

City Council
July 25, 2016
Monday



Special Meeting 3:30 P.M.
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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2016 JULY-AUGUST

Monday 25th	CITY COUNCIL Special Meeting 3:30 p.m. Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. Regular Meeting 6:00 p.m.
Wednesday 27th	PORT & HARBOR ADVISORY COMMISSION Worksession 5:00 p.m. Regular Meeting 6:00 p.m.
Thursday 28th	CANNABIS ADVISORY COMMISSION Regular Meeting 5:30 p.m.
August	
Monday 1st	EARLY VOTING Opens for the State of Alaska Primary Election
Tuesday 2nd	LIBRARY ADVISORY BOARD Regular Meeting 5:00 p.m.
Wednesday 3rd	ADVISORY PLANNING COMMISSION Worksession 5:30 p.m. Regular Meeting 6:30 p.m.
Tuesday 12th	ECONOMIC DEVELOPMENT ADVISORY COMMISSION Regular Meeting 6:00 p.m.
Monday 8th	CITY COUNCIL Worksession 4:00 p.m. Committee of the Whole 5:00 p.m. and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

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

MAYOR AND CITY COUNCILMEMBERS AND TERMS

BETH WYTHER, 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, other number 435-3106.

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



SPECIAL MEETING
3:30 P.M. MONDAY
JULY 25, 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

SPECIAL MEETING AGENDA

- 1. CALL TO ORDER, 3:30 P.M.**
- 2. AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 5)
- 3. PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA**
- 4. NEW BUSINESS**
 - A. **Memorandum 16-125**, from City Clerk, Re: Request for Executive Session Pursuant to AS §44.62.310(c)(3), Matters, Which by Law, Municipal Charter, or Ordinances are Required to be Confidential. (Ethics Complaint No. 2016-01.) **Page 7**
- 5. ADJOURNMENT NO LATER THAN 4:00 P.M.**

Next Regular Meeting is Monday, August 8, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

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 16-125

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, CITY CLERK

DATE: JULY 17, 2016

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS §44.62.310(C)(3),
MATTERS, WHICH BY LAW, MUNICIPAL CHARTER, OR ORDINANCES ARE
REQUIRED TO BE CONFIDENTIAL. (ETHICS COMPLAINT NO. 2016-01.)

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

Mayor Pro Tempore Lewis has requested an Executive Session regarding "Ethics Complaint No. 2016-01" for the Special Meeting of July 25, 2016. This has been publicly and internally noticed since that time.

Administrative Law Judge Mandala will be present.

RECOMMENDATION:

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

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



WORKSESSION
4:00 P.M. MONDAY
JULY 25, 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.

Mayor Wythe has requested excusal.

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

3. STRATEGIC DOING- HEROIN/OPIOID EPIDEMIC

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Monday, August 8, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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



COMMITTEE OF THE WHOLE
5:00 P.M. MONDAY
JULY 25, 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.

Mayor Wythe has requested excusal.

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

3. Public Safety Building Review Committee – Overview of Project to date Page 121

4. Resolution 16-078, A Resolution of the Homer City Council Approving Memorandum 16-120 Establishing Conditions Under Which Adjacent and Benefitted Property Owners can Connect to the Shellfish Avenue/South Slope Drive Water Main Project. City Manager/Public Works Director. Page 101

Memorandum 16-120 from Public Works Director as backup Page 103

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, August 8, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 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
JULY 25, 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

**Special Meeting 3:30 p.m., 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

Mayor Wythe has requested 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 June 25, 2016. City Clerk. Recommend adoption.

Page 27

- B. **Memorandum 16-115** from Mayor Wythe Re: Appointment of Claire Keisel to the Economic Development Advisory Commission. **Page 41**
- C. **Memorandum 16-116** from Mayor Pro Tempore Lewis: Re: Appointment of Clark Fair to the Parks, Art, Recreation and Culture Advisory Commission and Ingrid Abrahamson to the Advisory Planning Commission. **Page 45**
- D. **Ordinance 16-39**, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount Of \$5,000 from the Public Safety Building Fund for Public Information Campaign in Support of the Ballot Proposition to Issue General Obligation Bonds not to Exceed \$12 Million Dollars to Finance the Acquisition and Construction of a Police Station and Provide for an Increase in the Rate of City Sales Tax from 4.5% to 5.15% from April 1 through September 30 with the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on September 30 the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service, Including Information that may Influence the Outcome of the Election on the Proposition. Mayor. Recommended dates: Introduction July 25, 2016, Public Hearing and Second Reading August 8, 2016. **Page 51**
- Memorandum 16-117 from Deputy City Clerk as backup. **Page 55**
- E. **Ordinance 16-40**, An Ordinance of the City Council of Homer, Alaska, Transferring Recreational Powers to the Kenai Peninsula Borough for the Leasing of Borough Property as a Site for an Indoor Athletic Field. City Manager. Recommended dates: Introduction July 25, 2016, Public Hearing and Second Reading August 8, 2016. **Page 57**
- F. **Ordinance 16-41**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget to Provide for Necessary Mid-Year Adjustments by Appropriating and Transferring Funds from the General, Water and Sewer and Port and Harbor Funds. City Manager/Finance Director. Recommended dates: Introduction July 25, 2016, Public Hearing and Second Reading August 8, 2016. **Page 65**
- Memorandum 16-118 from City Manager as backup. **Page 118**
- G. **Ordinance 16-42**, An Ordinance of the City Council of Homer, Alaska Enacting Homer City Code 10.04.115, Appeal from Port and Harbor Citation Issued Pursuant to Homer City Code Title 7 and Homer City Code Title 10. City Manager/Port Director. Recommended dates: Introduction July 25, 2016, Public Hearing and Second Reading

August 8, 2016.

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- H. **Resolution 16-077**, A Resolution of the Homer City Council Clarifying how Assessments will be Levied on a Portion of Government Lot 2 Split by Kachemak Drive as it Relates to Phase I and III of the Kachemak Drive Water and Sewer Improvement Projects. City Manager/Public Works Director. **Page 91**

Memorandum 16-119 from Public Works Director as backup.

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- I. **Resolution 16-078**, A Resolution of the Homer City Council Approving Memorandum 16-xxx Establishing Conditions Under Which Adjacent and Benefitted Properties can Connect to the Shellfish Avenue/South Slope Drive Water Main Project. City Manager/Public Works Director. **Page 101**

Memorandum 16-120 from Public Works Director as backup.

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- J. **Resolution 16-079**, A Resolution of the City Council of Homer Alaska, Approving a Policy and Procedure for the Waiver of Penalties on Delinquent Special Assessment Payments. Lewis. **Page 107**

Memorandum 16-121 from City Manager as backup.

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6. VISITORS

- A. Public Safety Building Review Committee – Overview of Project to date (10 minutes) **Page 121**

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Borough Report

- B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
3. Economic Development Advisory Commission

4. Parks Art Recreation and Culture Advisory Commission
5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

8. PUBLIC HEARING(S)

- A. **Ordinance 16-36**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$9,970.00 From Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant. City Manager/Public Works Director. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016. **Page 137**

Memorandum 16-109 from Public Works Director as backup. **Page 141**

- B. **Ordinance 16-37**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation From Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services. City Manager/Library Director. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016.

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Memorandum 16-110 from Library Director as backup. **Page 147**

- C. **Ordinance 16-38**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016. **Page 149**

Ordinance 16-38(S), An Ordinance of the City Council Of Homer, Alaska, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, Regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, Regarding The Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016.

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Memorandum 16-111 from Deputy City Clerk as backup. **Page 183**

	Memorandum 16-114 from City Attorney as backup.	Page 189
	Resolution 15-057	Page 193
9.	ORDINANCE(S)	
10.	CITY MANAGER’S REPORT	
A.	City Manager’s Report	Page 199
B.	Memorandum 16-122 from City Clerk re: Marijuana Petition	Page 243
C.	Memorandum 16-123 from Deputy City Clerk re: AML Position Statement	Page 245
D.	Bid Report	Page 265
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	
14.	NEW BUSINESS	
A.	Memorandum 16-124 , from Deputy City Clerk re: Natural Gas Assessment Deferral.	Page 275
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, August 8, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 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 16-14 a Regular Meeting of the Homer City Council was called to order on June 27, 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, SMITH, ZAK
ABSENT: VAN DYKE (excused)
STAFF: CITY MANAGER KOESTER
CITY CLERK JOHNSON
DEPUTY CITY CLERK JACOBSEN

Council met as Committee of the Whole to discuss Ordinance 16-38, and Consent and Regular Agenda meeting items.

Mayor Wythe ruled Councilmember Van Dyke's absence as excused. No objection was voice by Council.

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 change was made: **Ordinance 16-30(S-2)(A)**, Bond Rate Forecast

Mayor Wythe called for a motion for the approval of the agenda as amended.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

There were no public comments.

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.)

HOMER CITY COUNCIL
REGULAR MEETING MINUTES
JUNE 27, 2016

- A. Homer City Council unapproved Special and Regular meeting minutes of June 13, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-108**, from Deputy City Clerk, Re: Seasonal Addendum to Liquor License for Grace Ridge Brewing, Inc.
- C. **Ordinance 16-36**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$9,970.00 From Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant. City Manager/Public Works Director. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016.

Memorandum 16-109 from Public Works Director as backup.

- D. **Ordinance 16-37**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation From Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services. City Manager/Library Director. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016.

Memorandum 16-110 from Library Director as backup.

- E. **Ordinance 16-38**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief. Recommended dates: Introduction June 27, 2016, Public Hearing and Second Reading July 25, 2016.

Memorandum 16-111 from Deputy City Clerk as backup.

Memorandum 16-114 from City Attorney as backup.

- F. **Resolution 16-074**, A Resolution of the City Council of Homer, Alaska, Placing a Moratorium on All New Water or Sewer Special Assessment Districts Until the Debt Service Ratio for the Homer Accelerated Water and Sewer Fund is Above 1.25 and Directing the Homer Advisory Planning Commission to Develop Procedures for Applying and Lifting the Debt Service Ratio Restrictions. City Manager. Recommend adoption.
- G. **Resolution 16-075**, A Resolution of the Homer City Council Updating the Library Mission Statement. City Clerk/Library Advisory Board. Recommend adoption.

Memorandum 16-112 from Library Advisory Board as backup.

- H. **Resolution 16-076**, A Resolution of the City Council of Homer, Alaska, Approving a Contract for General Counsel Legal Services to the Firm of Birch Horton Bittner and Cherot in the Monthly Amount of \$11,500.00 and Authorizing the City Manager to Execute the Appropriate Documents. Mayor/City Council. Recommend adoption.

Memorandum 16-113 from City Manager as backup.

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

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Mayor's Proclamation – July as Parks and Recreation Month

Mayor Wythe acknowledged July and Parks and Recreation Month and encouraged that everyone get out and enjoy the parks, July should be a great month.

- B. Mayor's Proclamation – July 4th Parade 2016

Mayor Wythe read and presented the proclamation to Jan Knutson of the Chamber of Commerce. Ms. Knutson commented on this year's parade events and handed out parade flyers to display.

- C. Borough Report

- D. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of June 15, 2016

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

Parks Art Recreation and Culture Advisory Commissioner Louise Ashmun reported they have started updating their bylaws and working on receiving new art for the Library. The commission addressed a neighbors complaints about the noise at the disk golf course and started the discussion about what might work to reduce issues between neighbors and park users, including hours, physical barriers, and working with the Disc Golf Association to do some self-monitoring of the area. They are continuing to review and revise beach policy to correlate with the new ordinance about driving on the beach and to get signage for the new rules. They are hoping the Council can take action on a recommendation from the Commission about dogs and leashes on city beaches and parking lots and are working hard to get Homer to embrace the notion of cleaning up after their pets. With relation to budgeting they discussed potential CIP projects and changing trail money to leverage matching grants for building small greenway projects to increase trail connectivity. Ms. Ashmun said the commission appreciates Council and thanked them for the work they do working with and for the Commission.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission

Councilmember Lewis reported the Commission is working with the City Attorney on an excise tax on cannabis products.

- E. Thank You From Kachemak Nordic Ski Club
- F. Thank You From Homer Food Pantry
- G. Huffington Post Article - 8 Quirky Spots Where You're Free To Be You And Me

PUBLIC HEARING(S)

- A. **Ordinance 16-30(S-2)(A)**, An Ordinance of the City Council of Homer, Alaska, Authorizing the City to Issue General Obligation Bonds in the Principal Amount of Not to Exceed \$12,000,000 to Finance the Acquisition and Construction of a Police Station; Amending HCC 9.16.010 to Provide for an Increase in the Rate of the City Sales Tax From 4.5% to 5.5% From April 1 Through September 30, With the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on September 30 of the Year When the City Has Received Sufficient Funds From the Increase to Pay All of That Debt Service; and Submitting the Question of the Issuance of the Bonds and the Sales Tax Rate Increase to the Qualified Voters of the City at the October 4, 2016 Regular City Election. Smith. Introduction May 23, 2016, Public Hearings June 13 and 27, 2016, and Second Reading June 27, 2016.

Memorandum 16-091 from City Attorney as backup.
Memorandum 16-092 from City Manager as backup.

Ken Castner, city resident and Public Safety Building Review Committee Member, commented in support of Ordinance 16-30(S-2)(A) and not to exceed \$12 million seems like a fair limit. He explained he isn't sure of the exact bonding that will be needed and one thing that has been important all along is to make sure any existing uses being held at the HERC location would not be orphaned so there is some money in their draft budget to move the skateboard park to another location on the property. Mr. Castner explained the committee has worked hard to bring in a facility that utilizes an existing building, maximizes the asphalt already there, and noted the property has adequate water and sewer system capacity. They are still in the planning stages and in the next three weeks they should be coming back with better plans, elevations, and budgets.

Tom Zitzman commented he doesn't have any objection to the police department expansion. He questions asking the population to approve a \$12 million bond. The 1% sales tax will have a minor impact on many residents, but a huge impact on others. When debating the issue of driving on the beach, a lot of testimony was from residents needing coal to heat their home. He asked council not to lose sight of that. He isn't familiar with the process of deciding on the construction and location decisions for the building. He noted the recent sale of the Kachemak Foods building and it would cost \$4 or \$5 million to renovate that structure and might have been an acceptable alternative for the police department. Mr. Zitzman added this might not be the best time to use the sales tax for a building project of \$12 million. The bond credit rating at the state is going to be adversely impacted because of the disagreement in Juneau for funding the state budget. The figures in the packet may not project the negative impact if the state's credit rating is adversely impacted. He touched on the possibility of being able to lease space at the HERC building.

Scott Adams, city resident, said he has attended some of the Public Safety Building Review Committee meetings and said he appreciates the committees work but thinks there are additional cuts that can be made. He expressed concern about the indoor shooting range and its added cost isn't necessary. Another cut he thinks should be looked at is the fitness support and the gymnasium. He thinks the dispatch cost is high and questions why it is so high. Regarding the tax increase, Mr. Adams said first they want to tax for the bond and questioned if they will tax to run it. He questions how much it will cost to run the building and employees. He thinks the number needs to be lower than \$12 million and thinks \$9 million is a more acceptable cost.

Nancy Hillstrand said she thinks we are in a time of extreme uncertainty in the world and our state, and this is not the time to be doing this type of work. England just pulled away from the EU and these are just uncertain times everywhere. This puts it on the back of the business people and the visitors. She thinks we need to slow down on this. She is happy the older building is being used, but we need to stay within our means, and \$12 million isn't within our means. We are a small town and need to think as such.

Mayor Wythe called for a motion for the adoption of Ordinance 16-30 (S-2)(A) by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

Councilmember Smith noted the information in the supplemental packed and thinks they need to lower the 1% to something closer to what is needed to pay the bond. He believes lowering the 1% to .65% will give them enough to pay down the bond and address fluctuation in the rates.

SMITH/REYNOLDS MOVED TO AMEND ORDINANCE 16-30 (S-2)(A) ALL OCCURRENCES OF THE SALES TAX RATE OF 5.5% TO 5.15% AND THE RATE OF INCREASE FROM 1% TO .65%.

There was discussion that it's based on a 30 year bond of \$12 million, using the information in the bond schedule included in the bond schedule in the laydown packet.

Question was raised if there is savings in using the 1% and paying the bond down quicker. Councilmember Smith said there would be a savings, but the mechanisms we have to close the budget gap are sales tax, property tax and possibly paring back the HART. Paring this back to to .65 allows us the .35 if needed to close the gap. This change will allow them to leverage better.

Questions to the City Manager were confirming if she believes the .65% is adequate and if increments other than .0 or .5, are acceptable and if it causes additional burden to business owners.

City Manager Koester responded that the adequacy of the .65 depends on how many years the bond is amortized over and thinks Councilmember Smith took that into account. In all likelihood with inflation and so forth we will probably bring more and paying off more quickly so she is comfortable with it. Regarding the increments of sales tax there has been testimony that the more complicated the sales tax is, the more difficult it is for the businesses.

Councilmember Lewis noted that the comments about giving us the .35% cushion in case we need it for HART, his issue is that we would be going back to the voters in a year or two for another sales tax increase to cover something else.

VOTE (Amendment): YES: SMITH, ADERHOLD, REYNOLDS, ZAK
NO: LEWIS

Motion carried.

Councilmember Lewis added that we have had a lot of comments for and against doing this at this time. He noted that the Council isn't approving the project tonight; they are approving asking the voters to make the final decision in October.

VOTE (Main motion as amended): YES: ADERHOLD, REYNOLDS, LEWIS, ZAK, SMITH

Motion carried.

- B. **Ordinance 16-31**, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant From the Kenai Peninsula Borough for Calendar Year 2015 in the Amount of \$27,055.00, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 13, 2016, Public Hearing and Second Reading June 27, 2016.

Scott Adams, city resident, noted the Harbormaster's comments from the earlier meeting that the funds will be used for a mooring buoy. He thinks that sounds more like maintenance and should be funded by the harbor funds and not the cruise ship funds.

Mayor Wythe called for a motion for the adoption of Ordinance 16-31 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

LEWIS/REYNOLDS MOVE TO AMEND STARTING ON LINE 25 AFTER PROCEEDS OF THIS GRANT FOR STRIKE EVERYTHING TO THE END AND REPLACE WITH DEEP WATER DOCK NORTH MOORING BUOY.

Councilmember Lewis acknowledged Mr. Adams' comments and noted that the cruise ship uses the mooring buoy and thinks it's a good way to use the cruise ship funds instead of the port and harbor budget.

Councilmember Smith said all ships that tie up to that dock use the buoy, so it is a good point that its maintenance and maybe it should be considered as such.

VOTE: (Amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

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

Motion carried.

- C. **Ordinance 16-32**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$64,149 From the Fire Donations Fund to Purchase an Advanced Patient Care Simulator. City Manager/Fire Chief. Introduction June 13, 2016, Public Hearing and Second Reading June 27, 2016.

Memorandum 16-096 from Fire Chief as backup.

There was no public testimony.

Mayor Wythe called for a motion for the adoption of Ordinance 16-32 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- D. **Ordinance 16-33**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 21.41.040, Basis for Establishing Flood Hazard Areas, Adopting the Flood Insurance Study for the Kenai Peninsula Borough and Incorporated Areas, Alaska Dated October 20, 2016 With Accompanying Flood Insurance Rate Maps (Firms). Planning. Introduction June 13, 2016, Public Hearing and Second Reading June 27, 2016.

Memorandum 16-102 from City Planner as backup.

There was no public testimony.

Mayor Wythe called for a motion for the adoption of Ordinance 16-33 by reading of title only for second and final reading.

REYNOLDS/ADERHOLD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- E. **Ordinance 16-34**, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Portions of the Urban Residential (UR) and Residential Office (RO) Zoning Districts to Central Business (CB) Zoning District. Planning. Introduction June 13, 2016, Public Hearing and Second Reading June 27, 2016.

Memorandum 16-103 from City Planner as backup.

Bill Smith, Pratt Museum Board Member, commented for the museums expansion project the lots need to be one zoning district and Central Business District is the most appropriate for the use on the property.

Mayor Wythe called for a motion for the adoption of Ordinance 16-34 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- F. **Ordinance 16-35**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Authorizing the Expenditure of \$65,000 for the Purchase of Two Used Police Vehicles From the Police Fleet Reserves and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 13, 2016, Public Hearing and Second Reading June 27, 2016.

Memorandum 16-104 from Police Lieutenant as backup.

There was no public testimony.

Mayor Wythe called for a motion for the adoption of Ordinance 16-35 by reading of title only for second and final reading.

LEWIS/REYNOLDS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- A. City Manager's Report

City Manager Koester commented in addition to her written report she was asked to provide a letter of support from the City for a trails grant application for the Homer Cycling Club. It's for funds to build mountain bike trails up near Diamond Ridge and Diamond Creek Recreational Area. The grant at this stage is planning insight and to bring a professional in. Given the amount of time before the next meeting she wanted to get a nod from the Council to draft the letter and include it in the next Manager's report.

CITY ATTORNEY REPORT

COMMITTEE REPORT

- A. Employee Committee Report
- B. Public Safety Building Review Committee
- C. Americans with Disabilities Act Compliance Committee

PENDING BUSINESS

- A. **Resolution 16-063**, A Resolution of the Homer City Council Maintaining the Water and Sewer Fees at the 2016 Rate and Updating the Homer Fee Schedule Accordingly. City Manager/Finance Director. Postponed from June 13, 2016.

Resolution 16-063(S-2), A Resolution of the Homer City Council Maintaining the Water Fees at the 2016 Rate and Amending the Sewer Fees for Sewer Only Customers and Kachemak City Customers and Updating the Homer Fee Schedule Accordingly. Mayor.

Memorandums 16-093 and 16-107 from City Manager as backup.

Motion on the floor from June 13th: MOTION TO SUBSTITUTE RESOLUTION 16-063(S-2) FOR RESOLUTION 16-063.

Councilmember Lewis said he doesn't have a problem dropping the per gallon multiplier from 3500 to 3000 but all the users within the city pay city sales tax, and users outside the city won't be, even though they are using a city utility.

LEWIS/REYNOLDS MOVED TO RETAIN THE \$5 SERVICE CHARGE.

Councilmember Aderhold asked if the potential change to Borough Code will enable the city to collect sales tax since the point of sale is inside the city.

City Manager Koester replied it is her interpretation of the changes to Borough Code that would mean we would be able to collect sales tax on that. She noted the changes haven't been adopted yet.

Councilmember Lewis suggested it could be contingent that if the borough code changes and we can collect the sales tax then we drop the \$5 fee.

Mayor Wythe commented that it might be more appropriate to wait for the sales tax decision then can address the \$5 fee if they choose to.

Councilmember Reynolds commented she would rather this directly correlate to sales tax than a \$5 monthly fee.

VOTE: (Amendment): YES: SMITH, LEWIS
NO: REYNOLDS, ADERHOLD, ZAK

Motion failed.

VOTE (To substitute Resolution 16-063(S-2)): YES: LEWIS, REYNOLDS, ZAK, ADERHOLD
NO: SMITH

Motion carried.

There was no further discussion.

VOTE (Adoption of Resolution 16-36(S-2)): YES: ZAK, SMITH, REYNOLDS, LEWIS, ADERHOLD

Motion carried.

NEW BUSINESS

RESOLUTIONS

COMMENTS OF THE AUDIENCE

Tom Zitzman commented that from a planning standpoint he would have felt better on Ordinance 16-30 if was a firm amount and go to the population saying we need x number of dollars and we're going to do it through a sales tax. There are too many unknowns. He asked them to sharpen their pencils and have that information to the public ASAP so we can start talking about what this really means as far as the cost, term of the bond, and interest rate. He thinks they will have better possibility of getting this passed. He added that it's regrettable on a huge issue like this there have only been four or five people testify.

Scott Adams, city resident, commented when Council talked about the 1% or .65, there was discussion of .35% that could go toward something else. It sounded like if they get 1% they would take .65 toward the building and .35 for something else. He asked about Resolution 16-076 he wonders what legal services this is for.

Mayor Wythe commented that it is a new contract with the City Attorney because their current contract is expiring.

Bill Overway, Kachemak City Mayor, thanked the City Manager and the Mayor for taking time to revisit the rates and compare what we had to where we're at now. We try to work together as a small community and try to support hockey and the new building they are talking about as they can. They do believe in the two cities working together.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not present.

COMMENTS OF THE CITY CLERK

City Clerk Johnson had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe commented the actual number for the public safety building is being honed in. At the last meeting that number was less than \$12 million already and we are just trying to whittle it down. She said there is a schedule in place for the public outreach and she believes it is available on line and there will be a concerted effort by the building committee to do outreach to the community. Just as there have been very few people here to make comment there have been basically two people from the general public consistently concerned, interested, and participating in the process. It is a big project, it just hasn't had a lot of public participation at the meeting themselves. She thanked everyone for coming in tonight.

COMMENTS OF THE CITY COUNCIL

Councilmember Smith thanked Mr. Adams and Mr. Zitzman for their input. He encouraged more public participation on the public safety building if people want to see and show some power in helping guide that process. Without public feedback there is no way for them to form what they present to council. He continues to support the new building but shares the concerns with others about the price tag. He knows Mr. Castner wants to do an educational program but money is money and \$12 million is going to be a tough sell. He thinks there is work to do and looks forward to it being done.

Councilmember Lewis thanked Kachemak City for all they have given to the town. He knows they have contributed a lot of money to the rink, they probably will to soccer and to other organizations as well. He knows people that live there who use a lot less than the 3000 gallons. In the long run they can get meters and save a fair amount of money there.

