a bidder the option of whether or not to be bound by its bid is a substantial advantage, and therefore a material variance. See 1 Bruner & O'Connor Construction Law § 2:85 (2016).

Steiner's submitted a nonresponsive bid. There is no signature accompanying Steiner's bid schedule, and thus there is a legitimate problem of whether Steiner's fully intended to be bound to the bid. While it is true that Steiner's signed other documents that accompanied the bid packet, the bid schedule is the critical item because it gives the price and therefore forms the contract itself. Because the bid was nonresponsive, the City acted pursuant to the City Code when rejecting the bid rather than waiving the omission as an "irregularity." Steiner's request that the City waive the requirement is unavailing. Even if the City opted to waive the variance, it would almost certainly face a bid protest from the next lowest bidder, and that protest would have considerably more traction than the one Steiner's has submitted.

Steiner's responds that a decision by the City to accept the unsigned schedule is equivalent to its decision to accept schedules not written on a City form. This argument has no merit. First, the City's omission of a template for the bid schedule, while unfortunate, requires some latitude with bidders on the form of submission of their schedules. The City was prepared to accept either a separately-prepared bid (in the case of Puffin) or the use of the bid bond template (in the case of Steiner's). These innovations did not constitute a material variance to the bid specifications because (1) there was no standardized form to "vary" from, and (2) in neither case did the bidder gain a substantial competitive advantage. The bid schedules, therefore, cannot be equated with a lack of a signature—a material variance). Fair assessment of the bids does not require that the City treat both the form of Puffin's schedule and the lack of Steiner's signature in the same way.

Finally, Steiner's argues that the City should not require it to sign a bid bond form that Steiner's was under no obligation to complete. This argument is also meritless. While it is true that Steiner's elected to submit a cashier's check and, therefore, did not need to complete the bid bond form, Steiner's used the form to present its bid schedule. As noted above, the bid schedule was the most important part of the bid. No matter where Steiner's described its bid, Steiner's needed to provide a signature to indicate its intent to be bound. The use of the bid bond form as a bid schedule converted the form from an unnecessary document to a necessary one, mandating a signature.

CONCLUSION

The City Council should affirm the denial of Steiner's bid protest by the Public Works Department. There is no impediment to an award to Puffin. Steiner's may choose to litigate the Council's denial by bringing suit in the Superior Court. While the City should be aware of this risk, the relatively small sum of the contract would seem to make such litigation overkill, and therefore unlikely.

NEW BUSINESS

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

3 City Clerk/
4 Canvass Board

5 **RESOLUTION 16-103**

6
7 A RESOLUTION OF THE CITY COUNCIL CERTIFYING THE RESULTS
8 OF THE CITY OF HOMER REGULAR ELECTION HELD OCTOBER 4,
9 2016 TO DECIDE BALLOT PROPOSITION #1 “SHALL THE CITY OF
10 HOMER INCUR DEBT AND ISSUE GENERAL OBLIGATION BONDS
11 IN AN AMOUNT NOT TO EXCEED TWELVE MILLION DOLLARS
12 (\$12,000,000) TO FINANCE THE PLANNING, DESIGN AND
13 CONSTRUCTION OF A POLICE STATION AND RELATED CAPITAL
14 IMPROVEMENTS; AND SHALL THE RATE OF CITY SALES TAX BE
15 INCREASED BY SIXTY-FIVE HUNDREDTHS OF ONE PERCENT
16 (0.65%) TO FIVE AND FIFTEEN HUNDREDTHS PERCENT (5.15%)
17 FROM APRIL 1 THROUGH SEPTEMBER 30, FOR THE PURPOSE OF
18 PAYING DEBT SERVICE ON THE GENERAL OBLIGATION BONDS,
19 UNTIL SEPTEMBER 30 IN THE YEAR WHEN THE CITY HAS
20 RECEIVED FUNDS FROM THE TAX THAT ARE SUFFICIENT TO PAY
21 ALL DEBT SERVICE ON THE BONDS?” AND TO ELECT THE MAYOR
22 AND TWO COUNCIL MEMBERS.

23
24 WHEREAS, In compliance with the Homer City Code 4.35, the Canvass Board of the City
25 of Homer has opened, counted and tallied the votes on absentee ballots, including special
26 needs ballots, found to be valid and made determination on questioned ballots, and has
27 opened, counted and tallied those questioned ballots found to be valid, cast in the City of
28 Homer Regular Election held on October 4, 2016; and

29
30 WHEREAS, The total number of voters voting in the City Regular Election was _____
31 and reflects the number of voters, not the number of votes cast or ballots counted; and

32
33 WHEREAS, In accordance with Homer City Code 4.35, the Canvass Board of the City of
34 Homer has opened and inspected the precinct reports, Election Central Logs and entered the
35 results of the absent and questioned ballots on the Certification of Election along with the
36 results of the precinct counts; and

37
38 WHEREAS, The results of the Regular City Election held October 4, 2016, attached
39 as Exhibit A, is presented in the Canvass Board’s Certificate of Election in accordance with the
40 Homer City Code.

42 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby certifies the results of
43 the Regular City Election held October 4, 2016, as presented in the Canvass Board’s Certificate
44 of Election, attached as Exhibit A, in accordance with the Homer City Code.

45
46 BE IT FURTHER RESOLVED that the results of Proposition 1: “Shall the City of Homer
47 Incur Debt and Issue General Obligation Bonds in an Amount Not to Exceed Twelve Million
48 Dollars (\$12,000,000) to Finance the Planning, Design and Construction of a Police Station
49 and Related Capital Improvements; and Shall the Rate of City Sales Tax be Increased by Sixty-
50 Five Hundredths of One Percent (0.65%) to Five and Fifteen Hundredths Percent (5.15%) From
51 April 1 Through September 30, for the Purpose of Paying Debt Service on the General
52 Obligation Bonds, Until September 30 in the Year When the City Has Received Funds From the
53 Tax That are Sufficient to Pay All Debt Service on the Bonds?” are:

54
55 YES _____ NO _____

56
57 BE IT FURTHER RESOLVED the following candidate is declared elected to Office of
58 Mayor having received at least 40% of the votes cast for a two-year term of office:

59
60 MAYOR (TWO-YEAR TERM)

61 _____

62
63 BE IT FURTHER RESOLVED that the following candidates are declared elected to Office
64 of Councilmember, having received at least 40% of the votes cast for a three-year term of
65 office:

66
67 COUNCILMEMBERS (TWO THREE-YEAR TERMS)

68
69 _____
70 _____

71
72 BE IT FURTHER RESOLVED that the Canvass Board’s Certificate of Election (Exhibit A)
73 be attached permanently as part of this Resolution.

74
75 PASSED AND ADOPTED by the Homer City Council this 10th day of October, 2016.

76
77 CITY OF HOMER

78
79
80 _____
81 MARY E. WYTHE, MAYOR
82
83

84 ATTEST:

85

86

87

88 _____
JO JOHNSON, MMC, CITY CLERK

89

90

91 Fiscal Note: N/A

RESOLUTIONS

COMMENTS OF THE AUDIENCE
COMMENTS OF THE CITY ATTORNEY
COMMENTS OF THE CITY CLERK
COMMENTS OF THE CITY MANAGER
COMMENTS OF THE MAYOR
COMMENTS OF THE CITY COUNCIL
ADJOURNMENT