Councilmember Reynolds commented the first syringe exchange program; they are calling the program The Exchange. They had participants come by, some dropping off syringes others picking up new supplies, some were able to take advantage of hepatitis C and HIV testing, and they were able to get some Narcan kits out. The kits are the first line of response if someone has an overdose

happening. The next one is July 5 from 5:00-7:00 p.m. Some of the questions that came up centered around personal safety of coming to the exchange and if there was risk of being pulled over after participating in the exchange. They were able to reassure people that the police have been involved in getting the syringe exchange program in place and see the value of it. If anyone has questions about the program they can call Kachemak Bay Family Planning at 235-3136 to be connected with people who can answer questions. She thanked NOAA for the opportunity to tour their vessel Rainier; it was very informative and interesting. Tomorrow from 5:00 – 7:00 p.m. there is a reception and mural tour for the Peonies on Pioneer project.

Councilmember Aderhold commented on Wednesday and Friday 1:00 -3:00 p.m. there will be discovery labs hosted by the Kachemak Bay Research Reserve and encouraged people to attend. This lab is near and dear to her because it will be about Gulf Watch Alaska.

Councilmember Zak commented about his observation of the tourist visiting this season. The chamber the number of visitors per day has doubled and they are taking pictures around Homer, so the stories about us living in igloos and its dark is no longer the case, the word is out and Homer is being discovered. One of the most creative things he's seen around town are the buckets with flags at the cross walks. It's great to see the creative people in the community coming up with ideas to improve safety. He reminded everyone there are lots of visitors here so we need to be aware of them and watch out for pedestrians. A lot of the tourist he talks to really appreciate our communities hospitality.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 7:20 p.m. The next Regular Meeting is Monday, July 25, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 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 16-115

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: JUNE 6, 2016
SUBJECT: APPOINTMENT OF CLAIRE KIESEL TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION.

Claire Kiesel is appointed to the Economic Development Advisory Commission to replace Ken Sprague for a term that will expire April 1, 2018.

RECOMMENDATION:

Confirm the appointment of Claire Kiesel to the Economic Development Advisory Commission.

Fiscal Note: N/A



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

JUL 05 2016 AM 11:52
CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov

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

Name: Claire Kiesel Date: July 5th 16

Physical Address: 393 No Viewy Homer AK 99603

Mailing Address: PO Box 2735, Homer AK 99603

Phone #: _____ Cell #: 954-254-7830 Work #: _____

Email Address: Clairekiesel@outlook.com

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

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

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

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

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

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

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

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

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

OTHER - PLEASE INDICATE

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

I have been a resident of the city for 2 years. I have been a resident of the area for 2 1/2 years.

I am presently employed at Bay Realty

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

I am currently a Realtor at Bay Realty. I worked on super yachts for 7 years before becoming a Realtor. I was the Chief Stew and ran the interior of the vessel and crew.

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

~~NAKACHAK BOARD OF REALTORS~~ No but presently I am the treasurer on the Kachemak Board of Realtors

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

I think it would be a great experience.

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

Kachemak Board of Realtors - Treasurer

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

—

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

Yes No What is your primary use? Commercial Recreational

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

When you have completed the application please review and return to the City Clerk's Office. You may also email this to clerk@cityofhomer-ak.gov or fax 44907-235-3143. Thank you for applying!



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

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Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

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Memorandum 16-116

TO: HOMER CITY COUNCIL
FROM: DAVID LEWIS, MAYOR PRO TEMPORE
DATE: JULY 20, 2016
SUBJECT: APPOINTMENT OF CLARK FAIR TO THE PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION AND INGRID ABRAHAMSON TO THE ADVISORY PLANNING COMMISSION

Clark Fair is appointed to the Parks, Art, Recreation and Culture Advisory Commission for a term that will expire October 31, 2019.

Ingrid Abrahamson is appointed to the Advisory Planning Commission to fill the seat vacated by Shelly Erickson for a term that will expire July 1, 2019

RECOMMENDATION:

Confirm the appointment of Clark Fair to the Parks, Art, Recreation and Culture Advisory Commission and Ingrid Abrahamson to the Advisory Planning Commission.

Fiscal Note: N/A



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

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

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

JUL 19 2016 PM 02:20 *RK*

Name: Clark Fair Date: 07/15/16

Physical Address: 4625 Lincoln Circle, Homer AK 99603

Mailing Address: P.O. Box 2773, Homer AK 99603

Phone #: (907) 398-9364 Cell #: _____ Work #: _____

Email Address: c.fair@live.com

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

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

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

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

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

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

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

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

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

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

OTHER - PLEASE INDICATE

I have been a resident of the city for 0.2 years. I have been a resident of the area for 55 years.

I am presently employed at Kenai Peninsula College

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

High school English teacher, 1988-2008. Long history of outdoor recreation.

Photography/writing freelance journalist. Bachelor's degrees in English and journalism.

Long history of trails maintenance and construction. Former Audubon Society member.

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

I have not served on a similar advisory body.

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

I am an avid user of public parks and recreation. I want to learn more about the facilities available in and around Homer. I think I can make a positive difference.

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

Member of the Kenai Peninsula Outdoor Club and the Kenai Peninsula Photography Guild.

Former board member of Dillingham Arts Council and the Kenai chapter of Audubon Society.

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

n/a

Please answer if your are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis?

Yes

No

What is your primary use? Commercial

Recreational

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

I come from a family with a history of involvement in public-use decision making, and I am willing to do my homework.

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



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

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

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: Ingrid Syverine Abrahamson Date: 07/20/16

Physical Address: 36884 Ridge St Anchor Point, AK 99556

Mailing Address: PO BOX 1811 Homer, AK 99603

Phone #: 907.299.7769 Cell #: _____ Work #: 907.235.4791

Email Address: isabrahamson@alaska.edu

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

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

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

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

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

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

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

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

PUBLIC ARTS COMMITTEE
2ND THURSDAY OF THE MONTH AT 5:00 P.M.
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WORKSESSIONS PRIOR AT 4:00 PM

OTHER - PLEASE INDICATE

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

I have been a resident of the city for 0 years. I have been a resident of the area for 32 years.

I am presently employed at Kachemak Bay National Estuarine Research Reserve, UAA

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

Education: BS and MSc in Earth Sciences-Geology with focus on sedimentation and tectonics

Background: GIS, Remote Sensing, Oil and Gas Development

Profession: Translating best available science for management through Coastal Training Program

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

No

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

My skills, local knowledge and current role in the community would benefit the advisory

planning commission, especially with the upcoming review of the comprehensive plan.

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

Woodard Creek Coalition, Homer Hockey Association, Homer Softball Association,

Kenai Change, MAPP, Homer Climate Adaptation Workgroup

Please answer the following only if you are applying for the Advisory Planning Commission:

Have you ever developed real property other than a personal residence, if so briefly explain:

No

Please answer if your are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis?

Yes

No

What is your primary use? Commercial

Recreational

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

The Coastal Training Program has the capacity to offer American Planning Association courses to

planners who are members of the American Institute of Certified Planners. An added benefit of my

servng on the commission would be more targeted trainings and resources for local planners.

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

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-39

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the Amount Of \$5,000 from the Public Safety Building Fund for Public Information Campaign in Support of the Ballot Proposition to Issue General Obligation Bonds not to Exceed \$12 Million Dollars to Finance the Acquisition and Construction of a Police Station and Provide for an Increase in the Rate of City Sales Tax from 4.5% to 5.15% from April 1 through September 30 with the Increase Providing Funds to Pay Debt Service on the General Obligation Bonds and Expiring on September 30 the Year when the City has Received Sufficient Funds from the Increase to Pay all of that Debt Service, Including Information that may Influence the Outcome of the Election on the Proposition.

Sponsor: Mayor

1. Council Regular Meeting July 25, 2016 Introduction
 - a. Memorandum 16-117 from Deputy City Clerk as backup

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

3
4 Mayor/City Manager

5 **ORDINANCE 16-39**
6

7
8 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, APPROPRIATING
9 FUNDS IN THE AMOUNT OF \$5,000 FROM THE PUBLIC SAFETY BUILDING FUND
10 FOR A PUBLIC INFORMATION CAMPAIGN IN SUPPORT OF THE BALLOT
11 PROPOSITION TO ISSUE GENERAL OBLIGATION BONDS NOT TO EXCEED \$12
12 MILLION DOLLARS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF A
13 POLICE STATION AND PROVIDE FOR AN INCREASE IN THE RATE OF CITY SALES
14 TAX FROM 4.5% TO 5.15% FROM APRIL 1 THROUGH SEPTEMBER 30 WITH THE
15 INCREASE PROVIDING FUNDS TO PAY DEBT SERVICE ON THE GENERAL
16 OBLIGATION BONDS AND EXPIRING ON SEPTEMBER 30 THE YEAR WHEN THE
17 CITY HAS RECEIVED SUFFICIENT FUNDS FROM THE INCREASE TO PAY ALL OF
18 THAT DEBT SERVICE, INCLUDING INFORMATION THAT MAY INFLUENCE THE
19 OUTCOME OF THE ELECTION ON THE PROPOSITION.
20

21 WHEREAS, City Council has previously shown through approval of Resolution 13-087(A) and Resolution
22 14-093 that having a new Public Safety Building was one of the top five Capital Improvements Projects and due
23 to the decline in revenues, particularly from the State of Alaska, the City faces the probability of the project not
24 receiving additional funding; and
25

26 WHEREAS, The City Council views the acquisition and construction of a new police station and
27 related capital improvements as necessary and beneficial to the community, and determines that to fund
28 such improvements general obligation bonds of the City should be authorized, issued and sold; and
29

30 WHEREAS, It is the Council's duty and desire to ensure all city voters are aware of the impact that
31 issuing General Obligation Bonds and implementing a seasonal .65% sales tax would have on the construction
32 and financing of the new Police Station and facilities; and
33

34 WHEREAS, AS 15.13.145(c)(2) permits the City to provide the public with nonpartisan information about
35 a ballot proposition, but AS 15.13.145(b) prohibits the City from using funds to influence the outcome of an
36 election concerning a ballot proposition unless the City specifically appropriates the funds for that purpose by
37 ordinance; and
38

39 WHEREAS, the Alaska Public Offices Commission ("APOC"), which enforces AS 15.13.145, has
40 interpreted nonpartisan information permitted under AS 15.13.145(c)(2) very narrowly, so that the City cannot
41 inform the public fully about the effects of the ballot proposition to issue general obligation bonds in an amount
42 not to exceed \$12 million dollars and increase the sales tax seasonally .65% April 1 through September 30 to pay
43 debt service without including information that APOC likely would categorize as influencing the outcome of the
44 election on the ballot proposition.
45

46 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
47

48 Section 1. The City Council hereby appropriates funds from the Public Safety Building Project Fund
49 Balance to provide public information on the ballot proposition to issue General Obligation Bonds Not To
50 Exceed \$12 Million Dollars to finance the acquisition and construction of a police station and provide for an
51 increase in the rate of city sales tax from 4.5% to 5.15% from April 1 through September 30 with the increase

52 providing funds to pay debt service on the general obligation bonds and expiring on September 30 the year
53 when the city has received sufficient funds from the increase to pay all of that debt service, including
54 information that may influence the outcome of the election on the proposition.
55

56

57 Expenditure:		
58 <u>Account</u>	<u>Description</u>	<u>Amount</u>
59 156-0337-5227	60 Public Information Campaign 61 on Ballot Proposition	62 \$5,000.00

63 Section 2. This is a budget amendment ordinance, is temporary in nature and shall not be codified.
64

65
66 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___day of _____, 2016.
67

68 CITY OF HOMER
69

70 _____
71 MARY E. WYTHE, MAYOR
72

73 ATTEST:
74

75 _____
76 JO JOHNSON, MMC, CITY CLERK
77

78
79 YES:
80 NO:
81 ABSTAIN:
82 ABSENT:
83

84
85 First Reading:
86 Public Hearing:
87 Second Reading:
88 Effective Date:
89

90 Reviewed and approved as to form:
91

92 _____
93 Mary K. Koester, City Manager
94

92 _____
93 Holly C. Wells, City Attorney
94

95 Date: _____

95 Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-117

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PUBLIC SAFETY BUILDING REVIEW COMMITTEE

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK I

DATE: JULY 7, 2016

SUBJECT: RECOMMENDATION ON FUNDING A PUBLIC INFORMATION CAMPAIGN THAT MAY INFLUENCE THE OUTCOME OF A BALLOT PROPOSITION TO ISSUE GENERAL OBLIGATION BONDS FOR THE PROPOSED POLICE STATION

The Public Safety Building Review Committee at their regular meeting on June 29, 2016 made a recommendation in favor of submitting a recommendation to Council to approve funds for a public information campaign that may influence the vote on the ballot proposition that will ask the voters to approve issuing general obligation bonds not to exceed \$12 million dollars and increase the city sales tax April 1st through September 30th from 4.5% to 5.15% with those increased funds going to pay down the debt service on the bonds issued.

Following is the excerpt of the minutes from that meeting.

A brief discussion ensued on Council requirement to approve the funding for the educational campaign for a Bond Request in the amount of \$5000.00 to be in compliance with APOC.

WYTHE/HOWARD – MOVED TO REQUEST COUNCIL APPROVE THE FUNDING REQUEST FOR THE EDUCATIONAL CAMPAIGN FOR THE BOND PROPOSITION IN THE AMOUNT OF \$5000

There was a brief discussion on this request already being submitted.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Committee member Howard requested a motion to approve the proposed program.

WYHTE/ROBL – MOVED TO APPROVE THE EDUCATIONAL CAMPAIGN AS PRESENTED.

There was no discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RECOMMENDATIONS:

Approve the Public Safety Building Review Committee request for \$5000 for the Public Information Campaign.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-40

An Ordinance of the City Council of Homer, Alaska, Transferring Recreational Powers to the Kenai Peninsula Borough for the Leasing of Borough Property as a Site for an Indoor Athletic Field.

Sponsor: City Manager

1. Council Regular Meeting July 25, 2016 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-40

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
TRANSFERRING RECREATIONAL POWERS TO THE KENAI PENINSULA
BOROUGH FOR THE LEASING OF BOROUGH PROPERTY AS A SITE FOR
AN INDOOR ATHLETIC FIELD.

WHEREAS, SAH Soccer, Inc. dba Soccer Association of Homer has developed a plan to establish an indoor athletic field known as the South Peninsula Athletic and Recreation Center (SPARC) within the City; and

WHEREAS, the City's comprehensive plan Goal 5, Objective B, Implementation Item 3, supports establishment of a community recreation center; and

WHEREAS, The City commissioned the 2015 Parks, Art, Recreation and Culture (PARC) Needs Assessment which identified as the most significant priority space needs for year-round indoor recreational activities, including those within the scope of the SPARC indoor athletic field; and

WHEREAS, Soccer Association of Homer has proposed to locate the SPARC indoor athletic field adjacent to the Homer Middle School, repurposing a softball field area; and

WHEREAS, Soccer Association of Homer has applied to the Kenai Peninsula Borough for a negotiated lease of the approximately 3.5 acre site described above; and

WHEREAS, the Kenai Peninsula Borough may enter into a the proposed lease with Soccer Association of Homer only in the exercise of a power that the Borough has lawfully assumed; and

WHEREAS, the City of Homer has recreational powers and the Kenai Peninsula Borough does not have recreational powers within the City of Homer; and

WHEREAS, under AS 29.25.010(7) and AS 29.35.310, the City may transfer a power to the Kenai Peninsula Borough by ordinance; and

WHEREAS, it is in the best interest of the City and its residents that the City transfer to the Kenai Peninsula Borough so much of its recreational powers as is required to authorize the Kenai Peninsula Borough to enter into the proposed lease with Soccer Association of Homer.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to AS 29.25.010(7) and AS 29.35.310, the City transfers to the Kenai Peninsula Borough limited recreational powers for the sole purpose of authorizing the Borough to enter into a lease of an approximately 3.5 acre site adjacent to the Homer Middle School for the management, development, and maintenance of an indoor recreational facility. The Borough may exercise all powers and functions necessary or fairly implied in or incident to the lease of the subject

48 land for the management, development, and maintenance of an indoor recreational facility. Nothing
49 in this transfer otherwise limits or reduces the current recreational powers of the City.

50
51 Section 2. This ordinance shall be effective upon adoption, provided that the transfer of
52 recreational powers in Section 1 is effective upon its acceptance by the Kenai Peninsula Borough.

53
54 Section 3. This Ordinance is not permanent in nature, and shall not be codified.

55
56 ENACTED BY THE CITY COUNCIL OF THE CITY 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 JO JOHNSON, MMC, CITY CLERK

69 AYES:
70 NOES:
71 ABSTAIN:
72 ABSENT:

73
74
75
76 First Reading:
77 Public Reading:
78 Second Reading:
79 Effective Date:

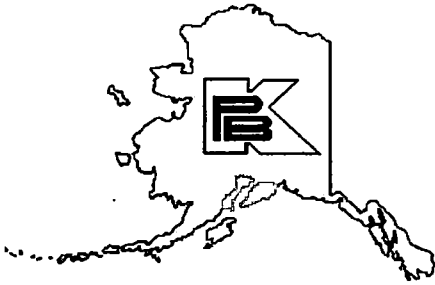
80
81
82
83 Reviewed and approved as to form:

84
85
86 _____
87 Mary K. Koester, City Manager

86 _____
87 Holly C. Wells, City Attorney

88
89 Date: _____

88
89 Date: _____



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520
Toll-free within the Borough: 1-800-478-4441
PHONE: (907) 262-4441 • FAX: (907) 262-1892
www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *MN*
Colette Thompson, Borough Attorney *CT*

FROM: Holly Montague, Deputy Borough Attorney *HM*

DATE: June 21, 2016

SUBJECT: Amendment to Ordinance 2016-20 authorizing a negotiated lease at less than fair market value

As reflected in an amendment memo in the assembly packet the proposed ordinance would lease a public asset for \$1.00/year to a private organization for recreational purposes. This raised issues of conveying a public asset for a private purpose as well as the borough not having recreational powers within the city of Homer. Therefore, it was proposed that the Kenai Peninsula Borough lease the land to the City of Homer which has recreational powers and the city in turn could sublet the property to SAH Soccer, Inc. (SAH). However, it would be more efficient and straightforward for the Kenai Peninsula Borough to assume a limited portion of the city's recreation powers for the purpose of leasing the borough land to SAH for an indoor soccer facility. This would avoid dual approval processes and another layer of government in administering the lease over the next 20–30 years. The lease will contain provisions that the facility be open and available to the general public and the Kenai Peninsula Borough School District will be allowed a certain amount of usage to further ensure the borough's land is being used for public purposes. The transfer of a power from a city to a second class borough is authorized by AS 29.25.010(7) and AS 29.35.310.

The administration respectfully requests the assembly approve the following amendments to this ordinance rather than the amendment memo submitted in the packet authorizing a lease to the City of Homer.

- Amend the title by deleting the language in ~~bold and stricken through~~ and adding the language in **bold and underline** below:

AN ORDINANCE ACCEPTING A TRANSFER OF LIMITED RECREATIONAL POWERS FROM THE CITY OF HOMER AND AUTHORIZING A NEGOTIATED LEASE AT LESS THAN FAIR MARKET VALUE WITH SAH SOCCER, INC. dba SOCCER

ASSOCIATION OF HOMER OF APPROXIMATELY 3.5 ACRES OF BOROUGH LAND ADJACENT TO THE HOMER MIDDLE SCHOOL FOR THE DEVELOPMENT, MANAGEMENT AND MAINTENANCE OF A YEAR-ROUND INDOOR FIELD AKA “SOUTH PENINSULA ATHLETIC AND RECREATION CENTER”

- Amend the second whereas clause by adding the language in **bold and underline** below:

WHEREAS, the City of Homer commissioned the 2015 Parks, Art, Recreation and Culture (PARC) Needs Assessment which identified **as the most significant priority** space needs for year-round indoor **recreational** activities, including those within the scope of the SPARC indoor field; and

- Add the following four new whereas clauses before the last three whereas clauses as follows:

WHEREAS, the Kenai Peninsula Borough comprehensive plan Goal 4.10 Objective 1 is to encourage coordination between the borough and cities which provide recreational facilities; and

WHEREAS, the City of Homer has recreational powers and the Kenai Peninsula Borough does not have recreational powers within the City of Homer; and

WHEREAS, AS 29.25.010(7) and AS 29.35.310 provides that a city may transfer a power to a second class borough by ordinance; and

WHEREAS, the indoor recreational facility would be located within the South Kenai Peninsula Hospital Service Area which has wellness program powers; and

- Amend the second to last whereas clause by adding the language in **bold and underline** below:

WHEREAS, the Kenai Peninsula Borough Board of Education at its regularly scheduled meeting of June 6, 2016 recommended **the lease to SAH Soccer, Inc. for the development of an indoor soccer facility;** and

- Amend the Section 1 by adding the following finding in **bold and underline** below:

The City of Homer has recreational powers and a vision for indoor recreational facilities while the borough does not have recreational powers within the city limits of Homer but has a land management division that routinely manages leases for a variety of functions.

- Amend Section 3 by adding the language in **bold and underline** below:

SECTION 3. That the Assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
 - A. KPB 17.10.080(A) states classification of property is for review, plan implementation and management purposes. The classification system designates the most appropriate uses for land and thereby guides borough management of such lands and implementation actions to provide for the identified uses. Classification immediately prior to disposal of borough land that has been specified for a certain use does not accomplish these purposes.
 - B. The land use will be restricted by the terms of the lease.
 - C. The proposed lease will facilitate a land use consistent with the prior field uses.
 - D. The property is zoned by the City of Homer such that uses must conform to that zoning and applicable conditional use permitting processes.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - A. This ordinance authorizes subject land to be leased to the Soccer Association of Homer on a non-competitive basis, at other than market value, pursuant to KPB 17.10.100(I) and 17.10.120(D). Classification will be redundant and not serve a useful purpose based on the findings of No. 1 above.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
 - A. The use of the subject land for indoor field purposes will benefit the public **health and welfare by providing indoor recreational facilities** and is consistent with prior field uses.
 - B. The land is suitable for the proposed use and is compatible with adjacent land uses, subject also to city of Homer Zoning Codes.

- Add a new Section 8 by adding the language in **bold and underline** below:

SECTION 8. That the Assembly hereby accepts from the City of Homer a transfer of limited recreational powers for the sole purpose of entering the lease which is the subject of this ordinance for the management, development, and maintenance of an indoor recreational facility. The borough shall exercise all powers and functions necessarily or fairly implied in or incident to the lease of the subject land for the management, development, and maintenance of an indoor recreational facility.

- Amend the last section by deleting the language in ~~bold and stricken through~~ and adding the language in **bold and underline** below:

SECTION 89. That this ordinance shall take effect immediately upon ~~its enactment.~~ the adoption of an ordinance by the City of Homer transferring the power specified in Section 8 of this ordinance using significantly the same language to transfer the power as set forth in Section 8.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-41

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget to Provide for Necessary Mid-Year Adjustments by Appropriating and Transferring Funds from the General, Water and Sewer and Port and Harbor Funds.

Sponsor: City Manager

1. Council Regular Meeting July 25, 2016 Introduction
 - a. Memorandum 16-115 as backup

CITY OF HOMER
HOMER, ALASKA

City Manager/
Finance Director

ORDINANCE 16-41

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2016 OPERATING BUDGET TO PROVIDE FOR NECESSARY MID-YEAR ADJUSTMENTS BY APPROPRIATING AND TRANSFERRING FUNDS FROM THE GENERAL, WATER AND SEWER AND PORT AND HARBOR FUNDS.

WHEREAS, Due to budget shortfalls, the 2016 adopted budget was reduced significantly from the FY 2015 adopted budget including reducing line items to provide little cushion for unexpected expenses; and

WHEREAS, the City was able to save \$94,394 in FY 2016 that was not reflected in the 2016 adopted budget by competitively bidding insurance services; and

WHEREAS, It is necessary and appropriate to adopt a mid-year budget amendment in order to fully fund City operations, fund necessary expenditures from reserves and reflect insurance saving.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City Council hereby allocates \$94,394 in reduced insurance expenditures between all City departments:

Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
5221, 5222, 5223	General auto, property and Workers' compensation insurance	\$94,394

Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0384	City Hall Reserves	\$47,241
156-0375	General Fund Reserves	\$14,000
256-0378	Water Reserves	\$9,153
256-0379	Sewer Reserves	\$6,942
456-0380	Harbor Reserves	\$17,058

Section 2. The City Council hereby appropriates and transfers \$2,500 from the General Fund Reserve to the Library Tools and Equipment budget for the purchase of an Automated External Defibrillator and credit card processing machine and associated fees:

Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
156-0375	General Fund Reserve	\$2,500

49 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
51 100-5231	Library Tools and Equipment	\$2,500

52
53 Section 3. The City Council hereby appropriates and transfers \$11,500 from the General Fund
54 Reserve to the Finance budget for sending 2 staff to the 2016 Caselle conference and upgrading Caselle
55 Financial Accounting software:

56
57 Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
59 156-0375	General Fund Reserve	\$11,500

60
61 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
63 100-0120-5603	Employee Training	\$3,700
64 100-0120-5210	Prof & Special Services	\$7,800

65
66 Section 4. The City Council hereby appropriates and transfers \$15,000 from the Sewer Fund
67 Reserve to fund unexpected sewer repairs:

68
69 Transfer From:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
71 256-0379	Sewer Reserves	\$15,000

72
73 Transfer To:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
75 200-0504-5210	Professional & Special Services	\$15,000

76
77
78 Section 5. The City Council hereby appropriates and authorizes the expenditure of \$8,000 from
79 the Planning Reserve to fund an update to coastal erosion mapping for the City of Homer:

80
81 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
83 156-0387	Coastal Erosion Mapping	\$8,000

84
85 Section 6. The City Council hereby appropriates \$10,500 from the Port and Harbor Depreciation
86 Reserves for completing funding for security cameras at the Fish Dock originally authorized in 2013:

87
88 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
90 456-380	Cameras at Fish Dock	\$10,500

91
92 Section 7. The City Council hereby appropriates \$40,000 from the Port and Harbor Fleet
93 Reserves for the purchase of an F-450 vehicle for the Port and Harbor maintenance division:

94
95

96 Expenditure:

97 <u>Account</u>	<u>Description</u>	<u>Amount</u>
98 452-374	F-450 Vehicle	\$40,000

99

100 Section 8. This is a budget amendment ordinance only, is not permanent in nature, and shall not
101 be codified.

102

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

104

105

106

107

CITY OF HOMER

108

109

110

MARY E. WYTHE, MAYOR

111

112

113 ATTEST:

114

115

116

JO JOHNSON, MMC, CITY CLERK

118

119 AYES:

120 NOES:

121 ABSTAIN:

122 ABSENT:

123

124

125

126 First Reading:

127 Public Reading:

128 Second Reading:

129 Effective Date:

130

131

132 Reviewed and approved as to form:

133

134

135

Mary K. Koester, City Manager

137

138 Date: _____

139

140

141

142

Holly C. Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 16-118

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 20, 2016
SUBJECT: Midyear Budget Amendments 2016

Ordinance 16-41 makes necessary midyear budget adjustments. Budget amendment request forms from departments that give more project detail and justification can be found attached to the memo.

During the 2016 budget cycle, staff anticipated some midyear budget amendments would be necessary to help cover unanticipated expenses in 2016 as every line item was scrutinized heavily and any cushion for covering unexpected expenses removed. Nevertheless, I am pleased to request only \$14,000 in general fund expenditure adjustments for 2016. Furthermore, by renegotiating our contract with Alaska Municipal League Joint Insurance Association, the City was able to save \$94,000 in FY2016. My proposal is to divide those savings between a few modest requests from departments and City Hall reserves. As you recall, during the 2016 budget cycle the amount of money put aside in City Hall Reserves with the justification of eventual roof replacement at City Hall was diverted to help fund the Hickerson Cemetery expansion project.

The one budget request that I did not recommend funding was replacement of half of the public computers at the Homer Public Library. I am concerned about the budget uncertainty at this time. However, there is no question that new computers are needed; they are beyond their life cycle and get heavy use. This is something the City will have to address in the near future.

Enc:

2016 midyear budget requests from departments
City of Homer 2016 Insurance Distribution

**City of Homer
Insurance Distribution - 2016**

<u>2016 Budget</u>	<u>General Fund</u>	<u>Water</u>	<u>Sewer</u>	<u>Harbor</u>	<u>Total</u>
CommercialGen Liab	51,248	8,599	6,840	21,164	87,851
WorkersCompensation	171,388	20,467	16,474	39,462	247,790
Auto Liability & Others	47,118	13,087	13,087	8,996	82,288
Property	20,194	16,748	8,273	40,153	85,368
Police	104,171				104,171
Total	394,118	58,901	44,674	109,775	607,468
	64.9%	9.7%	7.4%	18.1%	100.0%

<u>JIA FY 17 Quotes</u>	<u>Ext. Price</u>	<u>Discounts</u>		<u>Total</u>
CommercialGen Liab	74,555	4,228		70,327
WorkersCompensation	217,943	12,360		205,583
Auto Liability & Others	53,912	3,057		50,855
Property	85,206	4,832		80,374
Police	12,236	694		11,542
Total	443,852	25,172	-	418,680
Yearly Savings				188,788

<u>Savings Distribution</u>	<u>General Fund</u>	<u>Water</u>	<u>Sewer</u>	<u>Harbor</u>	<u>Total</u>
6 month for FY 2016	61,242	9,153	6,942	17,058	94,394

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Library Date 6/27/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:

Description Credit Card Processing
 Fund Name: General -- 100
 Account Name: Library -- 0145
 Account #: Equipment -- 5231
 Estimated Cost: \$1,000

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

First Data FD130 Terminal and monthly software support requested to enable acceptance of credit cards for payment of miscellaneous fees over \$10.

1) Credit card processing will improve our ability to collect fines and fees. Staff report patrons are often ready to pay their fees until they find out they can't use a credit card. If they don't have enough cash, they do not always come back to pay. We anticipate that improved collection of fines and fees will more than compensate for \$203/year in monthly fees to the card management company.

2) We hope to reduce the number of items sent to collection agency, which has not proven to be very effective. In the past year \$4,623 in unpaid bills over \$50 (for lost/damaged materials, administrative processing fees, and overdue fines) have gone to collections. However, only \$121 has been collected.

3) This will be more convenient for patrons, who frequently request credit card payment over cash. It will make it easier for patrons to pay for larger print jobs and non-residents to purchase temporary cards.

4) John Li, Finance Director, recommends this action.

Requestor's Name: Ann Dixon

Department Head Approval: _____

City Manager Recommendation: Katei Koestler

Date 7.19.16

Approved _____

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Library Date 6/27/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:

Description AED Replacement
(Automated External Defibrillator)
 Fund Name: General -- 100
 Account Name: Library -- 145
 Account # Tools & Equipment -- 5231
 Estimated Cost: \$1,500

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

The provider of our AED has discontinued service and parts . While it will continue to function, spare batteries and parts will not be available much longer. The new units are warranted for 8 years and the replacement pads are the least expensive in the industry (and have a 2 year shelf life). This information was not available until February of 2016 and so could not be budgeted for earlier.

Requestor's Name: Ann Dixon

Department Head Approval: _____

City Manager Recommendation: Katrin Koehler
 Approved _____
 Denied _____
 Comments _____

Date 7.19.16

CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016

Requesting Department Finance Date 7/19/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time

Part-time Hours Per Year _____

Request Other Than Personnel:

Description Caselle Training

Fund Name: General Fund

Account Name: Finance

Account # 100-0120-5210

Estimated Cost: \$7,800

(FINANCE DEPT. WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

Caselle Connect Upgrade & Excel Addin Functionalities
New Software Assurance Contract will cost additional \$1300 per month for 10 concurrent licenses (current cost is about \$1400 per month).
The request is for 6 month of FY 2016 = \$7800

Requestor's Name: John Li

Department Head Approval: _____

City Manager Recommendation: _____

Approved Katli Koester

Denied _____

Comments _____

Date 7-19-16

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Finance Date 7/19/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time

Part-time Hours Per Year _____

Request Other Than Personnel:

Description Caselle Training

Fund Name: General Fund

Account Name: Finance

Account # 100-0120-5603

Estimated Cost: \$3,646 3,700

(FINANCE DEPT. WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

Caselle 2016 Annual Conference, October 12 – 13, 2016

Registration \$425 x 2 = \$850

Air tickets Homer to ANC \$250 x 2 = \$500

Air tickets ANC to Las Vegas \$360 x 2 = \$720

Hotel \$210 (tax included) x 2 x 3 = 1260

Per diem (est.) \$158 x 2 = \$316

Transportation: \$17 x 2 = \$34

Total Costs = \$3,680

Class Schedule attached

Requestor's Name: John Li

Department Head Approval: _____

City Manager Recommendation: Katie Koester

Approved _____

Denied _____

Comments _____

Date 7-19-16

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department PUBLIC WORKS Date 7/19/16

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:
 Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:
 Description ADDITIONAL FUNDS TO HELP PAY FOR DEEP SEWER REPAIR
 Fund Name: SEWER COLLECTION SYSTEM
 Account Name: 200-0504-5210
 Account #: PROF & SPECIAL SERVICES
 Estimated Cost: \$15,000

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

SEWER SERVICE FAILED ON OCEAN DRIVE
 SERVICE TOO DEEP TO REPAIR WITH CITY EQUIPMENT
 CONTRACTOR HIRED WITH PROPER EQUIPMENT (COST ± \$30,000)
 CURRENT O&M BUDGET HAS \$30,000
 REQUEST BUDGET ADJUSTMENT OF \$15,000 SO WE HAVE
 ADEQUATE FUNDS AVAILABLE FOR REST OF YEAR.

Requestor's Name: _____

Department Head Approval: Carey Meyer

City Manager Recommendation: _____ Date _____

Approved _____
 Denied _____
 Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Planning Date 6/20/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time

Part-time Hours Per Year _____

Request Other Than Personnel: _____

Description

Coastal Erosion mapping update

Fund Name:

General Fund

Account Name:

Planning Reserves

Account #

156-0387

Estimated Cost:

\$8,000

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

Our coastal erosion mapping provides estimated annual erosion rates along the coast line and was last created using imagery produced in 2003. We now have new LIDAR from 2008, coastal photography from 2008, and KPB imagery from 2013. This new imagery will show the changes in the last 5 and 10 years. This mapping is used as a tool for land owners and developers to make informed decisions about purchases and development. The erosion rate derived from the mapping is also used to identify projects that may qualify for hazard mitigation funds.

Homer was the first community to have this coastal erosion mapping work done. Since then, most of the western Kenai Peninsula has been mapped and the process refined. We have found a reasonable cost estimate for specialized work and believe this is a good time to take advantage of the newer data.

Requestor's Name: Rick Abboud

Department Head Approval: _____

City Manager Recommendation: Katie Koester

Approved

Denied

Comments

Date 7.19/16

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Port and Harbor Date 7-15,2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:
 Position Title _____
 Salary Range & Step _____
 Full-time
 Part-time Hours Per Year _____

Request Other Than Personnel:
 Description Additional funding for the Fish Dock camera project
 Fund Name: _____

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Account Name: Port and Harbor reserves
 Account #: 456-380
 Estimated Cost: \$10,500

Justification:

The fish dock maintenance/safety camera task was approved for funding as a reserves project in 2013. Staff has been working on this as in house spare time assignment and we fully intend to complete this project before year end.

Now that Product and installation costs have been fully researched it has become apparent that we underestimated the total costs to install this new system and that additional funding is necessary to complete the project.

Requestor's Name: Bryan Hawkins

Department Head Approval: _____

City Manager Recommendation: Kate Koester

Date 7-19-16

Approved _____
 Denied _____
 Comments _____

Back-up
only

CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2014

Requesting Department Port and Harbor Date 8-21, 2013

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time

Part-time Hours Per Year _____

Request Other Than Personnel:

Description Maintenance cameras for the Fish Dock

Fund Name: Port and Harbor reserves

(FINANCE DEPT WILL COMPLETE)

5101 Permanent Employees _____

5102 Fringe Benefits _____

5103 P/T Employees _____

5104 Fringe Benefits P/T _____

5105 Overtime _____

Total Personnel Cost _____

Account Name: _____

Account # 456-380

Estimated Cost: \$15,000

Justification:

This project will assist staff in managing what is a 24/7 operation on the fish dock. during hours when staff aren't present to observe and direct activities on city property. Or as in the case of damage , cameras will aid staff in assigning repair costs to the responsible parties.

Requestor's Name: Bryan Hawkins

Department Head Approval: _____

City Manager Recommendation: Katie Webster Date 7-19-13

Approved _____

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Port and Harbor Date 7/15/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time Hours Per Year _____

Part-time Hours Per Year _____

Request Other Than Personnel: _____

Description Replace 1992 plow/sanding truck

Fund Name: Fleet Reserves

Account Name: 452-374

Account # _____

Estimated Cost: \$40,000

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

Necessary fleet upgrade to a F-450 for the Port/Harbor maintenance department. We are asking for this in a mid term instead of in our regular budget because we would like to be able to make the purchase before January when our new 2017 approved budget would come into affect.

Requestor's Name: Bryan Hawkins

Department Head Approval: _____

City Manager Recommendation: Kate Koester

Date 7-19-16

Approved _____

Denied _____

Comments _____

**CITY OF HOMER
DEPARTMENT BUDGET REQUEST
YEAR 2016**

Requesting Department Library Date 7/11/2016

Level of Need: Urgent Essential Necessary Desirable

Request for Additional Personnel:

Position Title _____

Salary Range & Step _____

Full-time

Part-time Hours Per Year _____

Request Other Than Personnel:

Description Replace 15 public-use computers

Fund Name: General --100

Account Name: Library -- 145

Account # Computer Related Items -- 5233

Estimated Cost: \$12,000

(FINANCE DEPT WILL COMPLETE)	
5101 Permanent Employees	_____
5102 Fringe Benefits	_____
5103 P/T Employees	_____
5104 Fringe Benefits P/T	_____
5105 Overtime	_____
Total Personnel Cost	_____

Justification:

Half of the Library's 25 computers for public use are at the end of their life cycle and out of warranty in 2016. They were placed into service in 2012 and are very heavily used: 49,406 Internet sessions (on all computers) in 2015. Because they are all the same age, they are likely to fail around the same time. Depreciation funds were requested the past three years but not funded; thus we have no budget to replace these computers, heavily relied upon by many members of the public to job search, email, do taxes, apply for jobs and PFDs, create resumes, conduct business and research. Inability to replace these machines when they fail will result in long waits for access to remaining computers, which are themselves only one year newer. To purchase in bulk, we must buy in lots of 5 (15 this year, 10 next year.) Cost: 15 CPUs with Windows license + 15 monitor stands @ \$800 each = \$12,000.

Please note that patrons pay to print from these computers. Proceeds to the General Fund from printing (after expenses for ink and paper) in the past year were approximately \$3,340.

Note: Each computer has been rebooted on average 5,162 times over its lifetime, the equivalent of turning on and using a computer each work day for almost 20 years.

Requestor's Name: Ann Dixon

Department Head Approval: _____

City Manager Recommendation:

Date 7.19.16

Approved _____

Denied Katie Koestel

Comments insufficient funding available at this time - too much

uncertainty

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-42

An Ordinance of the City Council of Homer, Alaska Enacting Homer City Code 10.04.115, Appeal from Port and Harbor Citation Issued Pursuant to Homer City Code Title 7 and Homer City Code Title 10.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting July 25, 2016 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 16-42

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
ENACTING HOMER CITY CODE 10.04.115, APPEAL FROM PORT
AND HARBOR CITATION ISSUED PURSUANT TO HOMER CITY
CODE TITLE 7 AND HOMER CITY CODE TITLE 10.

WHEREAS, The Port and Harbor has revised the Port and Harbor Uniform Citation making it specific to offences that can be cited by the Harbor Enforcement Officer; and

WHEREAS, The Port and Harbor Uniform Citation includes a 30 day appeal period and an appeal process is absent from city code.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 10.04.115, Appeal from Port and Harbor Citation issued pursuant to Homer City Code Title 7 and Homer City Code Title 10, is enacted to read as follows:

(a) A person who has been issued a citation for a violation of Homer City Code Title 7 or Homer City Code Title 10 by the City of Homer Harbor Master, or their designee, may appeal that action to the hearing officer designated by the City Manager by completing an Administrative Hearing Request Form and delivering the form to the Homer City Clerk's office no later than 30 days after the issuance of the citation.

(b) The hearing officer shall schedule an appeal hearing for the next available hearing date after the date of delivery of the Administrative Request Hearing Form to the City Clerk's office.

(c) The appeal hearing shall be conducted informally and may be governed by such rules and procedures as the hearing officer may establish, except that:

- (1) Each party has the right to be represented by counsel.
- (2) Each party may present witnesses and evidence.
- (3) Each party and witnesses may appear in person or by telephone.
- (4) Each party may confront and question witnesses.

43
44 (5) The individual receiving the citation may testify in their own defense.

45
46 (6) Each party may subpoena witnesses.

47
48 (7) The hearing shall be open to the public.

49
50 (8) An electronic recording shall be made of the hearing.

51
52 (d) The hearing officer may exercise independent judgment as to the weight of
53 evidence supporting or refuting the notice of violation or impoundment, and may exercise
54 independent judgment on legal issues raised by the parties.

55
56 (e) No later than 30 days following the hearing the hearing officer shall issue a written
57 decision including findings of fact and conclusions of law. Such findings must be reasonably
58 specific so as to provide interested persons and, where appropriate, reviewing authorities, a
59 clear and precise understanding of the reasons for the decision entered. The decision,
60 findings of fact, and conclusions of law shall be forwarded to all parties to the appeal. A final
61 appealable decision must indicate that it is a final order and that a party disputing the
62 decision has 30 days to appeal.

63
64 (f) A final decision issued under subsection (e) of this section may be appealed to the
65 superior court within 30 days after the date the decision was issued. For the purposes of this
66 section the date of issuance is the date upon which the decision was mailed or delivered to
67 the parties.

68
69 Section 2. This Ordinance is of a permanent and general character and shall be
70 included in the City Code.

71
72 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of
73 _____, 2016.

74
75 CITY OF HOMER

76
77
78 _____
79 MARY E. WYTHE, MAYOR

80
81 ATTEST:
82
83 _____
84 JO JOHNSON, MMC, CITY CLERK

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YES:
NO:
ABSTAIN:
ABSENT:
First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form.

Mary K. Koester, City Manager

Date: _____

Holly C. Wells, City Attorney

Date: _____

Fiscal Note: NA

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 16-077**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL CLARIFYING
8 HOW ASSESSMENTS WILL BE LEVIED ON A PORTION OF
9 GOVERNMENT LOT 2 SPLIT BY KACHEMAK DRIVE AS IT RELATES
10 TO PHASE I AND III OF THE KACHEMAK DRIVE WATER AND
11 SEWER IMPROVEMENTS PROJECTS.
12

13 WHEREAS, Public Works is coordinating the design of the third phase of the Kachemak
14 Drive Water and Sewer Improvement project, and assessments will be levied on benefitted
15 properties consistent with past Council direction; and
16

17 WHEREAS, Assessments have been developed for several special assessment districts
18 along Kachemak Drive (Phase I and II water/sewer improvements and the natural gas
19 project), the Council has agreed that where a lot that was divided by the construction of the
20 Kachemak Drive, a single assessment would be the most fair (with the second assessment
21 being deferred until the vacant side was developed); and
22

23 WHEREAS, The Council passed Resolution 06-74 to authorize deferred assessments for
24 “split lots” within the Phase I of the Kachemak Drive Water/Sewer Improvements LID;
25 Resolution 15-063 for the natural gas special assessment district; and Resolution 13-008 for
26 Phase II of the Kachemak Drive Water/Sewer Improvements LID; and
27

28 WHEREAS, In the case of the split lot (a portion of Government Lot 2) within the
29 proposed Phase III of the Kachemak Drive Water/Sewer SAD, the vacant portion of the split lot
30 on the north side of Kachemak Drive was provided water and sewer service as part of the
31 Phase I project. An assessment was levied. No service was provided to the portion on the
32 south side (where the owner lives). Phase III will provide water and sewer service to the
33 portion of the lot on the south side where the owner lives; and
34

35 WHEREAS, To be consistent with how we have treated other lots along Kachemak
36 Drive, the owner of a portion of Government Lot 2 should be assessed one time (on the
37 portion of the lot where the owner lives). This would mean that the previous Phase I
38 assessment would be turned into a deferred assessment, and that a new Phase III assessment
39 be levied on the south portion of the lot where the owner lives.
40
41

42 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska establishes
43 the following conditions under which Government Lot 2 shall be assessed:

- 44
- 45 1) The previously levied Phase I water and sewer assessments (on KPB Parcel # 179-
46 360-0240) shall be turned into deferred assessments, due and payable when water
47 and sewer service is requested to that lot.
 - 48 2) New water and sewer assessments shall be created (on KPB Parcel # 179-360-0500)
49 and be levied as part of the Kachemak Drive Water and Sewer Improvement (Phase
50 III) special assessment districts.

51
52 PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2016.

53
54
55
56
57 CITY OF HOMER

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60
61 _____
62 MARY E. WYTHER, MAYOR

63 ATTEST:

64
65
66 _____
67 JO JOHNSON, MMC, CITY CLERK

68
69 Fiscal note: Estimated deferred cost one parcel \$36,182 (\$12,992 Water; \$23,260 Sewer)



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 16-119

TO: Katie Koester - City Manager
FROM: Carey Meyer - Public Works Director
DATE: July 14, 2016
SUBJECT: **Deferred Assessment - Split Lot
Kachemak Drive Water/Sewer Improvements (Phase III)**

Background: As assessments have been developed for several special assessment districts along Kachemak Drive (Phase I and II water/sewer improvements and the natural gas project), the Council has agreed that where a lot that was divided by the construction of the Kachemak Drive, a single assessment would be the most fair (with the second assessment being deferred until the vacant side was developed).

The Council passed Resolution 06-74 to authorize deferred assessments for “split lots” within the Phase I of the Kachemak Drive Water/Sewer Improvements LID; Resolution 15-063 for the natural gas special assessment district; and Resolution 13-008 for Phase II of the Kachemak Drive Water/Sewer Improvements LID.

The Council created a SAD (Special Assessment District) for Phase III of the Kachemak Drive Water/Sewer Improvements project (Resolution 16-042), where a similar situation exists. A lot (a portion of Government Lot 2) is split by the Kachemak Drive road improvement and no right-of way or property line was created).

Discussion: In the case of the split lot within Phase III of the Kachemak Drive Water/Sewer SAD, the vacant portion of the split lot on the north side of Kachemak Drive was provided water and sewer service as part of the Phase I project. An assessment was levied. No service was provided to the portion on the south side (where the owner lives). Phase III will provide water and sewer service to the portion of the lot on the south side where the owner lives.

To be consistent with how we have treated other lots along Kachemak Drive, the owner of this lot should be assessed once (on the portion of the lot where the owner lives). This would mean that the previous Phase I assessment would be turned into a deferred assessment, and that a new Phase III assessment be levied on the south portion of the lot where the owner lives.

Recommendation

City Council pass a resolution turning the deferred assessment on the north side of Government Lot 2, created under Phase I, to a deferred assessment and that a new Phase III assessment be levied on the south portion of the lot where the owner lives.

Attached: Resolutions 06-74, 15-063, and 13-008; and map of split lot.



CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 06-74

1 A RESOLUTION OF THE HOMER CITY COUNCIL
2 CLARIFYING THE INTENT OF RESOLUTION 05-93,
3 AUTHORIZING HOMER ACCELERATED WATER AND SEWER
4 PROGRAM DEFERRED WATER AND/OR SEWER
5 ASSESSMENTS FOR LOTS THAT WERE SPLIT AS A RESULT
6 OF THE CONSTRUCTION OF KACHEMAK DRIVE.
7

8 WHEREAS, Resolution 05-93 was submitted by Councilmember Novak in response to
9 concerns of the property owners as to double assessments, so to speak, with regard to the split lots
10 on Kachemak Drive; and
11

12 WHEREAS, The real estate community, title companies and buyers and sellers have had
13 numerous concerns with regard to the intent of Resolution 05-93; and
14

15 WHEREAS, It is in the best interest of the City, property owners and the assessment district
16 to clarify the intent of Resolution 05-93 and to better spell out that intent.
17

18 NOW, THEREFORE, BE IT RESOLVED NOW, THEREFORE, BE IT RESOLVED, that
19 the Homer City Council hereby clarifies the intent of Resolution 05-93, authorizing Homer
20 Accelerated Water and Sewer Program deferred water and or sewer assessments for lots that were
21 split as a result of the construction of Kachemak Drive, as follows:
22

23 1. Parcels being considered are the following:
24

25 Government Lot 2, South Portion KPB Parcel No. 179-360-0500 Phase I (In error in
26 Resolution 05-93 this was listed as KPB Parcel No. 179-360-0200)

27 Government Lot 15, West of Kachemak Drive KPB Parcel No. 179-080-1300 Phase II

28 Government Lot 16, West of Kachemak Drive KPB Parcel No. 179-080-1900 Phase II

29 Government Lot 17, West of Kachemak Drive KPB Parcel No. 179-080-2100 Phase II

30 Government Lot 26, West of Kachemak Drive KPB Parcel No. 179-080-2700 Phase II

31 Government Lot 32, West of Kachemak Drive KPB Parcel No. 179-080-3900 Phase II

32 Government Lot 38, West of Kachemak Drive KPB Parcel No. 179-100-0400 Phase II
33

34 2. The deferred assessments for these six parcels is to alleviate undo financial hardship to the
35 property owners of the split lots with regard to water and sewer assessments, since these originally
36 were considered, legally, one parcel; and
37

38 3. Should construction take place on any of these parcels, that includes or requires water
39 and/or sewer connection then the payment of the deferred assessment would be required; and
40

41 4. Should any one of these, above listed, parcels be sold separate from its associated parcel,
42 making the above listed portion of that parcel a separate parcel in entirety; then the payment of the
43 deferred assessment would be required (See number 5.); and

48 4. continued: Associated parcels are as listed below.
49

- 50 Government Lot 2, North of Kachemak Drive, 179-360-2400 Phase I
- 51 Government Lot 15, East of Kachemak Drive KPB Parcel No. 179-080-1400 Phase II
- 52 Government Lot 16, East of Kachemak Drive KPB Parcel No. 179-080-2000 Phase II
- 53 Government Lot 17, East of Kachemak Drive KPB Parcel No. 179-080-2200 Phase II
- 54 Government Lot 26, East of Kachemak Drive KPB Parcel No. 179-080-2800 Phase II
- 55 Government Lot 32, East of Kachemak Drive KPB Parcel No. 179-080-4000 Phase II
- 56 Government Lot 38, East of Kachemak Drive KPB Parcel No. 179-100-0500 Phase II
- 57

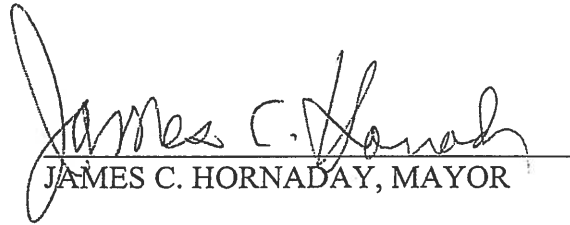
58 5. If the property owner sells the entire split lot (both sides of Kachemak Drive) then the
59 deferred assessment status would pass on to the new owner with all the stipulations of this
60 Resolution; and
61

62 BE IT FURTHER RESOLVED, that the attached document regarding these deferred
63 assessments shall be recorded in the Homer Recording District; and
64

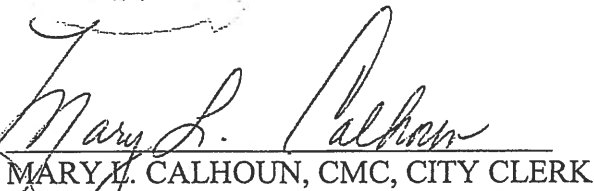
65 BE IT FURTHER RESOLVED, that these deferments shall be reflected in the Preliminary
66 and Final Assessment Rolls.
67

68 PASSED and ADOPTED by the Homer City Council on this 26th day of June, 2006.
69

70 CITY OF HOMER

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75 
76 JAMES C. HORNADAY, MAYOR

70
71
72
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74
75 ATTEST:

76
77
78
79 
80 MARY L. CALHOUN, CMC, CITY CLERK

81
82 Fiscal Note: Via Preliminary Assessment Roll: 1 parcel at 31,019.22, 6 parcels at \$28,586.80. To be
83 paid by the Homer Accelerated Water and Sewer Program.
84

**CITY OF HOMER
HOMER, ALASKA**

Van Dyke

RESOLUTION 15-063

A RESOLUTION OF THE HOMER CITY COUNCIL AUTHORIZING DEFERRED ASSESSMENTS TO THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT FOR LOTS THAT WERE SPLIT AS A RESULT OF THE CONSTRUCTION OF KACHEMAK DRIVE.

WHEREAS, In 2013 the Homer City Council initiated a City-wide Homer Natural Gas Distribution Special Assessment District ("District") to bring natural gas to City of Homer parcels; and

WHEREAS, Resolution 15-017 confirmed the assessment roll for the District; and

WHEREAS, The final assessment roll for the District included parcels on Kachemak Drive that were divided into two lots as a result of the construction of Kachemak Drive yet were originally considered one parcel; and

WHEREAS, Resolution 06-74 defers Kachemak Drive Homer Accelerated Water and Sewer Program assessments for these lots.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby authorizes deferred assessments for lots that were split as a result of the construction on Kachemak Drive as follows:

1. Parcels being considered are the following:

Government Lot 2, North of Kachemak Drive KPB Parcel No. 17936024
Government Lot 15, West of Kachemak Drive KPB Parcel No. 17908013
Government Lot 17, West of Kachemak Drive KPB Parcel No. 17908021
Government Lot 26, West of Kachemak Drive KPB Parcel No. 17908027

2. The deferred assessments for these four parcels is to alleviate undo financial hardship to the property owners of the split lots with regard to natural gas assessments, since these originally were considered, legally, one parcel; and
3. Should construction take place on any of these parcels, then the payment of deferred assessment would be required; and

- 43 4. Should any one of these, above listed, parcels be sold separate from its associated
44 parcel, making the above listed portion of that parcel a separate parcel in entirety;
45 then the payment of the deferred assessment would be required (See number 5); and
46
- 47 5. If the property owner sells the entire split lot (both sides of Kachemak Drive) then the
48 deferred assessment status would pass on to the new owner with all the stipulations
49 of this Resolution.

50
51 BE IT FURTHER RESOLVED that the attached document regarding these deferred
52 assessments shall be recorded in the Homer Recording District.

53
54 BE IT FURTHER RESOLVED that these deferments shall be reflected in the Preliminary
55 and Final Assessment Rolls.

56
57 PASSED AND ADOPTED by the Homer City Council on this 27th day of July, 2015.

58
59 CITY OF HOMER

60
61
62 _____
63 FRANCIE ROBERTS, MAYOR PRO TEMPORE

64
65 ATTEST:

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

71
72 Fiscal Note: 4 parcels at \$3,262.77, Total \$13,051.08.

**CITY OF HOMER
HOMER, ALASKA**

City Manager/PW Director

RESOLUTION 16-078

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING MEMORANDUM
16-120 ESTABLISHING CONDITIONS UNDER WHICH ADJACENT AND
BENEFITTED PROPERTIES CAN CONNECT TO THE SHELLFISH
AVENUE/SOUTH SLOPE DRIVE WATER MAIN PROJECT.

WHEREAS, The extension of a water main along Shellfish Avenue/South Slope Drive is recommended by the Water/Sewer Master Plan and construction will be complete by the end of the summer 2016; and

WHEREAS, This type of improvement is normally constructed through the formation of a neighborhood initiated Special Assessment District (SAD) where benefitted property owners are assessed for their fair share based on policy established in the Homer Accelerated Water and Sewer Program (HAWSP) Manual.

WHEREAS, The Shellfish Avenue/South Slope Drive water main project was not initiated by the neighborhood property owners, but is being constructed by the City utilizing in part state and federal grant funds; the conditions under which adjacent property owners can connect to this new main are not clear; and

WHEREAS, Public Works has prepared a Memorandum establishing what an adjacent property owner needs to do to be allowed to connect to the Shellfish Avenue/South Slope Drive water main, based on input from affected property owners and previous actions by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves Memorandum 16-120 which establishes the conditions under which adjacent and benefitted property owners can connect to the Shellfish Avenue/South Slope Drive water main project.

PASSED AND ADOPTED by the Homer City Council this 25th day of July, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal note: Account #215-2837 - 17 parcels at \$14,057 each



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 16-120

TO: Mary K. Koester – City Manager
FROM: Carey Meyer – Public Works Director
DATE: July 15, 2016
SUBJECT: **Policy Regarding Conditions for Property Owner Connection
Shellfish Avenue/South Slope Drive Water Main Extension Project**

Background: The Water/Sewer Master Plan for the City of Homer calls for improvements to the City's water system that would improve the reliability of the water service to the community and provide piped drinking water to those that are not currently served. The extension of a water main along Shellfish Avenue/South Slope Drive (see attached map) is one of those improvements. Public Works has completed the design of the improvement and has obtained a grant to help pay for the design and construction. Normally, these types of improvements are constructed through the formation of a neighborhood initiated Special Assessment District (SAD) where benefitted property owners are assessed for their fair share. Water and sewer SAD assessments have normally been distributed equally to all benefitted lots.

This project was initiated by the City. 55% of the cost of design and 70% of the cost of construction will be covered by grants obtained by the City. The remaining costs shall be divided equally between the benefitted property owners fronting the main.

Attached is a table showing the estimated "fair share" of the costs anticipated for each benefitted fronting property. The City Council will review and approve the actual costs once actual costs are known.

Condition for connection to the water main:

- 1) Property owner shall pay their "share" in full or execute an agreement between the City and the property owner(s) that permits connection, promises to pay their "share" in equal annual payments over a 10-20 year period (interest charges at 1.5% over the term of the agreement), and authorizes the City to record a lien against the property. Interest will accrue from the date that the City Council establishes final project cost.

Recommendation: The City Council approve this Memorandum which establishes the conditions under which benefitted property owners can connect to the Shellfish Avenue/South Slope water main.

Proposed "Fair Equal Share"
Shellfish Avenue/South Slope Drive Water Main Extension
Cost for adjacent property owner to connect

Design cost =	\$63,814
Anticipated Construction Cost =	<u>\$662,926</u>
Total Project Cost	\$726,740
Total Assessable Cost*	\$238,974

Lot #	KPB Tax ID #	Equal Shares
-------	--------------	--------------

Lot 1	17701047	\$14,057
Lot 2	17701046	\$14,057
Lot 3	17701045	\$14,057
Lot 4	17701044	\$14,057
Lot 5	17702033	\$14,057
Lot 6	17702032	\$14,057
Lot 7	17702031	\$14,057
Lot 8	17702030	\$14,057
Lot 9	17702089	\$14,057
Lot 10	17702080	\$14,057
Lot 11	17702052	\$14,057
Lot 12	17701051	\$14,057
Lot 13	17701050	\$14,057
Lot 14	17701009	\$14,057
Lot 15	17701042	\$14,057
Lot 16	17701041	\$14,057
Lot 17	17701082	\$14,057

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

Lewis/Wythe

4
5 **RESOLUTION 16-079**

6
7 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER,
8 ALASKA, APPROVING A POLICY AND PROCEDURE FOR THE
9 WAIVER OF PENALTIES ON DELINQUENT SPECIAL ASSESSMENT
10 PAYMENTS.

11
12 WHEREAS, On March 23, 2015, the Council adopted Resolution 15-017, confirming the
13 assessment roll, establishing payment due dates and establishing delinquency, penalty and
14 interest provisions for the Homer Natural Gas Distribution Special Assessment District
15 (“District”); and

16
17 WHEREAS, On September 14, 2015, the Council adopted Resolution 15-081(S),
18 confirming the assessment roll for condominium units in the District, and establishing
19 delinquency, penalty and interest provisions for those assessments; and

20
21 WHEREAS, On May 9, 2016, the Council adopted Resolution 16-052, establishing a
22 more lenient penalty and interest structure for installments on assessments in the District
23 that first become delinquent on or after July 1, 2016; and

24
25 WHEREAS, With thousands of properties being assessed in the District, exceptional
26 circumstances may occur in which, in the interest of fairness, a penalty on a delinquent
27 assessment payment should be waived; and

28
29 WHEREAS, The proposed Policy and Procedure for administrative waiver of penalties
30 on delinquent assessment payments in a special assessment district is based on the Kenai
31 Peninsula Borough procedure for fine abatement on late property taxes, is in the best interest
32 of the City, and should be adopted.

33
34 NOW, THERFORE, BE IT RESOLVED the Policy and Procedure for administrative waiver
35 of penalties on delinquent assessment payments in a special assessment district is adopted
36 to read as follows:

37
38 1. POLICY

39
40 It is the policy of the City of Homer to provide fair and consistent administration of Alaska
41 statutes and City ordinances with respect to waiving the assessment of penalties on
42 delinquent assessment payments in special assessment districts, and to recognize that

43 exceptional circumstances may occur in which, in the interest of fairness, a penalty on a
44 delinquent assessment should be waived.

45

46 2. RESPONSIBILITY

47

48 A. The Finance Director will review a request that the City waive a penalty on a
49 delinquent assessment payment, determine the facts that are relevant to the waiver
50 request, and recommend that the City Manager grant or deny the request in
51 accordance with the procedure below.

52 B. The City Manager will determine whether to grant or deny a request that the City
53 waive a penalty on a delinquent assessment payment, taking into consideration the
54 recommendation of the Finance Director.

55

56 3. PROCEDURE

57

58 A. An owner of property in a special assessment district who is delinquent in making an
59 assessment payment may apply to the Finance Director for a waiver of the penalty on
60 the delinquent assessment payment on a form provided by the Finance Director.

61 B. The application to waive the penalty shall be accompanied by payment of all
62 delinquent assessment payments that the property owner owes to the City.

63 C. The Finance Director will review and recommend that the City Manager approve or
64 disapprove the application. The Finance Director will recommend approval of an
65 application to waive a penalty on a delinquent assessment payment if the Finance
66 Director finds one of the following:

67 1. A clerical error by the City Clerk or Finance Department contributed
68 substantially to the late payment.

69 i. For the purpose of this procedure, a clerical error is a mistake made by
70 City personnel that results in the failure of the City to correctly and timely
71 notify the property owner of the due date for the delinquent assessment
72 payment, or to correctly credit a timely assessment payment to the
73 property owner's account. Examples of a clerical error include:

74 • Application of a timely payment to the wrong account.
75 • Failing to send the property owner timely notice of the payment due
76 date.

77 • Sending the property owner notice of the payment due date using a
78 name or address other than the name and addresses of the property
79 owner that currently appears on the Kenai Peninsula Borough
80 property tax roll.

81 ii. The property owner is responsible for notifying the Kenai Peninsula
82 Borough Assessor of any change in property owner name or address. The
83 City is not responsible for updating the property owner name and address
84 on the Kenai Peninsula Borough property tax roll, or for investigating the

85 accuracy of the property owner name or address that currently appears
86 on the Kenai Peninsula Borough property tax roll.

87 2. A U.S. Postal Service error contributed substantially to the late payment. A
88 waiver on this ground requires proof of one of the following:

89 i. The Postal Service failed to deliver either the payment or the notice of the
90 payment due date to the address that appeared on the envelope.

91 ii. There Postal Service delayed delivery of either the payment or notice of
92 the payment due date to a degree that contributed substantially to the
93 lateness of the payment.

94 iii. The postmark on the payment did not accurately reflect when the
95 property owner delivered the payment to the Postal Service.

96 3. Proof that the property owner was unable to make the payment on time
97 because of an extreme non-financial personal hardship. This could include a
98 serious illness or death of the property owner or an immediate family member
99 that reasonably prevented making the payment on time.

100 D. The City Manager will decide whether to approve or disapprove an application to
101 waive a penalty on a delinquent assessment payment, taking the Finance Director's
102 recommendation into consideration in the decision. The City Manager shall give the
103 property owner a written notice of the decision on the application, stating the reasons
104 for the decision. The decision of the City Manager on the application is final and not
105 subject to appeal.

106 E. Not less frequently than once a calendar quarter, the City Manager include in a Council
107 meeting agenda packet a written report of the decisions on applications to waive
108 penalties on delinquent assessments that were issued in the preceding calendar
109 quarter.

110
111 PASSED AND ADOPTED by the Homer City Council on this ____ day of July 2016.

112
113 CITY OF HOMER

114
115
116 _____
117 MARY E. WYTHE, MAYOR

118
119 ATTEST:
120
121
122 _____
123 JO JOHNSON, MMC, CITY CLERK

124
125 Fiscal note: n/a



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

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(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 16-121

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 20, 2016
SUBJECT: Fine Abatement Resolution

Resolution 16-079 is in response to a number of property owners protesting late fees and fine for the Natural Gas Special Assessment district. Multiple reasons for non-payment have been given by property owners including the complaint that they did not receive an original bill and extreme hardship such as a death in the family. It will be helpful for staff to have a process to point to when these complaints come up. The Finance Department will have a form on hand that they can give property owners. It lays out a process based on the criteria the Kenai Peninsula Borough uses for waiving interest and penalties for late payments of property taxes. The burden of proof is one the individual protesting the fines and all waivers require Council approval. The process will be similar to the procedure established by Council to exempt properties from the district: application's will be reviewed by staff, given a recommendation, and placed as a memo on the consent agenda for Council approval.

Attached is the Kenai Peninsula Borough policy and form this resolution was mirrored on.

KENAI PENINSULA BOROUGH

Policy and Procedure No. FIN-4 Waiving Penalty, Interest & Costs

Approved by: Dale L Bagley Date: 9/26/02
Mayor

I. POLICY

It is the policy of the Kenai Peninsula Borough to provide fair and consistent administration of Alaska statutes and Borough ordinances with respect to waiving the assessment of penalty, interest and costs to tax accounts.

II. DEPARTMENTS AFFECTED

Finance Department
Assessing Department

III. RESPONSIBILITY

- A. The Finance Director shall consider requests for waiver or reversal of penalty, interest and costs and is authorized to approve those requests in accordance with the provisions of the procedures below.
- B. The Assessor shall review requests for waiver or reversal of penalty, interest and costs and submit comments confirming or rebutting the taxpayer's claim to the Finance Director for consideration.

IV. EXCEPTIONS

Any exceptions to this policy and procedure must be documented in writing, approved by the Finance Director, and reported to the Mayor at least quarterly.

V. PROCEDURE

- A. Requests for waiver or reversal of penalty, interest and costs on property tax accounts may be approved when the Finance Director determines that one of the following situations resulted in the late property tax payment or late personal property filing:
 - 1. A clerical error was made by the borough Assessing or Finance Departments that substantially contributed to, or caused the late payment or filing.

-
- a) A clerical error is defined as a mistake made by Borough personnel that results in the failure of correct and timely notification to the owner of the property assessment notice or tax billing. Some examples of a clerical error include:
- Application of payment to the wrong account.
 - Incorrect posting of names or addresses from recorded deed.
 - Incorrect posting of deeds to account numbers.
 - Failure to flag an account for billing.
 - Failure to remove an account from hold status.
 - Failure to remove or add an account to a tax listing for payment by a lending institution.
 - Input error on Tax Adjustment forms.
- b) It is not considered a clerical error on the part of the Borough if a recorded deed is not received by the Borough in a timely manner and/or the recorded deed has a clerical error.
- c) In the event a clerical error occurs on a real or personal property tax account resulting in the accumulation of fees, including penalties, interest and costs, the steps below will be followed to adjust the account.
- Following the detection of the error, the proper department will be notified.
 - The attached form will be filled out and presented to the director of the department for signature.
 - The form will be presented to the Finance director for final approval and will be forwarded to the Sr. Revenue Specialist in the Finance Department for adjustment.
 - The Sr. Revenue Specialist will send the owner of the property notification of the change made and/or a corrected billing, whichever is applicable.
 - The Sr. Revenue Specialist will prepare a monthly report of all adjustments made to tax accounts as a result of a clerical error and forward the report to the Mayor, Finance Director and Assessing Director.
2. A postal error caused the late payment or filing. This determination will normally require a written statement from the U.S. Postal Service confirming that a postal error occurred or was likely to have occurred and that the error resulted in the payment or filing being postmarked after the due date.

-
3. The taxpayer was unable to make the payment or filing on time because of an extreme non-financial personal hardship. This could include a serious illness of the taxpayer or a serious illness or death of an immediate family member that reasonably prevented the taxpayer from making the payment or filing on time. The Finance Director will normally require the taxpayer to provide proof of the personal hardship. The Finance Director may consider other factors such as the taxpayer's tax payment history and previous requests for waiver of penalty and interest in making the determination.
 4. The Finance Director will review the request and approve or disapprove. The Finance department will send the taxpayer a letter indicating the Finance Director's decision.
 5. Taxpayers who wish to appeal a decision of the Finance Director made under this policy may do so by providing a written appeal to the Mayor.

**KENAI PENINSULA BOROUGH
REQUEST FOR WAIVER OF PENALTY AND INTEREST**

Tax Year in Question _____

Owner _____ Acct# _____

Mailing Address _____

Legal Description _____

Waiver for: Late File Personal Property Late Pay Taxes Vessel Exclusion Provision

REASON FOR REQUEST: _____

Applicant Signature _____

Date _____

RECOMMENDATION BY ASSESSOR: YES / NO

COMMENT: _____

Director of Assessing _____

Date _____

RECOMMENDATION BY FINANCE DIRECTOR: YES / NO

COMMENT: _____

Director of Finance _____

Date _____

APPROVED BY MAYOR: YES / NO

COMMENT: _____

Borough Mayor _____

Date _____

ATTACHMENTS _____

**KENAI PENINSULA BOROUGH
REQUEST FOR REVERSAL OF FEES CAUSED BY CLERICAL ERROR**

Tax Year _____

Owner _____ Acct# _____

Mailing Address: _____

Nature of clerical error: _____

Name and Department _____ Date _____

ACKNOWLEDGMENT BY ASSESSOR:

COMMENTS: _____

Director of Assessing _____ Date _____

ACKNOWLEDGMENT BY FINANCE DIRECTOR:

COMMENTS: _____

Director of Finance _____ Date _____

Attachments: _____	Adjustment date: _____
Bill date: _____	Payment due: _____

VISITORS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: KEN CASTNER, CHAIR, PUBLIC SAFETY BUILDING COMMITTEE
DATE: JULY 20, 2016
SUBJECT: PUBLIC SAFETY BUILDING PRESENTATION SYNOPSIS

Mayor Wythe has asked me to succinctly provide you a written synopsis of my presentation from the Public Safety Building Review Committee (Committee) that I will be making on Monday, July 25.

Attached to this memorandum is the current schedule of costs, a plan view of the expanded HERC building, a conceptual drawing in elevation of the project from the West, and a series of frequently asked questions (FAQ's).

The original premise of this project was to completely replace the existing public safety buildings at some unknown location. The working budget to do this was \$15 million. The actual estimated cost, once the site was selected, is \$30 million. As this process was taking place, the reality of the state's fiscal position became clear: whatever construction we were to undertake as a city, would likely need to be paid for or financed entirely by the city. We have worked hard, and are not finished, in finding the most prudent and cost efficient solution that will provide a new workplace for our public safety professionals.

We have also been interested in preserving those programs that would be displaced by repurposing the buildings and grounds located at the HERC site. The Council is aware, and has supported, the new recreational opportunities at SPARC. The other displaced activity is the skateboard park. The budget reflects the relocation of the park within the HERC site.

The Council may recall that the contracting and construction method chosen for this project came in two parts. After a contracting team was chosen, the general contractor, acting as a "construction manager", would prepare cost estimates responsive to the preliminary engineering and architectural details. The second part would be the general contractor preparing a guaranteed maximum price (GMP) for the project. A GMP is not possible until the design has been completed and subcontractor bids determined. The final price can swell and contract considerably given changing design parameters.

The Committee, and the public works department, has been cautious in asking for too many design details prior to obtaining project funding. We have worked with both the designers and the general contractor, acting as the construction manager, to find design and cost benefits that will provide the program space needed by each of the departments.

I believe we will have plenty of time on Monday to answer questions and address any concerns you may have.

RECOMMENDATION:
Informational only.

Frequently Asked Questions

- 1) **Question:** Why do the public safety buildings – the police station and the fire station – need to be replaced now?
Answer: Homer has grown considerably since the existing buildings were constructed. Annexation, expansion of the core center of town, and new neighborhoods together with an expanded population require additional human resources to deliver First Response services. As additional personnel are added to the physical plant, and additional demands for space allocations are made, the built-in areas for expansion are quickly filled. As the workspace becomes overcrowded, sacrifices are made that affect the quality of the workplace. Fire and EMT calls are at an historic High. The police station is no longer adequate to house the personnel and services located there. The fire station also has some serious aging issues, but the decision has been made to make some strategic upgrades and deferred maintenance repairs to extend the life of the station. The City Council has authorized the funding for this construction and the repairs and renovations are underway.
- 2) **Question:** Couldn't we tear down the existing buildings and build at the same location?
Answer: The committee, the architect, and key personnel from public works, spent a considerable of time examining the possibility of phasing new buildings on the existing lot. It was determined that restraints in both the lot size and placing critical facilities in temporary homes would be impractical and add a lot of expense to the project.
- 3) **Question:** Why is the HERC location the best site?
Answer: The 4 acres located at the corner of Pioneer Avenue and the Sterling Highway are owned by the city; there is no acquisition cost. The site contains two existing structures, one of which can be incorporated into the new police station. The site has existing water, sewer, and electrical services as well as existing paved and unpaved parking. The costs associated with finding or improving an existing building or a lot in the core area of town would likely double the cost of the project.
- 4) **Question:** Is there room at the HERC site for a future new fire station?
Answer: Yes, the site plan indicates were future fire station may be built east of the HERC building.
- 5) **Question:** What happens to the existing uses at the HERC site?
Answer: There currently two main uses of HERC facilities: the skateboard park and the old school gym. These will not be "orphaned". The gym activities will be relocated to the new SPARC facility scheduled to be constructed later this year and located nearby. A new skateboard park will be located elsewhere on the HERC site, and funds for its construction are included in the project cost.
- 6) **Question:** Can't we remodel or expand the existing buildings?
Answer: Essentially, the city is doing exactly that. The fire station is being remodeled and the HERC building is being expanded and repurposed to become a police station.
- 7) **Question:** If we build new buildings what happens to the old buildings?
Answer: After the new police station has been constructed, and the old building vacated, the city Council will decide the disposition of the old building.

8) **Question:** What have you done to reduce costs?

Answer: Cost considerations, given the fact that no state or federal grants are known to be available for construction assistance, have heavily influenced the decisions made in this project. Repairs are much less costly than replacements and that is the solution for the fire station. Incorporating existing space with minimal remodeling costs will greatly reduce the costs of new construction, and that is the solution the police station. We are working diligently with the architect and the general contractor, acting as our construction manager, to arrive at a project cost that can be supported this fall in the bond proposition.

9) **Question:** Do we really need a shooting range?

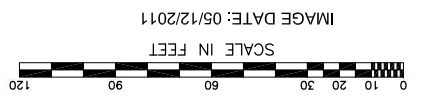
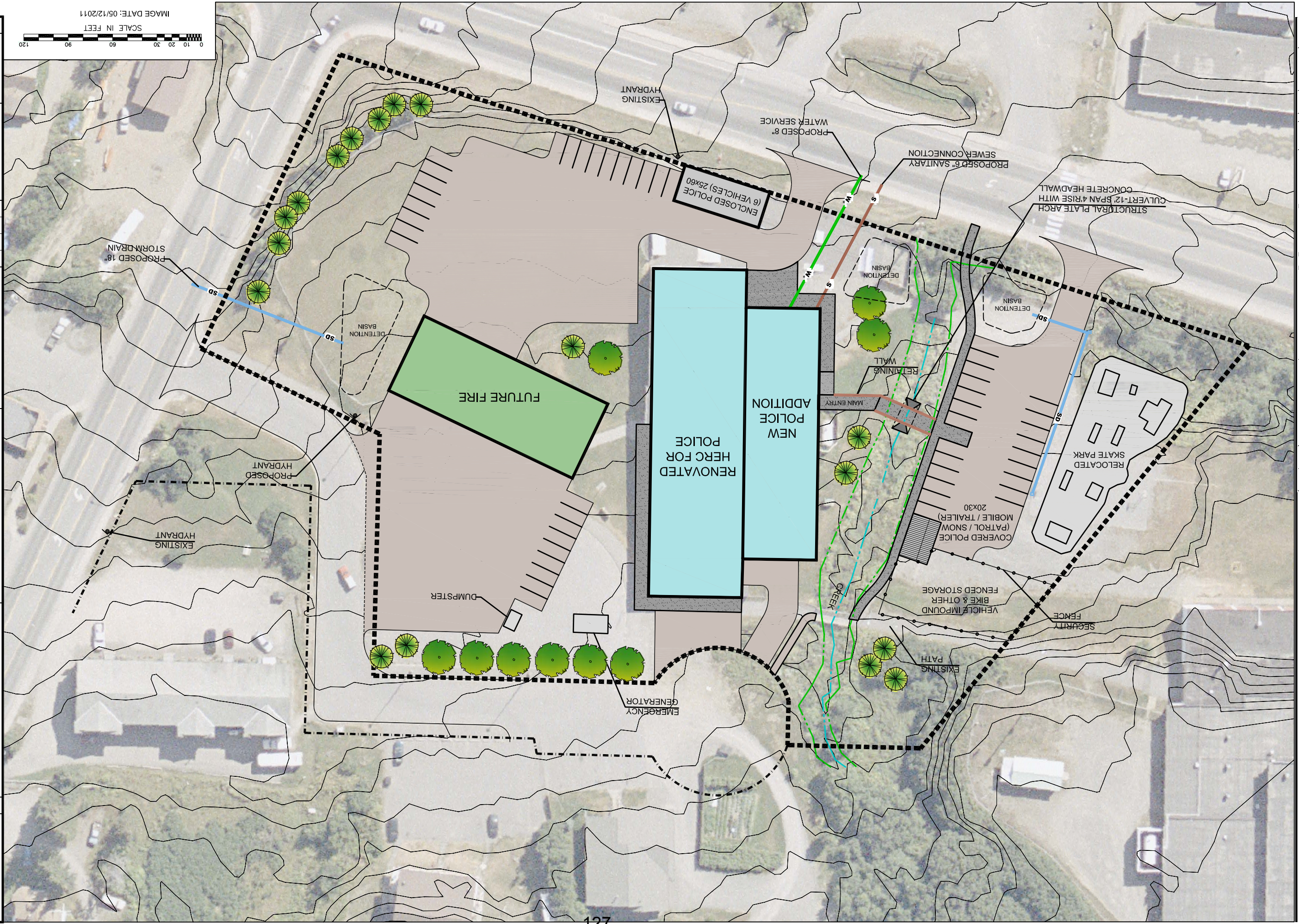
Answer: A shooting range has been on the list of capital improvement projects for a number of years. The department believes this is a critical training facility. By locating it in repurposed HERC building classroom space, the costs have been seriously reduced. It should also be available, at specific scheduled times, for paid public use.

10) **Question:** How much it will a new building increase the cost of operations?

Answer: While the cost of maintaining a larger building will increase, there must be some savings in the fact that new buildings require less maintenance and upkeep than older buildings, it will be more energy efficient, be a healthier work environment for the employees and reduce other operating costs. Public works believes \$144,000 to be a conservative number, and adequate for planning purposes.







Project Number: 204600234
L1.2
 Sheet No.:

SITE CONCEPT
 STATION
 FUTURE FIRE
 POLICE &
 SHEET CONTENTS:

Date	06/08/2016
Checked	
Drawn	
Project Mgr.	DRS

City of Homer
 Homer, Alaska 99603

Project:
 HOMER PUBLIC
 SAFETY BUILDING



725 East Fireweed Lane, Suite 200
 Anchorage, Alaska 99503
 Phone: (907) 271-4245
 FAX: (907) 258-4553
 www.stantec.com

No.	Date	Revision	By

Date Stamped:

AREA SCHEDULE (GROSS)	
Name	Area
FIRST FLOOR EXISTING	8360 SF
FIRST FLOOR NEW	3576 SF
SECOND FLOOR EXISTING	8842 SF
SECOND FLOOR NEW	7370 SF
	28148 SF

INVESTIGATION / PATROL	
Name	Area

STAIRS	178 SF
ELEVATOR	88 SF
HALL 1	204 SF
BRIEFING / TRAINING	1191 SF
HARD INTERVIEW 1	96 SF
SARGENT	112 SF
POLYGRAPH	99 SF
PATROL STORAGE	53 SF
SOFT INTERVIEW	167 SF
SOUTH VEST / GEAR	105 SF
SARGENT	105 SF
CHIEF	217 SF
SARGENT	99 SF
LIEUTENANT	148 SF
SARGENT	100 SF
SARGENT	101 SF
WORK COPY	151 SF
DETECTIVE	100 SF
TOILET 1	46 SF
DETECTIVE	100 SF
EXISTING MECHANICAL	419 SF
MECH ELEC SHAFT	49 SF
	3927 SF

GYMNASIUM SUPPORT	
Name	Area

ENTRY STAIRS	201 SF
HALL 2	558 SF
BREAK RM	113 SF
LARGE BRIEFING / NEW EOC / EXISTING GYMNASIUM	5043 SF
PATROL STORAGE	719 SF
EXISTING MECH	469 SF
	7103 SF

FITNESS SUPPORT	
Name	Area

WOMENS LOCKER ROOM	341 SF
WOMENS SHOWER	94 SF
MENS LOCKER ROOM	327 SF
MENS SHOWER	94 SF
	856 SF

DISPATCH	
Name	Area

WEST VESTIBULE	84 SF
LOBBY	568 SF
HALL	179 SF
SOFT INTERVIEW	173 SF
TOILET 4	100 SF
SUPERVISOR	216 SF
RECEPTION	173 SF
DISPATCH	524 SF
IT	87 SF
TOILET 3	61 SF
TOILET 5	104 SF
COPY / FILE	224 SF
	2493 SF

JAIL SUPPORT	
Name	Area

VESTIBULE	62 SF
HALL	344 SF
HALL	155 SF
SALLY PORT	745 SF
STRIP SEARCH	205 SF
TOILET 2	58 SF
CONTROL	266 SF
REPORT & INTOX	119 SF
FOOD SERVICE	119 SF
LAUNDRY & BEDDING	171 SF
BOOKING	700 SF
STRIP SEARCH	160 SF
HARD INTERVIEW 2	97 SF
VISIT	114 SF
JANITOR	42 SF
	3356 SF

JAIL CELLS	
Name	Area

CELL 2	142 SF
CELL 2	138 SF
CELL 2	138 SF
CELL 2	138 SF
CELL 2	138 SF
CELL 1	113 SF
CELL 1	113 SF
HOLDING	110 SF
JUVENILE DETENTION	113 SF
	1279 SF

EVIDENCE	
Name	Area

NORTH VESTIBULE	55 SF
HALL 6	776 SF
BOOT WASH RAIN GEAR	54 SF
DECON	61 SF
LONG TERM EVIDENCE STORAGE 1	702 SF
LONG TERM EVIDENCE STORAGE 2	171 SF
EVIDENCE STORAGE	196 SF
	2016 SF

PROPERTY	
Name	Area

VEHICLE EVIDENCE	713 SF
DRUGS	108 SF
MONEY	24 SF
MARIJUANA	90 SF
FOUND	42 SF
EVIDENCE RECEIVING	249 SF
SUPPLY	95 SF
EVIDENCE SUBMIT	133 SF
	1454 SF

GUN RANGE	
Name	Area

GUN RANGE	2574 SF
-----------	---------

GUN RANGE SUPPORT	
Name	Area

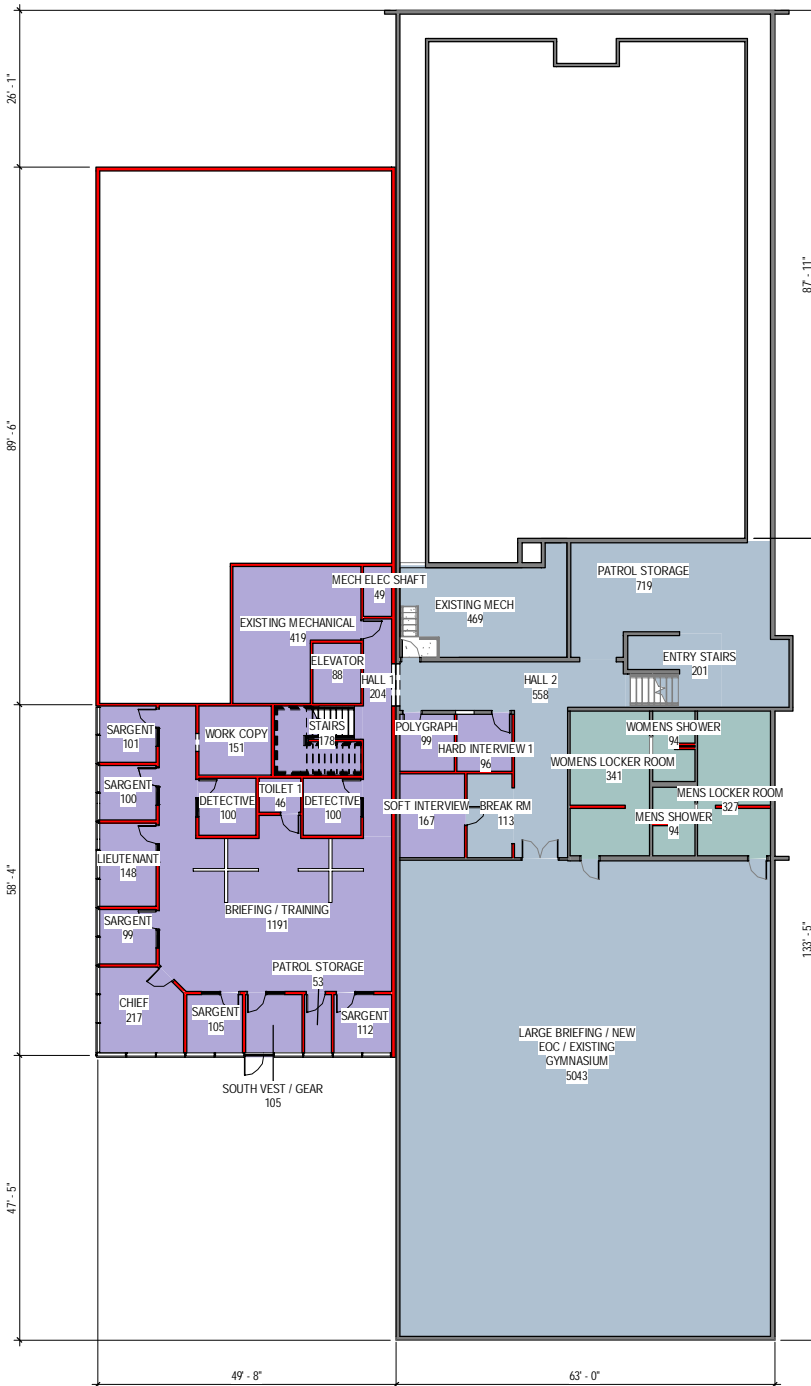
EAST VESTIBULE	71 SF
ENTRY STAIR	196 SF
STORAGE	68 SF
GUN CLEANING	76 SF
ARMS	141 SF
	552 SF

KITCHEN	
Name	Area

LUNCH / KITCHEN / STORAGE	561 SF
RADIO	278 SF
BUNK 2	103 SF
BUNK 1	177 SF
	1119 SF

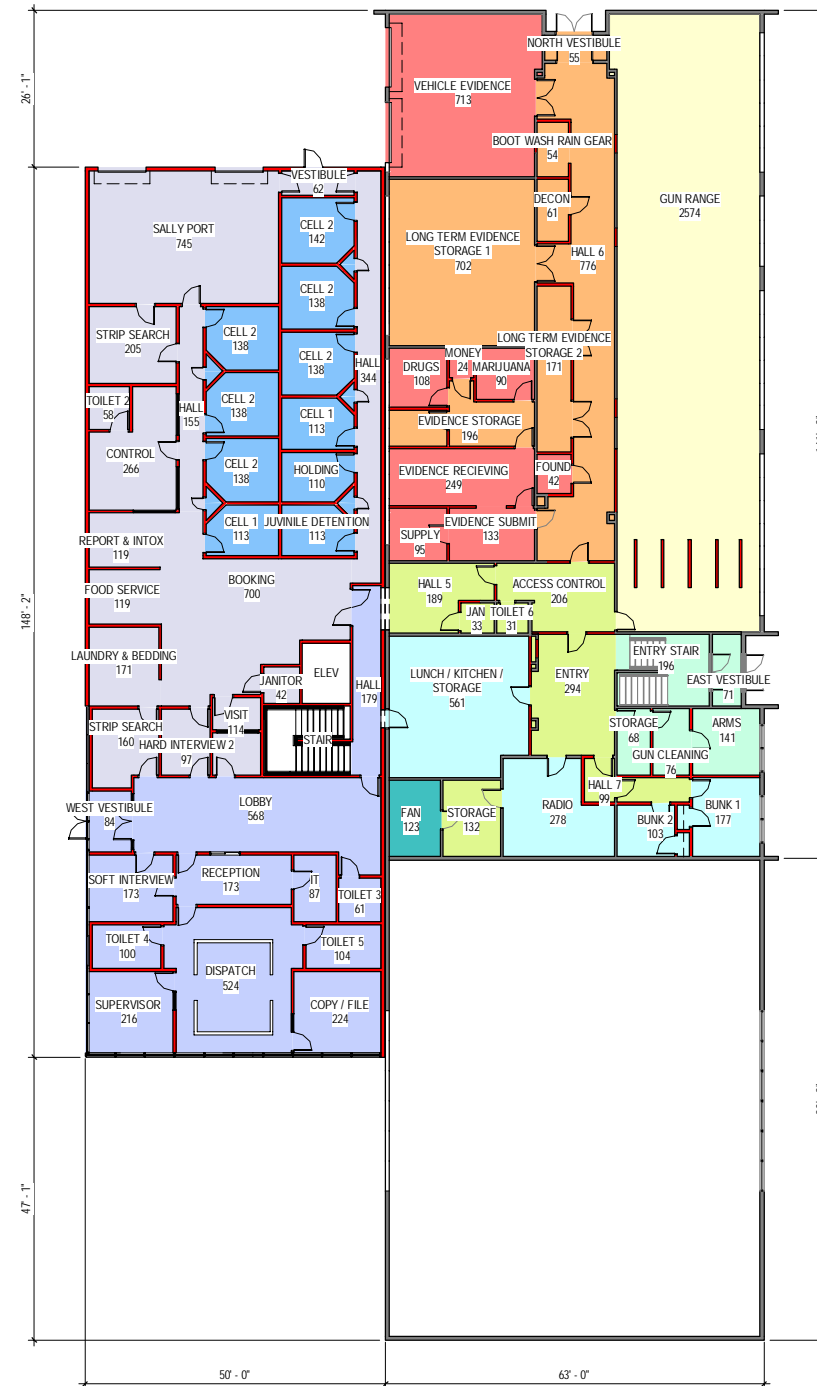
SUPPORT	
Name	Area

ENTRY	294 SF
ACCESS CONTROL	206 SF
HALL 5	189 SF
JAN	33 SF
TOILET 6	31 SF
HALL 7	99 SF
STORAGE	132 SF
FAN	123 SF
	1108 SF



1 FIRST FLOOR PLAN OVERALL

A-001 1/16" = 1'-0"



2 SECOND FLOOR PLAN OVERALL

A-001 1/16" = 1'-0"

Conceptual Cost Estimate

Homer Public Safety Building Project

Construction Items	Quantity	Unit	Unit Price	TOTAL
ASSESSORY SPACE				
Vehicle Impound Fenced Storage	1,962	sf	\$50	\$98,100
Enclosed Parking (25x60)	1,500	sf	\$200	\$300,000
Covered Parking (15x20)	300	sf	\$150	\$45,000
Covered Parking (20x30)	600	sf	\$150	\$90,000
K-9	55	sf	\$150	\$8,175
SUBTOTAL ACCESSORY STRUCTURES				\$541,275
CIVIL SITE				
Mob/Demob/General Conditions	1	LS	\$95,000	\$95,000
Construction Survey	1	LS	\$25,000	\$25,000
Excavation - Off-Site Disposal	7,500	CY	\$7	\$52,500
Excavation - Off-Site Disposal	2,000	CY	\$4	\$8,000
Geotextile Fabric	25,000	SF	\$1	\$31,250
Import Select Fill Material	6,500	CY	\$25	\$162,500
Paving (2" LC/2" AC)	24,000	SF	\$5	\$120,000
Curb & Gutter	400	LF	\$25	\$10,000
Sidewalk/Trails/Courtyard	1	LS	\$30,000	\$30,000
Storm Drainage	1	LS	\$35,000	\$35,000
Water Service	1	LS	\$30,000	\$30,000
Sewer Service	1	LS	\$25,000	\$25,000
Landscaping/Seeding	1	LS	\$35,000	\$35,000
Detention Basins	1	LS	\$18,000	\$18,000
Gas/Electric/Tele Service	1	LS	\$45,000	\$45,000
Pavement Striping/Signage	1	LS	\$25,000	\$25,000
Site Lighting	1	LS	\$45,000	\$45,000
SWPPP	1	LS	\$17,500	\$17,500
Dumpster/Pad/Enclosure	1	LS	\$12,500	\$12,500
Large Radio Antenna	1	LS	\$65,000	\$65,000
Bridge/Retaining walls	1	LS	\$16,000	\$16,000
Emergency Generator	1	LS	\$95,000	\$95,000
Skateboard Park	4,500	SF	\$99,000	\$99,000
SUBTOTAL CIVIL SITE				\$1,097,250
MAIN BUILDING				
General				\$858,295
Re-Roof @ HERC	13,913	sf	\$30	\$417,390
Sprinkler system @ HERC	17,181	sf	\$5	\$85,905
Fire Pump	1	each	\$75,000	\$75,000
2 stop elevator @ NEW	1	ls	\$80,000	\$80,000
Dispatch consoles @ NEW	4	each	\$50,000	\$200,000
Jail cells @ NEW	9	each	\$45,000	\$405,000
Unusable Area				\$62,200
Unusable Area	311	sf	\$200	\$62,200
Existing First Floor				\$391,575
Fitness Support	856	sf	\$250	\$214,000
Gymnasium	7,103	sf	\$25	\$177,575
Existing Second Floor				\$1,239,625
Support				
Kitchen	561	sf	\$200	\$112,200
Radio	278	sf	\$75	\$20,850
Bunks	280	sf	\$75	\$21,000
Remaining Support Space	1,108	sf	\$75	\$83,100
Property/ Evidence				
Vehicle Evidence	713	sf	\$100	\$71,300
Property	741	sf	\$150	\$111,150
Long Term Evidence Storage	873	sf	\$150	\$130,950
Decontamination Space	115	sf	\$125	\$14,375
Remaining Evidence Space	1,028	sf	\$75	\$77,100
Range				
Gun Range	2,574	sf	\$200	\$514,800
Range Support	552	sf	\$150	\$82,800
New First Floor				\$1,374,450
Investigation/Patrol	3,927	sf	\$350	\$1,374,450
New Second Floor				\$2,723,300
Dispatch	2,493	sf	\$400	\$997,200
Jail Cells (sf only)	1,279	sf	\$300	\$383,700
Jail Support	3,356	sf	\$400	\$1,342,400
SUBTOTAL MAIN BUILDING				\$6,851,945
ADD ONS				
FF&E	2	%	-	\$169,809
Design	8	%	-	\$679,238
1% for Art	1	%	-	\$84,905
Construction Assistance/Inspection	2	%	-	\$169,809
Contingency	15	%	-	\$1,273,571
City Administration	2	%	-	\$169,809
SUBTOTAL DESIGN/ADMIN				\$2,547,141
TOTAL PROJECT COST				\$11,037,611

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

PUBLIC HEARING(S)

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

Ordinance 16-36, Ordinance 16-37, Ordinance 16-38 and 16-38(S)

A **public hearing** is scheduled for **Monday, July 25, 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.

Ordinance 16-36, Ordinance 16-37, Ordinance 16-38 and 16-38(S) internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 16-36, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$9,970.00 From Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant. City Manager/Public Works Director.

Ordinance 16-37, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation From Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services. City Manager/Library Director.

Ordinance 16-38, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief.

Ordinance 16-38(S), An Ordinance of the City Council Of Homer, Alaska, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, Regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, Regarding The Regulation and Impoundment of Animals, and Penalties for Animal Violations. City Manager/Police Chief.



All interested persons are welcomed 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.

Melissa Jacobsen, CMC, Deputy City Clerk
Publish: Homer News: July 21, 2016

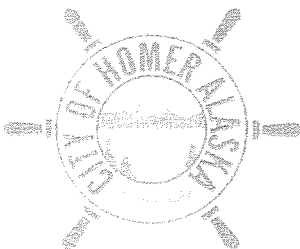
CLERK'S AFFIDAVIT OF POSTING

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 16-36**, Amending FY 2016 Operating Budget by Appropriating \$9,970.00 from Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant; **Ordinance 16-37**, Accepting and Appropriating a Donation from Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services; **Ordinance 16-38**, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals and Penalties for Animals Violations; **Ordinance 16-38(S)**, Amending HCC 7.04.030, Traffic Fine Schedules, and Enacting Homer City Code Chapter 7.15, Animals in Vehicles, regarding Animals in Vehicles; and Amending Homer City Code Title 20, Animals, regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, July 15, 2016 and posted the same on City of Homer Website on Thursday, July 14, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 15th day of July, 2016.



Renee Krause, CMC, Deputy City Clerk



ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-36

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating \$9,970.00 From Sewer Reserves for the Removal of an Underground Fuel Storage Tank at the Sewer Treatment Plant.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting June 27, 2016 Introduction
 - a. Memorandum 16-109 from Public Works Director as backup

2. Council Regular Meeting July 25, 2016
 - a. Memorandum 16-109 from Public Works Director as backup

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 16-36**

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 \$9,970.00 FROM SEWER RESERVES FOR
10 THE REMOVAL OF AN UNDERGROUND FUEL STORAGE TANK AT THE
11 SEWER TREATMENT PLANT.

12
13 WHEREAS, Public Works has been removing underground fuel storage tanks (UST's) at
14 City facilities to eliminate potential liability and expensive clean-up costs if leaks were to
15 occur; and

16
17 WHEREAS, Removing UST's decreases the Sewer Fund's pollution liability insurance
18 policy costs and monitoring costs; and

19
20 WHEREAS, Public Works has acquired a replacement above ground tank and is
21 prepared to complete this removal work utilizing in-house personnel with the assistance of
22 an environmental professional (See Memorandum 16-109); and

23
24 WHEREAS, The cost to provide professional environmental oversight and materials is
25 estimated to be \$9,970.00 (\$8,170.00 for oversight and \$1,800.00 for materials).

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

28
29 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
30 appropriating \$9,970.00 from Sewer Reserves for the removal of the underground storage
31 tank at the Sewer Treatment Plant.

32
33 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Sewer Treatment Plant UST Removal	\$9,970.00

34
35
36
37 Section 2. This is a budget amendment ordinance only, is not permanent in nature,
38 and shall not be codified.

39
40 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2016.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

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: _____



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 16-109

TO: Katie Koester - City Manager

FROM: Carey Meyer – Public Works Director

DATE: June 17, 2016

SUBJECT: **Request for Funding to Remove Sewer Treatment Plant Underground Fuel Storage Tank**

Public Works has been closing underground fuel storage tanks (UST's) every chance we get to remove the threat of release, soil contamination, and costly clean-up projects. Additionally, removing the UST's saves money by decreasing the City's pollution liability policy costs, and by eliminating the need to keep up with ever-changing ADEC installation and monitoring regulations.

There is a 1,100 gallon steel UST at the sewer treatment plant that was installed in 1991 that has been utilized for heat and for the backup generator. The tank is now only being utilized for the backup generator. We have an above ground tank (AST) on site to replace the underground tank. Removal of the underground tank will require a formal closure of the existing UST which will entail pumping, cleaning, removal, and ADEC reporting. This work will require a contractor approved for this type of work. In an effort to save funds, PW can assist the contractor with the excavation, removal, and backfill. I have been in contact with a few contractors on the ADEC approved list and have a proposal that would keep us below \$10,000. This includes the environmental contractor proposal and some piping and fittings necessary to make the transition to the AST.

We were advised by ADEC in the fall of 2015 that the cathodic protection system needs to be upgraded on this tank, and that we need to upgrade the tank and piping leak detection and begin monthly monitoring. Going ahead and making the transition to the AST will eliminate any additional expense associated with maintaining a UST and meeting regulatory requirements.

Funding in the amount of \$9,970 is requested. This will cover the \$8,170 proposal from Prism Construction, and an estimated \$1,800 for materials to make the plumbing transition to the AST (piping, fittings, day-tank).

Recommendation

The Homer City Council pass an ordinance authorizing an expenditure from the Sewer Reserve Account in the amount of \$9,970 for the removal of the existing underground fuel storage tank at the sewer treatment plant. (Fiscal Note: 215-0004)

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-37

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Donation From Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California, in the Amount of \$1,000.00 for the Homer Public Library and Stipulating That the Funds be Segregated and Used by the Library in Support of Its Mission to Provide Library Services.

Sponsor: City Manager/Library Director

1. Council Regular Meeting June 27, 2016 Introduction
 - a. Memorandum 16-110 from Library Director as backup

2. Council Regular Meeting July 25, 2016 Public Hearing and Second Reading
 - a. Memorandum 16-110 from Library Director as backup

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

3 City Manager/
4 Library Director

5 **ORDINANCE 16-37**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 ACCEPTING AND APPROPRIATING A DONATION FROM PAUL M.
9 HERTZMANN, INC., VINTAGE PHOTOGRAPHY OF SAN
10 FRANCISCO, CALIFORNIA, IN THE AMOUNT OF \$1,000.00 FOR
11 THE HOMER PUBLIC LIBRARY AND STIPULATING THAT THE
12 FUNDS BE SEGREGATED AND USED BY THE LIBRARY IN SUPPORT
13 OF ITS MISSION TO PROVIDE LIBRARY SERVICES.
14

15 WHEREAS, The Homer Public Library budget for 2016 was reduced significantly and
16 the Library Advisory Board committed themselves to encourage patrons and others to
17 donate to the support of the Library; and
18

19 WHEREAS, The Library Advisory Board may solicit donations of money and/or
20 property for the benefit of the library in accordance with HCC 2.48.050(e); and
21

22 WHEREAS, Monetary donations shall be deposited in a reserve fund designated for the
23 use of the Homer Public Library; and
24

25 WHEREAS, Paul M. Hertzmann, Inc., Vintage Photography of San Francisco, California,
26 has donated \$1,000.00 to be used by the Homer Public Library as needed to further support
27 its mission to provide library services.
28

29 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
30

31 Section 1. The Homer City Council hereby accepts and appropriates a donation from
32 Paul M. Hertzmann, Inc., Vintage Photography, in the amount of \$1,000.00 to use as needed
33 for further support of the Homer Public Library in its mission to provide Library Services and
34 directs the Finance Department to segregate the funds and insure that they are used for the
35 intended purpose as follows:
36

37 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Donation to the Homer Public Library	\$1,000.00

40 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
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Library Services

\$1,000.00

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

YES:

NO:

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: _____



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 16-110

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: ANN DIXON, LIBRARY DIRECTOR
DATE: JUNE 20, 2016
SUBJECT: ACCEPTANCE OF DONATION TO LIBRARY DONATION FUND

A donation of \$1,000 to the Homer Library Donation Fund has been received from Paul M. Herzmann, Inc., for use by the Homer Public Library in support of its mission to provide library services.

RECOMMENDATION:

Adopt Ordinance 16-37 to accept donation.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-38

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 20, Animals, Regarding the Regulation and Impoundment of Animals, and Penalties for Animal Violations.

Sponsor: City Manager/Police Chief

1. Council Regular Meeting June 27, 2016 Introduction
 - a. Memorandum 16-111 from Deputy City Clerk as backup
 - b. Memorandum 16-114 from City Attorney as backup
 - c. Resolution 15-075

2. Council Regular Meeting July 25, 2016 Public Hearing and Second Reading
 - a. Memorandum 16-111 from Deputy City Clerk as backup
 - b. Memorandum 16-114 from City Attorney as backup
 - c. Resolution 15-075

1 CITY OF HOMER
2 HOMER, ALASKA

3 City Manager/
4 Police Chief

5 ORDINANCE 16-38

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE TITLE 20, ANIMALS, REGARDING
9 THE REGULATION AND IMPOUNDMENT OF ANIMALS, AND
10 PENALTIES FOR ANIMAL VIOLATIONS.

11
12 THE CITY OF HOMER ORDAINS:

13
14 Section 1. Homer City Code 20.04.020, Definitions, is amended to read as follows:

15
16 20.04.020 Definitions.

17 ~~In For the purposes of this title, the following words and phrases shall have the~~
18 ~~meanings respectively ascribed to them by this section:~~

19 "Animal" means ~~a~~ **all**-domestic or domesticated **member** members of the animal
20 kingdom.

21 "At large" means ~~that~~ an animal is at large when it is off the **property** premises of **its**
22 the owner or keeper and is not in the company of or under the **direct** control of ~~a~~ the owner
23 or keeper, a member of his family or other person to which the animal has been entrusted, by
24 leash, cord or chain; provided, however, that such animal shall be deemed to be under
25 control when under competent **person** voice control while actively engaged in an organized
26 activity which requires that the animal not be physically restrained.

27 "Dog" means **a member of the species *Canis familiaris*** any dog (*Canis sp.*), whether
28 neutered or nonneutered male, spayed or unspayed female.

29 "Kennel" means **a commercial premises where four** any person, group of persons, or
30 corporation breeding, buying, keeping, selling, or boarding three or more dogs over **four**
31 **months of** the age **are owned, kept, boarded, bred or offered** of four months, whether for
32 **sale** profit or not.

33 "Large animal" means all cattle, horses, sheep, goats, swine or similar species
34 commonly kept as livestock.

35 "License collector" means the license collector who shall be the City Clerk, and shall
36 include a person designated by the Clerk to act in her behalf.

37 License Year. A "license year" shall commence on January 1st of each even-numbered
38 year.

39 "**Prior conviction**" means ~~a~~ **Conviction. A "prior conviction" of a person for a**
40 **violation of a provision of this title** involving any animal owned or controlled by the person
41 cited within a 24-month period preceding the **date of the** offense **for which a citation of the**
42 **person currently is pending** date of the pending citation shall constitute a prior offense for
43 penalty enhancement purposes.

44 “Quarantine” means the isolation of ~~an a dog or other domestic~~ animal in a
45 substantial enclosure so that the ~~dog or other domestic~~ animal cannot be subject to contact
46 with other animals or unauthorized persons.

47 **“Restraint” means any of the following: (i) physical confinement by leash, chain,**
48 **fence, or building; (ii) under competent voice control when an animal is engaged in an**
49 **activity or form of training requiring that it not be physically confined; or (iii) under**
50 **competent voice control when an animal is on the property of its owner.**

51 **“Vicious animal” means an** ~~Animal. Any animal which when unprovoked~~ has bitten or
52 attacked a human being **or another animal at any time without provocation** ~~shall be~~
53 ~~deemed vicious.~~

54
55 Section 2. Homer City Code Chapter 20.08, General Animal Regulations, is repealed
56 and reenacted to read as follows:

57
58 Chapter 20.08
59 GENERAL ANIMAL REGULATIONS

60 Sections:

- 61 20.08.010 Animals at large.
- 62 20.08.020 Impoundment procedures.
- 63 20.08.030 Animals on harbor floats.
- 64 20.08.040 Nuisance animals.
- 65 20.08.050 Cruelty or injury to animals.
- 66 20.08.060 Boarding dogs at animal shelter.
- 67 20.08.070 Female animals in heat – Confinement required.
- 68 20.08.080 Abandonment of animals.
- 69 20.08.090 Maintenance and sanitation.
- 70 20.08.100 Adoption of shelter animals.
- 71 20.08.110 Disposal of animal at request of owner.

- 72
73 20.08.010 Animals at large.
- 74 a. No person may cause or permit an animal to be at large in a public street or alley, or
75 on other public property, or on private property without the property owner’s consent.
 - 76 b. No person other than the animal control officer or a peace officer performing duties
77 under this title may release an animal from restraint without its owner’s consent, except to
78 preserve the animal’s life. A person who releases an animal from restraint to preserve its life
79 shall promptly report having done so to the animal’s owner or the animal control officer.
 - 80 c. The animal control officer or a peace officer may capture or destroy by any means
81 an animal at large that presents an immediate threat to public safety.
 - 82 d. The owner of an animal that is at large may be cited for a violation of this section
83 without the impoundment of the animal.
 - 84 e. Except as provided in subsection (f) of this section, a violation of subsection (a) or
85 (b) of this section with three or more prior convictions shall be punishable by a fine of not less
86 than \$100.00 nor more than \$300.00, and the unsuspended portion of the fine shall not be

87 less than \$100.00.

88 f. A violation of subsection (a) of this section where the animal is a large animal with
89 one or more prior convictions shall be punishable by a fine of not more than \$300.00.

90

91 20.08.020 Impoundment procedures.

92 a. The animal control officer or a peace officer may capture and impound an animal
93 that is at large in violation of HCC 2.08.010(a). The animal control officer or a peace officer
94 may pursue an animal onto private property in the course of effecting its impoundment, and
95 if necessary use a cage trap to capture an animal.

96 b. Immediately upon impounding an animal whose owner is known to the impounding
97 animal control officer or peace officer, the officer shall make a reasonable effort to inform the
98 owner of the impoundment and the conditions on which the owner may regain custody of the
99 animal.

100 c. An animal that is impounded under the provisions of this chapter shall be held in
101 the city animal shelter, and there confined in a humane manner for the applicable minimum
102 period under subsection (d) of this section unless sooner claimed by the owner, and if not
103 claimed by the owner thereafter may be, at the discretion of the animal control officer,
104 offered to the public adoption or in the case of a large animal sold at public auction with
105 public notice in the manner provided for the sale at execution of personal property in AS
106 09.35.140, or destroyed in a humane manner.

107 d. The minimum period for which an impounded animal shall be held at the animal
108 shelter shall be:

109 1. For a dog that is impounded while wearing a city license, five days.

110 2. For any other animal, three days.

111 e. No impounded animal may be released from the animal shelter into the custody of
112 its owner unless the owner has:

113 1. Paid all impoundment and boarding fees, and the cost of any veterinary
114 treatment provided to the animal while impounded;

115 2. For a dog owned by a city resident that was impounded while not wearing a
116 city dog license, either produced evidence satisfactory to the animal control officer
117 that a current city dog license has been issued for the dog, or if the dog is unlicensed
118 paid the fee for a city dog license for the dog; and

119 3. For a dog, either produced evidence satisfactory to the animal control officer
120 that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies
121 vaccination voucher under HCC 20.16.030.

122

123 20.08.030 Animals on harbor floats.

124 No person may bring, keep, or maintain an animal on the floats of the Homer small
125 boat harbor, unless the animal is kept under physical confinement by leash or chain at all
126 times. The person in control of the animal shall be responsible for cleaning and removing the
127 animal's waste from the harbor floats. The City will charge the person in control of the animal
128 for labor (minimum of one-half hour) required for cleaning and removing any animal waste
129 that the person fails to clean and remove.

130 20.08.040 Nuisance animals.

131 a. No person may cause or permit an animal that the person owns or controls to:

132 1. Annoy another person by interfering with the latter's sleep, work or
133 reasonable right to peace and privacy by making repeated or continued noise;

134 2. Defecate, dig upon or injure private property owned by another person or a
135 public street or alley, or other public property;

136 3. Frequently or habitually growl, snap at, jump upon or otherwise menace,
137 injure or frighten another person who is not trespassing or otherwise violating the law;
138 or

139 4. Chase, harass, or otherwise disturb or injure wildlife.

140 b. The animal control officer or a peace officer may impound an animal that is
141 engaging in behavior described in subsection (a) of this section. A person may restrain an
142 animal from continuing to engage in behavior described in paragraph (a)(4) of this section,
143 and shall promptly surrender any animal so restrained to the animal control officer for
144 impoundment.

145 c. A violation of subsection (a) of this section with three or more prior convictions shall
146 be punishable by a fine of not less than \$100.00 nor more than \$300.00, and the unsuspended
147 portion of the fine shall not be less than \$100.00.

148

149 20.08.050 Cruelty or injury to animals.

150 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse
151 an animal.

152 b. No person may intentionally kill an animal by injury, torment, poison, suffocation,
153 decompression or other forms of abuse of the animal.

154 c. No person may maintain an animal without providing food, water, and shelter
155 adequate to preserve the animal's health, or abandon an animal where it will not be provided
156 proper food, water, shelter, and care.

157 d. No person may maintain an animal showing symptoms of infectious or contagious
158 disease without keeping the animal confined in a building or secure enclosure and under
159 proper care.

160 e. No person may cause an animal to fight another animal or human being, whether
161 for amusement or financial gain; or train, or keep for the purpose of training, an animal for
162 exhibition in combat with an animal or human being. No person may permit property that the
163 person owns or controls to be used for any of the purposes described in this subsection.

164 f. No person may use a trap or snare within the city limits that can kill or injure a
165 domestic animal except under the supervision of a state or federal wildlife agency addressing
166 a specific nuisance wildlife issue, and with prior notice to the animal control officer of the
167 name and contact information of each person who will be working the trap(s), and the type of
168 trap(s) and the location of trap(s) being used.

169 g. No person may cause or permit an animal that the person owns or controls to
170 molest or harass wild or domesticated animals.

171 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall
172 stop the vehicle as close to the scene of the accident as safely possible and inform the owner

173 of the animal of the accident and injury to the animal, if the animal's ownership is readily
174 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform
175 the animal control officer or police department as quickly as reasonably possible of the
176 accident and injury to the animal.

177 i. Notwithstanding any other provision of this section, the animal control officer, a
178 peace officer or a licensed veterinarian may humanely euthanize an animal that in that
179 person's opinion is so seriously ill or injured that medical treatment would needlessly prolong
180 the animal's suffering; provided that if the animal bears identification of ownership, the
181 animal control officer, law enforcement officer or licensed veterinarian first shall make a
182 reasonable effort to inform the owner of the animal's condition and obtain the owner's
183 consent to euthanizing the animal.

184 j. This section does not apply to: Impounding, destruction, or other disposition of an
185 animal in a humane manner as authorized by law; killing or injuring an animal where
186 necessary to protect a human being or domesticated animal from death or bodily injury; or
187 the humane destruction of an animal by its owner or the owner's authorized agent.
188

189 20.08.060 Boarding dogs at animal shelter.

190 The Homer Animal Shelter may accept a dog for boarding if the following
191 requirements are met:

192 a. The owner and dog must reside inside the City.

193 b. The owner pays boarding fees in advance for a maximum of ten days. The owner
194 shall pay double the standard boarding fees for any time from the end of the time for which
195 boarding fees were paid in advance until the owner claims the dog from the animal shelter.

196 c. The owner provides proof from a veterinarian that the dog has current vaccinations
197 for rabies, parvo, distemper and Bordetella (kennel cough).

198 d. The owner exhibits proof that the dog has a current City dog license.

199 e. The owner reserves boarding space 24 hours in advance of the desired boarding
200 time, and at the time of reservation space to board the dog will be available. The animal
201 shelter will not board more than four dogs at a time.

202 f. The animal shelter may deny boarding to a dog that it determines to be sick, injured,
203 vicious, or in heat.

204 g. Before the boarding time begins, the owner of the dog executes a boarding
205 agreement including all the requirements in this section and an agreement to hold the Homer
206 Animal Shelter and the City harmless and waive liability claims against the Homer Animal
207 Shelter and the City.

208 h. All boarding costs shall be paid in full before the dog is released to its owner or
209 designee.

210 i. The Homer Animal Shelter will not board dogs if any licensed private commercial
211 boarding kennel is operating within the City and that facility has space available for animal
212 boarding.
213

214 20.08.070 Female animals in heat – Confinement required.

215 Every female dog or cat in season shall be kept confined in a building or secure

216 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female
217 dog or cat cannot come in contact with another dog or cat except for planned breeding
218 purposes.

219

220 20.08.080 Abandonment of animals.

221 No person may intentionally abandon an animal including without limitation leaving
222 the animal unattended outside of the animal shelter.

223

224 20.08.090 Maintenance and sanitation.

225 A person who owns an animal shall maintain all structures, pens and yards where the
226 animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from
227 objectionable odor.

228

229 20.08.100 Adoption of shelter animals.

230 To minimize the destruction of animals, the City shall make unclaimed animals and
231 animals turned in to the animal shelter for disposal available for adoption by any adult
232 person except as restricted herein. The City may collect a fee for the adoption of each animal.
233 The animal control officer may deny adoption of an animal to any person with a documented
234 record of frequent violations of this title or a history of animal abuse, neglect, or housing
235 animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section
236 shall mean three or more convictions in the last 24 months.

237

238 20.08.110 Disposal of animal at request of owner.

239 The animal shelter will accept an animal from its owner for disposal upon the owner's
240 execution of a written consent agreement holding the City harmless from liability for the
241 destruction of the animal. Upon execution of the agreement, the animal becomes property of
242 the City and at the City's option may be disposed of by adoption or destruction in a humane
243 manner. The City reserves the right to refuse to dispose of any animal.

244

245 Section 3. Homer City Code 20.12.010, License required – Issuance, is amended to read
246 as follows:

247

248 20.12.010 License required – Issuance.

249 No **person may own, keep or harbor a dog over four months of age in the city that**
250 **is not licensed** owner or harbinger of any dog shall fail or neglect or refuse to obtain a license
251 for such dog, as provided in this chapter. All dogs kept, harbored, or maintained in the City
252 shall be licensed and registered if over four months of age. Dog licenses shall be issued by
253 **The** the animal shelter **shall issue a dog license upon receiving an application stating the**
254 **owner's** on payment of a license tax for each dog. The owner shall state, at the time
255 application is made for such license, his name and address and the name, breed, color and
256 sex of **the** each dog, **a certificate from a licensed veterinarian that the dog has a current**
257 **rabies vaccination, and payment of the license fee** owned or kept by him. **A dog license**
258 Dog licenses shall be issued for a period of two years **that begins on** and shall run from

259 January 1st of ~~an~~ each even-numbered year ~~and ends on~~ to December 31st of **the following**
260 **odd**-each succeeding ~~uneven~~-numbered year. **The full license fee shall be payable for a dog**
261 **license that is issued at any time during an even-numbered year** For dogs requiring
262 licensing later in the license year, the license fee shall be the same as for a full two years, **and**
263 **the fee for a dog license that is issued at any time during an** prior to January 1st of the
264 succeeding odd-numbered year; and thereafter for the remainder of the license period, the
265 license tag shall be one-half of the full license fee.

266
267 Section 4. Homer City Code 20.12.020, License tag to be worn and displayed, is
268 amended to read as follows:

269
270 20.12.020 License tag to be worn and displayed.

271 Upon payment of the license fee, ~~therefor, there shall be issued to~~ **the animal shelter**
272 **shall issue to** the owner of a dog a receipt for payment of the license **fee** and the **a license**
273 tag for ~~the~~ each dog so licensed. The tag shall ~~bear~~ have thereon the years for which it was
274 issued and a **number** corresponding ~~to the~~ number on the receipt. ~~The~~ Every owner **of a dog**
275 **subject to licensing under this chapter** shall ~~provide~~ **cause the** provide each dog **to wear** with a
276 collar or harness to which the license tag shall be affixed **at all times** and shall see that the
277 collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed another
278 will be issued upon payment of a replacement fee. Dog tags are not transferable from one
279 dog to another.

280
281 Section 5. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.

282
283 Section 6. Homer City Code 20.16.010, Rabies vaccination required, is amended to
284 read as follows:

285
286 20.16.010 Rabies vaccination required.

287 Every owner of a dog **over four months old** shall have ~~the~~ such dog vaccinated
288 against rabies. ~~Upon making an application for a license for any dog, the owner shall furnish a~~
289 ~~certificate from a licensed veterinarian as proof of this vaccination. Notwithstanding the~~
290 ~~above, if the City Clerk determines that vaccine and veterinary services are not reasonably~~
291 ~~available, the City Clerk may issue any dog license without the furnishing of such certificate;~~
292 ~~provided, however, that the owner of each dog so licensed shall furnish proof of the~~
293 ~~vaccination to the issuing authority, within 60 days from the issuance of the license, or the~~
294 ~~license shall be deemed void and the owner in violation of this chapter.~~

295
296 Section 7. Homer City Code 20.16.020, Quarantine of rabid animals required, is
297 amended to read as follows:

298
299 20.16.020 Quarantine of rabid animals required.

300 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten
301 by ~~a~~ dogs or other animals suspected of having rabies, ~~the~~ such dog or other animal shall be

302 confined by a leash or chain in a substantial enclosure on the owner's premises and shall be
303 placed under the observation of a duly licensed physician or veterinarian for 10 days at the
304 expense of the owner. The owner shall notify a peace officer or animal control officer of the
305 fact that ~~the~~ this dog has been exposed to rabies, and, ~~at his discretion,~~ the officer **may, at**
306 **the officer's discretion, place** ~~is empowered to have the dog moved from the owner's~~
307 ~~premises and placed under observation~~ **in a designated isolation ward** at the animal shelter
308 ~~or in a veterinary hospital~~ for the quarantine period at the expense of the owner. (Note: also
309 see 7 AAC 27.020.)

310 b. ~~The~~ ~~It is the duty of the~~ Chief of Police **shall** ~~to~~ promptly notify the State Health
311 Department Officer of the location and description of the dog or other animal having rabies or
312 suspected of having rabies, **and**, ~~also to~~ supply the State Health Officer with the names and
313 addresses of the persons who have been bitten, scratched or had any contact with the
314 suspected animal.

315 c. **A peace officer may** ~~The Chief of Police or his deputies are empowered to enter~~
316 upon any private property where a dog or other animal **that is alleged to have bitten a**
317 **person** is kept, which dog or animal is alleged to have bitten any person, to inspect, seize and
318 impound **the** such dog **as provided** under the provisions stated in this chapter.

320 Section 8. Homer City Code 20.16.030, Rabies vaccination voucher authorization, is
321 amended to read as follows:

322
323 20.16.030 Rabies vaccination voucher authorization.

324 The animal control officer **may** ~~is authorized to~~ collect **the fee** fees for, and issue to **an**
325 ~~any dog~~ owner claiming **a dog** his animal at the **animal** shelter who is unable to provide
326 adequate proof of current rabies vaccination **for the dog**, a "rabies vaccination voucher."
327 This voucher shall be valid for 30 days, and within that period shall entitle the bearer to rabies
328 vaccination for the **dog identified** thereon ~~named animal~~, at any licensed veterinarian
329 agreeing to accept same. The City shall set fees for such voucher at the average rates
330 currently being charged by all veterinarians licensed within the City. ~~In the event any person~~
331 ~~is unable to locate a veterinarian willing to accept the City vaccination voucher, the voucher~~
332 ~~fee shall be returned to that person after the voucher has expired and after that person~~
333 ~~provides evidence that he/she has otherwise obtained a rabies vaccination for the affected~~
334 ~~animal. The City is authorized to redeem all valid vouchers submitted by licensed~~
335 ~~veterinarians on a monthly basis for the standard fee set thereon.~~

337 Section 9. Homer City Code 20.20.010, Permitting animals to bite prohibited, is
338 amended to read as follows:

339
340 20.20.010 Permitting animals to bite prohibited.

341 a. **No person may** ~~It is unlawful for any person to~~ permit any animal **that the person**
342 **owns or controls** to bite **a** any person **or another animal**, unless the person bitten is
343 engaged in the commission of a criminal act. It is an affirmative defense **to a charge of**
344 **violating this section** that the victim of the bite provoked the animal into biting, ~~;~~ or **was** that

345 the person bitten **while** was trespassing on the premises totally enclosed by **chain link**
346 ~~chainlink fencing~~, or similar density fencing, and the bite occurred on these premises by an
347 animal housed therein. **A violation of this section shall be punishable by a fine of not**
348 **more than \$300.00.** Penalty: Class C infraction.

349 b. The City shall serve notice on the owner of **an** any animal which, ~~unprovoked~~, has
350 bitten a person **or another animal without provocation, advising**. Such notice shall advise
351 the owner that the animal is now a vicious animal and is subject to destruction if at large.

352
353 Section 10. Homer City Code 20.20.020, Destruction prohibited pending quarantine, is
354 amended to read as follows:

355
356 20.20.020 Destruction prohibited pending quarantine.
357 No person ~~may~~ shall kill or maim **an** any animal which is known to have bitten **a** any
358 person or animal **without the prior** unless consent **of** to do so has been granted by the Chief
359 of Police. Nothing in **this section** the provisions of this chapter shall be construed to prohibit
360 the killing of **an** a dog or other animal where such destruction is necessary for the protection
361 of life and limb, or for the purpose of preventing a further attack. One of the purposes of the
362 enactment of this chapter is to enable the Chief of Police to observe any dogs and other
363 animals which have bitten any person or animal in order to determine whether the same are
364 infected by rabies. **A violation of this section shall be punishable by a fine of not more**
365 **than \$300.00.** Penalty: Class E infraction.

366
367 Section 11. Homer City Code 20.20.030, Vicious animal, is amended to read as follows:

368
369 20.20.030 Vicious animal.
370 **No person may** ~~It is unlawful for any person to permit any vicious animal to:~~
371 a. **Permit a vicious animal to be** Be at large within the limits of the City;
372 b. Knowingly or negligently permit **a** any vicious animal to bite any person unless the
373 person bitten is in the act of committing a criminal offense;
374 c. **Permit a vicious animal to be** Be housed or transported in or on any motor vehicle
375 ~~within the City limits unless~~ **the** said animal is muzzled to prevent the animal from biting any
376 person. (Exception: vicious animals locked in the passenger compartment of a motor vehicle
377 need not be muzzled if the windows are adequately closed to prevent the animal from exiting
378 the vehicle);
379 d. **Permit a vicious animal to leave** Leave premises owned or controlled by the
380 animal's owner or his agent (except as authorized in subsection (c) of this section) unless the
381 animal is securely muzzled.
382 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the
383 owner or the agent, for that offense, be immediately seized by the City and held for
384 destruction. **A violation of this section shall be punishable by a fine of not less than**
385 **\$100.00 nor more than \$300.00, and the unsuspended portion of the fine shall not be less**
386 **than \$100.00.** Penalty: Class D infraction.

388 Section 12. Subsection (b) of Homer City Code 20.20.040, Administrative hearing
389 procedures, is amended to read as follows:
390

391 b. A notice of administrative hearing shall be served upon the animal’s owner or his
392 designee under the procedures set for service of summons in a civil action. The notice shall
393 specify the date, time, and location of the hearing. The hearing may not be less than **three**
394 **days** ~~72 hours~~ following the service of the hearing notice on the animal owner or his designee.
395

396 Section 13. Homer City Code Chapter 20.24, Enforcement Authority--Interference, is
397 amended to read as follows:
398

399 Chapter 20.24
400 ENFORCEMENT AUTHORITY -- INTERFERENCE
401

402 Sections:

- 403 20.24.010 Enforcement.
- 404 20.24.020 Interference with enforcement officer prohibited.
- 405 20.24.030 Unauthorized removal of animals.
- 406 20.24.040 Tampering with City live traps prohibited.
- 407 20.24.050 Removal of quarantined animals prohibited.
- 408 20.24.060 Furnishing false information.
- 409

410 20.24.010 Enforcement.

411 This title may be enforced by any peace officer. Additionally, a private person may
412 lawfully detain any animal in violation of ~~this title the City ordinances provided~~ **the person**
413 **promptly notifies** ~~they immediately notify~~ the animal control officer; and surrenders the
414 animal to the City animal control officer in compliance with **HCC 20.08.040(b)** ~~all provisions~~
415 ~~of HCC 20.08.030(d).~~
416

417 20.24.020 Interference with enforcement officer prohibited.

418 No person shall interfere with, oppose or resist any peace officer in the performance of
419 his duties as provided in this title. **A violation of this section shall be punishable by a fine of**
420 **not less than \$100.00 nor more than \$300.00, and the unsuspended portion of the fine**
421 **shall not be less than \$100.00.** ~~Penalty: Class D infraction.~~
422

423 20.24.030 Unauthorized removal of animals.

424 No person ~~may~~ **shall** remove or release any ~~dog or other~~ animal from the animal
425 shelter, animal control vehicles, municipal animal traps or from any other official custody
426 without first obtaining permission to do so from the animal control officer or any peace
427 officer ~~of the City.~~ **A violation of this section shall be punishable by a fine of not less than**
428 **\$100.00 nor more than \$300.00, and the unsuspended portion of the fine shall not be less**
429 **than \$100.00.** ~~Penalty: Class D infraction.~~
430

431 20.24.040 Tampering with City live traps prohibited.
432 No person may tamper with any City-owned or City-operated animal live trap.
433 “Tampering” means removal or destruction of bait(s), tripping the door closure mechanism,
434 obstructing the entryway so as to prevent animals from entering the trap, or the physical
435 removal of the trap from its position. **A violation of this section shall be punishable by a**
436 **fine of not less than \$100.00 nor more than \$300.00, and the unsuspended portion of the**
437 **fine shall not be less than \$100.00.** ~~Penalty: Class D infraction.~~

438
439 20.24.050 Removal of quarantined animals prohibited.
440 No person **may**, ~~either by himself or agent, shall~~ remove from the area animal shelter
441 or any veterinary hospital, or from any other place, any animal which has been quarantined
442 without the consent of the chief of police or animal control officer. **A violation of this section**
443 **shall be punishable by a fine of not less than \$100.00 nor more than \$300.00, and the**
444 **unsuspended portion of the fine shall not be less than \$100.00.** ~~Penalty: Class D~~
445 ~~infraction.~~

446
447 20.24.060 Furnishing false information.
448 ~~No~~ ~~It is unlawful for any person~~ **may** ~~to~~ knowingly provide false information on any
449 license application, adoption or disposal agreement, boarding agreement, citation, or any
450 other official document being executed pursuant to this title. ~~Penalty: Class C infraction.~~

451
452 Section 14. Homer City Code Chapter 20.28, Kennels, is amended to read as follows:

453
454 Chapter 20.28
455 KENNELS

456 Sections:

- 457 20.28.010 Kennels – Generally.
458 20.28.020 Kennel license – Required.
459 20.28.030 Kennel license fee.

460
461 20.28.010 Kennels – Generally.
462 a. No kennel shall be maintained or operated in such a manner as to constitute a
463 nuisance to persons owning or occupying land in the vicinity of the land on which the kennel
464 facility is operated or maintained.
465 b. Any complaint that a kennel is in violation of this chapter shall be referred to the
466 **animal control officer** ~~Animal Control Officer~~. The **animal control officer** ~~Animal Control~~
467 ~~Officer~~ may inspect the facilities to determine whether such kennel constitutes a health
468 hazard, nuisance or otherwise violates this chapter. Such inspection shall be completed
469 within seven days of the complaint.
470 c. If the **animal control officer** ~~Animal Control Officer~~ determines that the kennel
471 complained of is a health hazard, violates this chapter, or is a public nuisance, or that dogs
472 may not be safely kept therein, the owner shall be notified and shall be granted a reasonable
473 length of time within which to remedy any deficiencies found and to comply with

474 requirements of this chapter.

475 d. If, upon a second inspection after the expiration of the time granted in the notice,
476 the kennel is still in violation, the **animal control officer** ~~Animal Control Officer~~ may then
477 revoke any license previously issued for such kennel.

478

479 20.28.020 Kennel license – Required.

480 a. No person **may** ~~shall~~ own or operate a kennel without first obtaining a **kennel**
481 license. Application for such a **kennel** license shall be made to the **animal control officer**
482 ~~Animal Control Officer~~.

483 b. Before a **kennel** license **is** ~~shall be~~ issued, the **animal control officer** ~~Animal~~
484 ~~Control Officer~~ shall inspect the kennel **to confirm that the kennel:**

485 **1. Has adequate shelter for the dogs from the elements;**

486 **2. Has adequate provisions for keeping the dogs on the owner’s premises;**

487 **and**

488 **3. Has adequate provisions for keeping the premises in a sanitary**
489 **condition.**

490 Upon finding that the kennel facility is in compliance with this chapter, the **animal**
491 **control officer** ~~City Clerk~~ shall issue the license.

492 c. Such inspection of the kennel facility is to determine that the facility:

493 1. Has adequate shelter for the animals from the elements;

494 2. Has adequate provisions for keeping the animals on the owner’s premises;

495 **and**

496 3. Has adequate provision for keeping the premises in a sanitary condition.

497

498 20.28.030 Kennel license fee.

499 **A kennel license shall be issued for a period of two years that begins on January**
500 **1st of an even-numbered year and ends on December 31st of the following odd-**
501 **numbered year.** The **full** license fee for a kennel shall be **payable for a kennel license that**
502 **is issued at any time from January 1 of a even-numbered year through June 30 of the**
503 **following odd-numbered year, and** for a two-year period, to become due in the same year
504 as the license fees provided for in HCC 20.12.010; however, the fee for **a kennel license that is**
505 **issued in an odd-numbered year on or** the remainder of the license year after the first of
506 July **1** of odd-numbered years shall be one-half of the full **license** fee. The kennel **license** fee
507 shall be in lieu of a **dog** license fee for each individual **dog** animal **that is kept at the kennel;**
508 however, **each dog that is kept at the kennel shall be subject to** all other requirements **for**
509 **the issuance of a dog license** that would normally apply to license an animal shall apply.
510 Each animal kept at the kennel shall be considered licensed under the kennel license so long
511 as it remains at the kennel. **The owner of a dog that will remain in the city must obtain a**
512 **dog license for the dog when it ceases to be kept at the kennel.** ~~Penalty: Class B infraction.~~

513

514 Section 15. Homer City Code Chapter 20.30, Records, is enacted to read as follows:

515

516

Chapter 20.30

517

RECORDS

518 Sections:

519

20.30.010 Records.

520

521 20.30.010 Records.

522

a. The animal control officer shall maintain complete and detailed records of the following as required by city contract:

523

524

1. The issuance and revocation of licenses under this title;

525

2. All animals brought into the custody of the animal shelter by impoundment

526

or otherwise;

527

3. The disposition of all animals in the custody of the animal shelter;

528

4. Rabies immunizations vouchers issued;

529

5. Reports required by or made pursuant to this title;

530

6. Investigations of violations of this title;

531

7. Monies received for fees and charges imposed by this title; and

532

8. Notices of violation, including the disposition thereof.

533

b. The animal control officer shall not disclose the identity of a person who surrenders an animal to the animal shelter or claims or adopts an animal from the animal shelter unless the animal control officer determines that protection of the public health, safety or welfare requires such disclosure.

537

c. At the request of the animal control officer, an animal owner shall authorize the owner's veterinarian to release animal medical records related to a specific animal control investigation.

538

539

540

541 Section 16. Subsection (c) of Homer City Code 20.32.010, Animal control fee schedule, is amended to read as follows:

542

543

544

c. Animals being adopted shall be **properly licensed, vaccinated and if necessary issued a voucher for a spay or neuter which must be redeemed within six months of the date of issue** spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.

546

547

548

549 Section 17. Homer City Code 20.32.020, Penalty provisions, is repealed, and Homer City Code 20.32.020, Fine schedule, is enacted to read as follows:

550

551

552 20.32.020 Fine schedule.

553

Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses

554

555

556

557 listed below. Citations charging these offenses must meet the requirements of Minor Offense
 558 Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the
 559 penalty imposed for the offense may not exceed the scheduled fine amount plus any
 560 surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.
 561

Code Section	Code Section Title	Fine per Day
20.08.010(a)	Animal at large	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.030	Animals on harbor floats	\$25
20.08.040(a)	Nuisance animals	No prior conviction \$25; One prior conviction \$50; Two prior convictions \$100
20.08.050	Cruelty or injury to animals	\$25
20.08.070	Female animals in heat	\$50
20.08.080	Abandonment of animals	\$50
20.08.090	Maintenance and sanitation	\$50
20.12.010	License required--Issuance	\$25
20.12.020	License tag to be worn and displayed	\$25
20.20.010	Permitting animals to bite	\$100
20.24.060	Furnishing false information	\$100
20.28.020	Kennel license--Required	\$50

562
 563 Section 18. This ordinance is of a permanent and general character and shall be
 564 included in the City code.
 565

566 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
 567 2016.

568
 569 CITY OF HOMER

570
 571
 572 _____
 573 MARY E. WYTHE, MAYOR

574 ATTEST:
 575
 576
 577 _____
 578 JO JOHNSON, MMC, CITY CLERK

579 AYES:
580 NOES:
581 ABSTAIN:
582 ABSENT:
583
584
585
586 First Reading:
587 Public Reading:
588 Second Reading:
589 Effective Date:
590
591
592
593 Reviewed and approved as to form:
594
595
596 _____
597 Mary K. Koester, City Manager
598
599 Date: _____

Holly C. Wells, City Attorney
Date: _____

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

3 City Manager/
4 Police Chief

5 **ORDINANCE 16-38(S)**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HCC 7.04.030, TRAFFIC FINE SCHEDULES, AND
9 ENACTING HOMER CITY CODE CHAPTER 7.15, ANIMALS IN
10 VEHICLES, REGARDING ANIMALS IN VEHICLES; AND AMENDING
11 HOMER CITY CODE TITLE 20, ANIMALS, REGARDING THE
12 REGULATION AND IMPOUNDMENT OF ANIMALS, AND PENALTIES
13 FOR ANIMAL VIOLATIONS.
14

15 THE CITY OF HOMER ORDAINS:

16
17 Section 1. The traffic offense fine schedule in Homer City Code Chapter 7.04.030,
18 Traffic fine schedules, is amended by adding the following offenses and fines:
19

Code Section	Code Section Title	Fine per Day
7.15.010	Transporting animal	\$75
7.15.020	Animal interfering with vehicle operation	\$75

20
21 Section 2. Homer City Code Chapter 7.15, Animals in Vehicles, is enacted to read as
22 follows:
23

24 Chapter 7.15
25 ANIMALS IN VEHICLES

26 Sections:

27 7.15.010 Transporting an animal.

28 7.15.020 Animal interfering with vehicle operation.
29

30 7.15.010 Transporting an animal

31 No person may drive a motor vehicle when an animal is riding in or on the vehicle
32 unless the animal is prevented from falling, jumping or being thrown from the vehicle by one
33 of the following:

34 a. confinement in the enclosed passenger compartment of the vehicle;

35 b. confinement in an area within the vehicle that is fully enclosed or that is enclosed
36 on all sides to a height of at least 46 inches above the floor;

37 c. cross-tethering within the vehicle; or

38 d. confinement in a secure container or cage.
39

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

40 7.15.020 Animal interfering with vehicle operation.

41 No person may drive a vehicle while holding an animal or with an animal in the
42 person's lap or immediate area so as to unreasonably obstruct the view of the driver to the
43 front or sides of the vehicle or so as to interfere with the driver's control over the driving
44 mechanism of the vehicle.

45

46 Section 3. Homer City Code 20.04.020, Definitions, is amended to read as follows:

47

48 20.04.020 Definitions.

49 ~~In~~ For the purposes of this title, the following words and phrases shall have the
50 meanings respectively ascribed to them by this section:

51 "Animal" means a ~~all~~-domestic or domesticated member ~~members~~ of the animal
52 kingdom.

53 "At large" means that an animal is at large ~~when it is off the~~ property ~~premises of its~~
54 the owner or keeper and is not in the company of or under the direct control of a the owner
55 or keeper, a member of his family or other person to which the animal has been entrusted, by
56 leash, cord or chain; provided, however, that such animal shall be deemed to be under
57 control when under competent person voice control while actively engaged in an organized
58 activity which requires that the animal not be physically restrained.

59 "Dog" means a member of the species *Canis familiaris* any dog (*Canis sp.*), whether
60 neutered or nonneutered male, spayed or unspayed female.

61 "Kennel" means a commercial premises where four any person, group of persons, or
62 corporation breeding, buying, keeping, selling, or boarding three or more dogs over four
63 months of the age are owned, kept, boarded, bred or offered of four months, whether for
64 sale profit or not.

65 "Large animal" means all cattle, horses, sheep, goats, swine or similar species
66 commonly kept as livestock.

67 "License collector" means the license collector who shall be the City Clerk, and shall
68 include a person designated by the Clerk to act in her behalf.

69 License Year. A "license year" shall commence on January 1st of each even-numbered
70 year.

71 "Prior conviction" means a ~~Conviction. A "prior conviction"~~ of a person for a
72 violation of a provision of this title involving any animal owned or controlled by the person
73 ~~cited~~ within a 24-month period preceding the date of the offense for which a citation of the
74 person currently is pending date of the pending citation shall constitute a prior offense for
75 penalty enhancement purposes.

76 "Quarantine" means the isolation of an ~~a~~ dog or other domestic animal in a
77 substantial enclosure so that the ~~dog or other domestic~~ animal cannot be subject to contact
78 with other animals or unauthorized persons.

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

79 **“Restraint” means any of the following: (i) physical confinement by leash, chain,**
80 **fence, or building; (ii) under competent voice control when an animal is engaged in an**
81 **activity or form of training requiring that it not be physically confined; or (iii) under**
82 **competent voice control when an animal is on the property of its owner.**

83 **“Vicious animal” means an** ~~Animal. Any animal which when unprovoked has bitten or~~
84 ~~attacked a human being~~ **or another animal at any time without provocation** ~~shall be~~
85 ~~deemed vicious.~~

86
87 Section 4. Homer City Code Chapter 20.08, General Animal Regulations, is repealed
88 and reenacted to read as follows:

89
90 Chapter 20.08
91 GENERAL ANIMAL REGULATIONS

- 92 Sections:
- 93 20.08.010 Animals at large.
 - 94 20.08.020 Impoundment procedures.
 - 95 20.08.030 Animals on harbor floats.
 - 96 20.08.040 Nuisance animals.
 - 97 20.08.050 Cruelty or injury to animals.
 - 98 20.08.060 Boarding dogs at animal shelter.
 - 99 20.08.070 Female animals in heat – Confinement required.
 - 100 20.08.080 Abandonment of animals.
 - 101 20.08.090 Maintenance and sanitation.
 - 102 20.08.100 Adoption of shelter animals.
 - 103 20.08.110 Disposal of animal at request of owner.

- 104
105 20.08.010 Animals at large.
- 106 a. No person may cause or permit an animal to be at large in a public street or alley, or
 - 107 on other public property, or on private property without the property owner’s consent.
 - 108 b. No person other than the animal control officer or a peace officer performing duties
 - 109 under this title may release an animal from restraint without its owner’s consent, except to
 - 110 preserve the animal’s life. A person who releases an animal from restraint to preserve its life
 - 111 shall promptly report having done so to the animal’s owner or the animal control officer.
 - 112 c. The animal control officer or a peace officer may capture or destroy by any means
 - 113 an animal at large that presents an immediate threat to public safety.
 - 114 d. The owner of an animal that is at large may be cited for a violation of this section
 - 115 without the impoundment of the animal.
 - 116 e. Except as provided in subsection (f) of this section, a violation of subsection (a) or
 - 117 (b) of this section with three or more prior convictions shall be punishable by a fine of not less
 - 118 than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be
 - 119 less than \$100.00.
 - 120 f. A violation of subsection (a) of this section where the animal is a large animal with
 - 121 one or more prior convictions shall be punishable by a fine of not less than \$300.00 nor more

122 than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.

123

124 20.08.020 Impoundment procedures.

125 a. The animal control officer or a peace officer may capture and impound an animal
126 that is at large in violation of HCC 2.08.010(a). The animal control officer or a peace officer
127 may pursue an animal onto private property in the course of effecting its impoundment, and
128 if necessary use a cage trap to capture an animal.

129 b. Immediately upon impounding an animal whose owner is known to the impounding
130 animal control officer or peace officer, the officer shall make a reasonable effort to inform the
131 owner of the impoundment and the conditions on which the owner may regain custody of the
132 animal.

133 c. An animal that is impounded under the provisions of this chapter shall be held in
134 the city animal shelter, and there confined in a humane manner for the applicable minimum
135 period under subsection (d) of this section unless sooner claimed by the owner, and if not
136 claimed by the owner thereafter may be, at the discretion of the animal control officer,
137 offered to the public adoption or in the case of a large animal sold at public auction with
138 public notice in the manner provided for the sale at execution of personal property in AS
139 09.35.140, or destroyed in a humane manner.

140 d. The minimum period for which an impounded animal shall be held at the animal
141 shelter shall be:

142 1. For a dog that is impounded while wearing a city license, five days.

143 2. For any other animal, three days.

144 e. No impounded animal may be released from the animal shelter into the custody of
145 its owner unless the owner has:

146 1. Paid all impoundment and boarding fees, and the cost of any veterinary
147 treatment provided to the animal while impounded;

148 2. For a dog owned by a city resident that was impounded while not wearing a
149 city dog license, either produced evidence satisfactory to the animal control officer
150 that a current city dog license has been issued for the dog, or if the dog is unlicensed
151 paid the fee for a city dog license for the dog; and

152 3. For a dog, either produced evidence satisfactory to the animal control officer
153 that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies
154 vaccination voucher under HCC 20.16.030.

155

156 20.08.030 Animals on harbor floats.

157 No person may bring, keep, or maintain an animal on the floats of the Homer small
158 boat harbor, unless the animal is kept under physical confinement by leash or chain at all
159 times. The person in control of the animal shall be responsible for cleaning and removing the
160 animal's waste from the harbor floats. The City will charge the person in control of the animal
161 for labor (minimum of one-half hour) required for cleaning and removing any animal waste
162 that the person fails to clean and remove.

163

164 20.08.040 Nuisance animals.

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

- 165 a. No person may cause or permit an animal that the person owns or controls to:
- 166 1. Annoy another person by interfering with the latter's sleep, work or
- 167 reasonable right to peace and privacy by making repeated or continued noise;
- 168 2. Defecate, dig upon or injure private property owned by another person or a
- 169 public street or alley, or other public property;
- 170 3. Frequently or habitually growl, snap at, jump upon or otherwise menace,
- 171 injure or frighten another person who is not trespassing or otherwise violating the law;
- 172 or
- 173 4. Chase, harass, or otherwise disturb or injure wildlife.
- 174 b. The animal control officer or a peace officer may impound an animal that is
- 175 engaging in behavior described in subsection (a) of this section. A person may restrain an
- 176 animal from continuing to engage in behavior described in paragraph (a)(4) of this section,
- 177 and shall promptly surrender any animal so restrained to the animal control officer for
- 178 impoundment.
- 179 c. A violation of subsection (a) of this section with three or more prior convictions shall
- 180 be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended
- 181 portion of the fine shall not be less than \$100.00.

182

183 20.08.050 Cruelty or injury to animals.

- 184 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse
- 185 an animal, including without limitation through a violation of HCC 7.15.010, Transporting an
- 186 animal.
- 187 b. No person may intentionally kill an animal by injury, torment, poison, suffocation,
- 188 decompression or other forms of abuse of the animal.
- 189 c. No person may maintain an animal without providing food, water, and shelter
- 190 adequate to preserve the animal's health, or abandon an animal where it will not be provided
- 191 proper food, water, shelter, and care.
- 192 d. No person may maintain an animal showing symptoms of infectious or contagious
- 193 disease without keeping the animal confined in a building or secure enclosure and under
- 194 proper care.
- 195 e. No person may cause an animal to fight another animal or human being, whether
- 196 for amusement or financial gain; or train, or keep for the purpose of training, an animal for
- 197 exhibition in combat with an animal or human being. No person may permit property that the
- 198 person owns or controls to be used for any of the purposes described in this subsection.
- 199 f. No person may use a trap or snare within the city limits that can kill or injure a
- 200 domestic animal except under the supervision of a state or federal wildlife agency addressing
- 201 a specific nuisance wildlife issue, and with prior notice to the animal control officer of the
- 202 name and contact information of each person who will be working the trap(s), and the type of
- 203 trap(s) and the location of trap(s) being used.
- 204 g. No person may cause or permit an animal that the person owns or controls to
- 205 molest or harass wild or domesticated animals.
- 206 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall
- 207 stop the vehicle as close to the scene of the accident as safely possible and inform the owner

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

208 of the animal of the accident and injury to the animal, if the animal's ownership is readily
209 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform
210 the animal control officer or police department as quickly as reasonably possible of the
211 accident and injury to the animal.

212 i. Notwithstanding any other provision of this section, the animal control officer, a
213 peace officer or a licensed veterinarian may humanely euthanize an animal that in that
214 person's opinion is so seriously ill or injured that medical treatment would needlessly prolong
215 the animal's suffering; provided that if the animal bears identification of ownership, the
216 animal control officer, law enforcement officer or licensed veterinarian first shall make a
217 reasonable effort to inform the owner of the animal's condition and obtain the owner's
218 consent to euthanizing the animal.

219 j. This section does not apply to: Impounding, destruction, or other disposition of an
220 animal in a humane manner as authorized by law; killing or injuring an animal where
221 necessary to protect a human being or domesticated animal from death or bodily injury; or
222 the humane destruction of an animal by its owner or the owner's authorized agent.

223 k. A violation of subsections (a) through (h) of this section shall be punishable by a fine
224 of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall
225 not be less than \$300.00.

226

227 20.08.060 Boarding dogs at animal shelter.

228 The Homer Animal Shelter may accept a dog for boarding if the following
229 requirements are met:

230 a. The owner and dog must reside inside the City.

231 b. The owner pays boarding fees in advance for a maximum of ten days. The owner
232 shall pay double the standard boarding fees for any time from the end of the time for which
233 boarding fees were paid in advance until the owner claims the dog from the animal shelter.

234 c. The owner provides proof from a veterinarian that the dog has current vaccinations
235 for rabies, parvo, distemper and Bordetella (kennel cough).

236 d. The owner exhibits proof that the dog has a current City dog license.

237 e. The owner reserves boarding space 24 hours in advance of the desired boarding
238 time, and at the time of reservation space to board the dog will be available. The animal
239 shelter will not board more than four dogs at a time.

240 f. The animal shelter may deny boarding to a dog that it determines to be sick, injured,
241 vicious, or in heat.

242 g. Before the boarding time begins, the owner of the dog executes a boarding
243 agreement including all the requirements in this section and an agreement to hold the Homer
244 Animal Shelter and the City harmless and waive liability claims against the Homer Animal
245 Shelter and the City.

246 h. All boarding costs shall be paid in full before the dog is released to its owner or
247 designee.

248 i. The Homer Animal Shelter will not board dogs if any licensed private commercial
249 boarding kennel is operating within the City and that facility has space available for animal
250 boarding.

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

251
252 20.08.070 Female animals in heat – Confinement required.
253 Every female dog or cat in season shall be kept confined in a building or secure
254 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female
255 dog or cat cannot come in contact with another dog or cat except for planned breeding
256 purposes.

257
258 20.08.080 Abandonment of animals.
259 No person may intentionally abandon an animal including without limitation leaving
260 the animal unattended outside of the animal shelter.

261
262 20.08.090 Maintenance and sanitation.
263 A person who owns an animal shall maintain all structures, pens and yards where the
264 animal is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from
265 objectionable odor.

266
267 20.08.100 Adoption of shelter animals.
268 To minimize the destruction of animals, the City shall make unclaimed animals and
269 animals turned in to the animal shelter for disposal available for adoption by any adult
270 person except as restricted herein. The City may collect a fee for the adoption of each animal.
271 The animal control officer may deny adoption of an animal to any person with a documented
272 record of frequent violations of this title or a history of animal abuse, neglect, or housing
273 animals in inhumane or unsanitary conditions. Frequent violation for purposes of this section
274 shall mean three or more convictions in the last 24 months.

275
276 20.08.110 Disposal of animal at request of owner.
277 The animal shelter will accept an animal from its owner for disposal upon the owner's
278 execution of a written consent agreement holding the City harmless from liability for the
279 destruction of the animal. Upon execution of the agreement, the animal becomes property of
280 the City and at the City's option may be disposed of by adoption or destruction in a humane
281 manner. The City reserves the right to refuse to dispose of any animal.

282
283 Section 5. Homer City Code 20.12.010, License required – Issuance, is amended to read
284 as follows:

285
286 20.12.010 License required – Issuance.
287 No **person may own, keep or harbor a dog over four months of age in the city that**
288 **is not licensed** ~~owner or harbored of any dog shall fail or neglect or refuse to obtain a license~~
289 ~~for such dog, as provided in this chapter. All dogs kept, harbored, or maintained in the City~~
290 ~~shall be licensed and registered if over four months of age. Dog licenses shall be issued by~~
291 **The** ~~the~~ animal shelter **shall issue a dog license upon receiving an application stating the**
292 **owner's** ~~on payment of a license tax for each dog. The owner shall state, at the time~~
293 ~~application is made for such license, his name and address and the name, breed, color and~~

294 sex of ~~the~~ each dog, **a certificate from a licensed veterinarian that the dog has a current**
295 **rabies vaccination, and payment of the license fee** owned or kept by him. **A dog license**
296 Dog licenses shall be issued for a period of two years **that begins on** and shall run from
297 January 1st of ~~an~~ each even-numbered year **and ends on** ~~to~~ December 31st of **the following**
298 **odd**-each succeeding ~~uneven~~-numbered year. **The full license fee shall be payable for a dog**
299 **license that is issued at any time during an even-numbered year** For dogs requiring
300 licensing later in the license year, the license fee shall be the same as for a full two years; **and**
301 **the fee for a dog license that is issued at any time during an** prior to January 1st of the
302 succeeding odd-numbered year; and thereafter for the remainder of the license period, the
303 license tag shall be one-half of the full license fee.
304

305 Section 6. Homer City Code 20.12.020, License tag to be worn and displayed, is
306 amended to read as follows:
307

308 20.12.020 License tag to be worn and displayed.

309 Upon payment of the license fee, ~~therefor, there shall be issued to~~ **the animal shelter**
310 **shall issue to** the owner of a dog a receipt for payment of the license **fee** and the **a license**
311 tag for ~~the~~ each dog so licensed. The tag shall **bear** ~~have thereon~~ the years for which it was
312 issued and a **number** corresponding **to the** number on the receipt. **The Every owner of a dog**
313 **subject to licensing under this chapter** shall **cause the** ~~provide~~ each dog **to wear** with a
314 collar or harness to which the license tag shall be affixed **at all times** and shall see that the
315 collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed another
316 will be issued upon payment of a replacement fee. Dog tags are not transferable from one
317 dog to another.
318

319 Section 7. Homer City Code 20.12.030, Counterfeit tags prohibited, is repealed.
320

321 Section 8. Homer City Code 20.16.010, Rabies vaccination required, is amended to
322 read as follows:
323

324 20.16.010 Rabies vaccination required.

325 Every owner of a dog **over four months old** shall have ~~the~~ such dog vaccinated
326 against rabies. ~~Upon making an application for a license for any dog, the owner shall furnish a~~
327 ~~certificate from a licensed veterinarian as proof of this vaccination. Notwithstanding the~~
328 ~~above, if the City Clerk determines that vaccine and veterinary services are not reasonably~~
329 ~~available, the City Clerk may issue any dog license without the furnishing of such certificate;~~
330 ~~provided, however, that the owner of each dog so licensed shall furnish proof of the~~
331 ~~vaccination to the issuing authority, within 60 days from the issuance of the license, or the~~
332 ~~license shall be deemed void and the owner in violation of this chapter.~~
333

334 Section 9. Homer City Code 20.16.020, Quarantine of rabid animals required, is
335 amended to read as follows:
336

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

337 20.16.020 Quarantine of rabid animals required.

338 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten
339 by ~~a~~ dogs or other animals suspected of having rabies, ~~the~~ such dog or other animal shall be
340 confined by a leash or chain in a substantial enclosure on the owner's premises and shall be
341 placed under the observation of a duly licensed physician or veterinarian for 10 days at the
342 expense of the owner. The owner shall notify a peace officer or animal control officer ~~of the~~
343 ~~fact that~~ ~~the~~ this dog has been exposed to rabies, and, ~~at his discretion,~~ the officer **may, at**
344 **the officer's discretion, place** ~~is empowered to have the dog moved from the owner's~~
345 ~~premises and placed under observation~~ **in a designated isolation ward** at the animal shelter
346 ~~or in a veterinary hospital for the quarantine period at the expense of the owner. (Note: also~~
347 ~~see 7 AAC 27.020.)~~

348 b. ~~The~~ ~~It is the duty of the~~ Chief of Police **shall** ~~to~~ promptly notify the State Health
349 Department Officer of the location and description of the dog or other animal having rabies or
350 suspected of having rabies, ~~and,~~ ~~also to~~ supply the State Health Officer with the names and
351 addresses of the persons who have been bitten, scratched or had any contact with the
352 suspected animal.

353 c. **A peace officer may** ~~The Chief of Police or his deputies are empowered to enter~~
354 ~~upon any private property where a dog or other animal~~ **that is alleged to have bitten a**
355 **person** ~~is kept, which dog or animal is alleged to have bitten any person,~~ to inspect, seize and
356 impound ~~the~~ such dog **as provided** ~~under the provisions stated in this chapter.~~

357
358 Section 10. Homer City Code 20.16.030, Rabies vaccination voucher authorization, is
359 amended to read as follows:

360
361 20.16.030 Rabies vaccination voucher authorization.

362 The animal control officer **may** ~~is authorized to~~ collect **the fee** ~~fees for,~~ and issue to **an**
363 ~~any dog~~ owner claiming **a dog** ~~his animal~~ at the **animal** shelter who is unable to provide
364 adequate proof of current rabies vaccination **for the dog**, a "rabies vaccination voucher."
365 This voucher shall be valid for 30 days, and within that period shall entitle the bearer to rabies
366 vaccination for the **dog identified** ~~thereon named animal,~~ at any licensed veterinarian
367 agreeing to accept same. The City shall set fees for such voucher at the average rates
368 currently being charged by all veterinarians licensed within the City. ~~In the event any person~~
369 ~~is unable to locate a veterinarian willing to accept the City vaccination voucher, the voucher~~
370 ~~fee shall be returned to that person after the voucher has expired and after that person~~
371 ~~provides evidence that he/she has otherwise obtained a rabies vaccination for the affected~~
372 ~~animal. The City is authorized to redeem all valid vouchers submitted by licensed~~
373 ~~veterinarians on a monthly basis for the standard fee set thereon.~~

374
375 Section 11. Homer City Code 20.20.010, Permitting animals to bite prohibited, is
376 amended to read as follows:

377
378 20.20.010 Permitting animals to bite prohibited.
379 a. **No person may** ~~It is unlawful for any person to permit any animal~~ **that the person**

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

380 **owns or controls** to bite a any person **or another animal**, unless the person bitten is
381 engaged in the commission of a criminal act. It is an affirmative defense **to a charge of**
382 **violating this section** that the victim of the bite provoked the animal into biting, ~~or was that~~
383 ~~the person~~ bitten **while** was trespassing on the premises totally enclosed by **chain link**
384 ~~chainlink fencing, or similar density fencing, and the bite occurred on these premises by an~~
385 animal housed therein. **A violation of this section shall be punishable by a fine of not less**
386 **than \$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall**
387 **not be less than \$100.00.** ~~Penalty: Class C infraction.~~

388 b. The City shall serve notice on the owner of **an** any animal which, ~~unprovoked,~~ has
389 bitten a person **or another animal without provocation, advising**. Such notice shall advise
390 the owner that the animal is now a vicious animal and is subject to destruction if at large.

391
392 Section 12. Homer City Code 20.20.020, Destruction prohibited pending quarantine, is
393 amended to read as follows:

394
395 20.20.020 Destruction prohibited pending quarantine.

396 No person ~~may~~ shall kill or maim **an** any animal which is known to have bitten a any
397 person or animal **without the prior** ~~unless consent of~~ to do so has been granted by the Chief
398 of Police. Nothing in **this section** the provisions of this chapter shall be construed to prohibit
399 the killing of **an** a dog or other animal where such destruction is necessary for the protection
400 of life and limb, or for the purpose of preventing a further attack. One of the purposes of the
401 enactment of this chapter is to enable the Chief of Police to observe any dogs and other
402 animals which have bitten any person or animal in order to determine whether the same are
403 infected by rabies. **A violation of this section shall be punishable by a fine of not less than**
404 **\$300.00 and not more than \$500.00, and the unsuspended portion of the fine shall not be**
405 **less than \$100.00.** ~~Penalty: Class E infraction.~~

406
407 Section 13. Homer City Code 20.20.030, Vicious animal, is amended to read as follows:

408
409 20.20.030 Vicious animal.

410 **No person may** ~~It is unlawful for any person to permit any vicious animal to:~~

411 a. **Permit a vicious animal to be** ~~Be at large within the limits of the City;~~

412 b. Knowingly or negligently permit a any vicious animal to bite any person unless the
413 person bitten is in the act of committing a criminal offense;

414 c. **Permit a vicious animal to be** ~~Be~~ housed or transported in or on any motor vehicle
415 ~~within the City limits~~ unless **the** said animal is muzzled to prevent the animal from biting any
416 person. (Exception: vicious animals locked in the passenger compartment of a motor vehicle
417 need not be muzzled if the windows are adequately closed to prevent the animal from exiting
418 the vehicle);

419 d. **Permit a vicious animal to leave** ~~Leave~~ premises owned or controlled by the
420 animal's owner or his agent (except as authorized in subsection (c) of this section) unless the
421 animal is securely muzzled.

422 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the

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

423 owner or the agent, for that offense, be immediately seized by the City and held for
424 destruction. **A violation of this section shall be punishable by a fine of not less than**
425 **\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less**
426 **than \$100.00.** Penalty: Class D infraction.

427
428 Section 14. Subsection (b) of Homer City Code 20.20.040, Administrative hearing
429 procedures, is amended to read as follows:

430
431 b. A notice of administrative hearing shall be served upon the animal's owner or his
432 designee under the procedures set for service of summons in a civil action. The notice shall
433 specify the date, time, and location of the hearing. The hearing may not be less than **three**
434 **days** ~~72 hours~~ following the service of the hearing notice on the animal owner or his designee.

435
436 Section 15. Homer City Code Chapter 20.24, Enforcement Authority--Interference, is
437 amended to read as follows:

438
439 Chapter 20.24
440 ENFORCEMENT AUTHORITY -- INTERFERENCE

441
442 Sections:

- 443 20.24.010 Enforcement.
- 444 20.24.020 Interference with enforcement officer prohibited.
- 445 20.24.030 Unauthorized removal of animals.
- 446 20.24.040 Tampering with City live traps prohibited.
- 447 20.24.050 Removal of quarantined animals prohibited.
- 448 20.24.060 Furnishing false information.

449
450 20.24.010 Enforcement.
451 This title may be enforced by any peace officer. Additionally, a private person may
452 lawfully detain any animal in violation of **this title** ~~the City ordinances provided~~ **the person**
453 **promptly notifies** ~~they immediately notify~~ the animal control officer; and **surrenders** ~~the~~
454 animal to the City animal control officer in compliance with **HCC 20.08.040(b)** ~~all provisions~~
455 ~~of HCC 20.08.030(d).~~

456
457 20.24.020 Interference with enforcement officer prohibited.
458 No person shall interfere with, oppose or resist any peace officer **or animal control**
459 **officer** in the performance of his duties as provided in this title. **A violation of this section**
460 **shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the**
461 **unsuspended portion of the fine shall not be less than \$100.00.** Penalty: Class D
462 infraction.

463
464 20.24.030 Unauthorized removal of animals.
465 No person **may** ~~shall~~ remove or release any ~~dog or other~~ animal from the animal

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

466 shelter, animal control vehicles, municipal animal traps or from any other official custody
467 without first obtaining permission to do so from the animal control officer or any peace
468 officer of the City. **A violation of this section shall be punishable by a fine of not less than**
469 **\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less**
470 **than \$100.00.** ~~Penalty: Class D infraction.~~

471
472 20.24.040 Tampering with City live traps prohibited.

473 No person may tamper with any City-owned or City-operated animal live trap.
474 "Tampering" means removal or destruction of bait(s), tripping the door closure mechanism,
475 obstructing the entryway so as to prevent animals from entering the trap, or the physical
476 removal of the trap from its position. **A violation of this section shall be punishable by a**
477 **fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the**
478 **fine shall not be less than \$100.00.** ~~Penalty: Class D infraction.~~

479
480 20.24.050 Removal of quarantined animals prohibited.

481 No person ~~may~~, either by himself or agent, shall remove from the area animal shelter
482 or any veterinary hospital, or from any other place, any animal which has been quarantined
483 without the consent of the chief of police or animal control officer. **A violation of this section**
484 **shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the**
485 **unsuspended portion of the fine shall not be less than \$100.00.** ~~Penalty: Class D~~
486 ~~infraction.~~

487
488 20.24.060 Furnishing false information.

489 ~~No~~ ~~it is unlawful for any person~~ **may** ~~to~~ knowingly provide false information on any
490 license application, adoption or disposal agreement, boarding agreement, citation, or any
491 other official document being executed pursuant to this title. ~~Penalty: Class C infraction.~~

492
493 Section 16. Homer City Code Chapter 20.28, Kennels, is amended to read as follows:

494
495 Chapter 20.28
496 KENNELS

497 Sections:

- 498 20.28.010 Kennels – Generally.
- 499 20.28.020 Kennel license – Required.
- 500 20.28.030 Kennel license fee.

501
502 20.28.010 Kennels – Generally.

503 a. No kennel shall be maintained or operated in such a manner as to constitute a
504 nuisance to persons owning or occupying land in the vicinity of the land on which the kennel
505 facility is operated or maintained.

506 b. Any complaint that a kennel is in violation of this chapter shall be referred to the
507 **animal control officer** ~~Animal Control Officer.~~ The **animal control officer** ~~Animal Control~~
508 ~~Officer~~ may inspect the facilities to determine whether such kennel constitutes a health

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

509 hazard, nuisance or otherwise violates this chapter. Such inspection shall be completed
510 within seven days of the complaint.

511 c. If the **animal control officer** ~~Animal Control Officer~~ determines that the kennel
512 complained of is a health hazard, violates this chapter, or is a public nuisance, or that dogs
513 may not be safely kept therein, the owner shall be notified and shall be granted a reasonable
514 length of time within which to remedy any deficiencies found and to comply with
515 requirements of this chapter.

516 d. If, upon a second inspection after the expiration of the time granted in the notice,
517 the kennel is still in violation, the **animal control officer** ~~Animal Control Officer~~ may then
518 revoke any license previously issued for such kennel.

519

520 20.28.020 Kennel license – Required.

521 a. No person **may** ~~shall~~ own or operate a kennel without first obtaining a **kennel**
522 license. Application for such a **kennel** license shall be made to the **animal control officer**
523 ~~Animal Control Officer~~.

524 b. Before a **kennel** license **is** ~~shall be~~ issued, the **animal control officer** ~~Animal~~
525 ~~Control Officer~~ shall inspect the kennel **to confirm that the kennel:**

526 **1. Has adequate shelter for the dogs from the elements;**

527 **2. Has adequate provisions for keeping the dogs on the owner’s premises;**

528 **and**

529 **3. Has adequate provisions for keeping the premises in a sanitary**
530 **condition.**

531 Upon finding that the kennel facility is in compliance with this chapter, the **animal**
532 **control officer** ~~City Clerk~~ shall issue the license.

533 c. Such inspection of the kennel facility is to determine that the facility:

534 1. Has adequate shelter for the animals from the elements;

535 2. Has adequate provisions for keeping the animals on the owner’s premises;

536 ~~and~~

537 3. Has adequate provision for keeping the premises in a sanitary condition.

538

539 20.28.030 Kennel license fee.

540 **A kennel license shall be issued for a period of two years that begins on January**
541 **1st of an even-numbered year and ends on December 31st of the following odd-**
542 **numbered year.** The **full** license fee for a kennel shall be **payable for a kennel license that**
543 **is issued at any time from January 1 of a even-numbered year through June 30 of the**
544 **following odd-numbered year, and** for a two-year period, to become due in the same year
545 as the license fees provided for in HCC 20.12.010; however, the fee for **a kennel license that is**
546 **issued in an odd-numbered year on or** the remainder of the license year after the first of
547 July **1** of odd-numbered years shall be one-half of the full **license** fee. The kennel **license** fee
548 shall be in lieu of a **dog** license fee for each individual **dog** animal **that is kept at the kennel;**
549 however, **each dog that is kept at the kennel shall be subject to** all other requirements **for**
550 **the issuance of a dog license** that would normally apply to license an animal shall apply.
551 Each animal kept at the kennel shall be considered licensed under the kennel license so long

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

552 as it remains at the kennel. **The owner of a dog that will remain in the city must obtain a**
553 **dog license for the dog when it ceases to be kept at the kennel.** Penalty: Class B infraction.

554

555 Section 17. Homer City Code Chapter 20.30, Records, is enacted to read as follows:

556

557

Chapter 20.30

558

RECORDS

559 Sections:

560 20.30.010 Records.

561

562 20.30.010 Records.

563 a. The animal control officer shall maintain complete and detailed records of the
564 following as required by city contract:

565 1. The issuance and revocation of licenses under this title;

566 2. All animals brought into the custody of the animal shelter by impoundment
567 or otherwise;

568 3. The disposition of all animals in the custody of the animal shelter;

569 4. Rabies immunizations vouchers issued;

570 5. Reports required by or made pursuant to this title;

571 6. Investigations of violations of this title;

572 7. Monies received for fees and charges imposed by this title; and

573 8. Notices of violation, including the disposition thereof.

574 b. The animal control officer shall not disclose the identity of a person who surrenders
575 an animal to the animal shelter or claims or adopts an animal from the animal shelter unless
576 the animal control officer determines that protection of the public health, safety or welfare
577 requires such disclosure.

578 c. At the request of the animal control officer, an animal owner shall authorize the
579 owner's veterinarian to release animal medical records related to a specific animal control
580 investigation.

581

582 Section 18. Subsection (c) of Homer City Code 20.32.010, Animal control fee schedule,
583 is amended to read as follows:

584

585 c. Animals being adopted shall be **properly licensed and vaccinated** ~~spayed or~~
586 ~~neutered, properly licensed and vaccinated.~~ Associated fees shall be the responsibility of the
587 ~~adopting party.~~

588

589 Section 19. Homer City Code 20.32.020, Penalty provisions, is repealed, and Homer
590 City Code 20.32.020, Fine schedule, is enacted to read as follows:

591

592 20.32.020 Fine schedule.

593 Citations for offenses listed in this section may be disposed of as provided in AS
594 12.25.195-.230, without a court appearance, upon payment of the fine amounts listed below

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

595 plus the state surcharge required by AS 12.55.039 and AS 29.25.074. Fines must be paid to the
 596 court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses
 597 listed below. Citations charging these offenses must meet the requirements of Minor Offense
 598 Rule 3. If a person charged with one of these offenses appears in court and is found guilty, the
 599 penalty imposed for the offense may not exceed the scheduled fine amount plus any
 600 surcharge required to be imposed by AS 12.55.039 and AS 29.25.074.
 601

Code Section	Code Section Title	Fine per Day
20.08.010(a)	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.030	Animals on harbor floats	\$25
20.08.040(a)	Nuisance animals	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200
20.08.070	Female animals in heat	\$100
20.08.080	Abandonment of animals	\$100
20.08.090	Maintenance and sanitation	\$100
20.12.010	License required--Issuance	\$50
20.12.020	License tag to be worn and displayed	\$50
20.20.010	Permitting animals to bite	\$200
20.24.060	Furnishing false information	\$200
20.28.020	Kennel license--Required	\$100

602
 603 Section 20. This ordinance is of a permanent and general character and shall be
 604 included in the City code.
 605

606 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this _____ day of _____
 607 2016.

608
 609 CITY OF HOMER

610
 611 _____
 612 MARY E. WYTHE, MAYOR
 613

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

614 ATTEST:

615

616

617 _____

618 JO JOHNSON, MMC, CITY CLERK

619 AYES:

620 NOES:

621 ABSTAIN:

622 ABSENT:

623

624

625

626 First Reading:

627 Public Reading:

628 Second Reading:

629 Effective Date:

630

631

632

633 Reviewed and approved as to form:

634

635

636 _____

637 Mary K. Koester, City Manager

638

639 Date: _____

Holly C. Wells, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-111

TO: MAYOR WYTHE AND THE HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

THROUGH: KATIE KOESTER, CITY MANAGER

DATE: JUNE 21, 2016

SUBJECT: FINAL REPORT AND RECOMMENDATIONS FROM THE SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE

In August 2015 City Council established the Sustainable Animal Control Review Committee via Resolution 15-075 in an effort to strengthen the sustainability of the shelter as the City worked on the 2016 budget.

The Committee held their last meeting in January 2016 and in February made their final report and recommendations in Memorandum 16-026. Several of the committee's recommendations have been completed including an update of the animal shelter fee schedule, the contractor increased their liability insurance, and Veterinarians from the Homer Veterinary Clinic have been visiting regularly.

With permission from City Manager Koester, Lt. Will Hutt, former committee member Casey Moss, and I took on another recommendation of the committee and reviewed HCC Title 20. We considered the committee's suggestions and looked at municipal code for the City of Soldotna, City of Kenai, and Municipality of Anchorage. As a result, Ordinance 16-38 was written.

While a good portion of the language didn't change, we simplified and clarified definitions including Animals, Kennel, License Period, Prior Conviction, and Restraint. We also changed the order of some of the sections for a better flow.

Significant changes within the chapter include:

- Added more specific language regarding animals at large;
- Clarified Impound Procedures;
- Added reference to birds under Nuisance animals;

- Added more specific language and added reference to the penalty for cruelty and penalty to animals;
- Added a section specific to records;
- Increased penalty fees.

We also drafted an amendment to Title 7 Animals in Vehicles, specific to tethering animals riding in the back of a vehicle that is not enclosed; and prohibiting animals in the lap of a person operating a vehicle.

Lastly we propose adding impoundment fees for livestock. Livestock impoundment is referenced in Title 20, but currently there are no associated fees in the fee schedule.



City of Homer

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Memorandum 16-026

TO: MAYOR WYTHE AND THE HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

THROUGH: KATIE KOESTER, CITY MANAGER

DATE: FEBRUARY 1, 2016

SUBJECT: FINAL REPORT AND RECOMMENDATIONS FROM THE SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE

The **Sustainable Animal Control Review Committee (SACRC)** met at least once monthly from October 2015 through January 2016. There was considerable public interest in this committee and members of the public attended the meeting on a regular basis. The purpose of the committee was to look at ways to operate the shelter more economically.

The SACRC recommended **fee changes** for the animal shelter to the Homer City Council, which were included and passed in the December 2015 budget process. The fees for the shelter had not been examined in many years and the committee felt these new fees will make the shelter more sustainable.

City liability was another issue the committee examined. The contract the City of Homer has with the contractor needs modification the next time an RFP is issued. The attorney recommends eliminating a specific paragraph in the contract (Page 16 Section V. Item C.) because the city cannot mandate contractor performance. It would be wise to review the content of the whole contract before issuing the RFP next December. Patrick Lawrence contacted AMLJIA and they suggested increasing the value of the insurance policy the contractor holds. The contractor has taken steps to increase the coverage in the new year.

The SACRC understands the city is in the process of changing the city **website**. While this activity is going on, the SACRC recommends that the city include links to the Animal Shelter contractor and Homer Animal Friends. Also the committee felt there would be more compliance with license purchase if an option to purchase the license were available online and all fees were clearly posted online.

Maintenance of the shelter was discussed. The city maintains the shelter and the contractor operates the shelter. Proper maintenance will sustain the building. The contractor and the Public Works department have discussed improved maintenance visits and communication. The HVAC system

maintenance was discussed in detail. The committee recommends cleaning the HVAC system once a year and perhaps twice a year.

Another way the committee felt the shelter could operate more economically was to have local **veterinarians** become involved. As a result of the SACRC process, the Homer Veterinary Clinic will be providing on-site support monthly to help the shelter contractor and volunteers meet the ASV (Association of Shelter Veterinarians) Standards of Care in Animal Shelters using ASPCA (American Society for the Prevention of Cruelty to Animals) checklists. This work will be provided pro-bono by staff veterinarians and licensed veterinary technicians.

Safety issues were considered. Limiting the city's liability was a topic of discussion. The committee looked at OSHA compliance and recommended an OSHA consultation in the future. The SACRC felt this voluntary visit by OSHA should be postponed for a few months, until the contractor feels they would benefit the most.

There are numerous **grants** available to nonprofit animal shelters that would provide considerable assistance to the operation of the shelter. The committee contemplated how the City of Homer could qualify for these grants, given the shelter is run by a contractor and the city does not operate the shelter. At this time, SACRC did not determine a way to qualify the shelter for these grants but the committee would encourage the new city grant writer to further examine possibilities for grants.

The committee examined other ways to **save funds** such as shelter specific software for financial tracking and records management. Improved tracking of income from the shelter will allow improved oversight of costs in running the shelter.

The SACRC felt that **education of the public** would also improve shelter operation. The committee understands the city intends to add informational brochures with bills in the future. To that end, a community volunteer from Homer Animal Friends has developed an informational brochure about the shelter and its fees to be included in the bills in the future.

Volunteers assist in smooth operation of the shelter. This topic was addressed in a myriad of ways. Most importantly, a Volunteer Release Form, per attorney advice, was developed to decrease city liability. The contractor reviewed their volunteer manual for both dog and cat care.

The committee looked at **Chapter 20** in the city code, which has not been updated since 1988. Time did not allow the committee to thoroughly review this chapter but there were several places in the code that members felt needed refining. For instance, there was nothing addressing safety of animals in open vehicles. The committee strongly encourages the City Council to update Chapter 20. City staff who participated on the committee is willing to assist with this and would solicit input from the contractor to provide recommended updates to the code in the future with Council's direction.

The SACRC did feel that the **most efficient operation** of the shelter would come from a city employee operating the shelter instead of a contractor.

Every member of the SACRC committee felt that it would be worthwhile for the city to continue an **Animal Shelter Review committee**. This committee would help the contractor with smooth

operation of the shelter and be a go between for the city and the contractor. The SACRC understands the council does not want to create new committees as a cost saving measure. The contractor has determined they will initiate a committee of their choosing to meet quarterly or as needed for shelter support.

As happens with committees, the scope of work seems to grow as members begin their work. There are numerous items that came up that could not be accomplished but we feel the process allowed us to work together raising awareness, soliciting input and establishing goals. Thank you so much for establishing this committee.



Birch Horton Bittner & Cherot
a professional corporation

MEMORANDUM 16-114

**TO: JO JOHNSON
CITY CLERK
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: REVISIONS TO HOMER CITY CODE TITLE 20

FILE NO.: 506,742.103

DATE: JUNE 16, 2016

Accompanying this memorandum is an ordinance revising HCC Title 20 regarding animals. The ordinance is based on a draft that you provided to us on May 31. I also expanded the scope of the revision to address some additional items in the current code. This memorandum explains my additional modifications.

20.04.020 Definitions.

- I retained a modified definition of the term “dog” because that term continues to be used in Title 20—for example, in the requirement of dog licenses.
- The revised definition of the term “kennel” confines the term to commercial facilities. Do you intend that kennel regulations apply only to commercial kennels, and not to a kennel that someone might operate as a hobby?
- I omitted the definition of “license period” because the term is not used in Title 20.

20.08.010 Animals at large.

- I omitted subsection (c) regarding abandoned animals, because that subject is addressed in HCC 20.08.080.
- I moved subsection (d) regarding pursuing animals on private property to HCC 20.08.020(a) because it related to impoundment procedure.
- HCC 20.08.020(g) regarding large animals has been integrated into HCC 20.08.020, impoundment procedures, and HCC 20.08.010(f) regarding penalties for violations of HCC 20.08.010(a).

- Penalties for violations under HCC Title 20, up to the level of Class C infractions, have been restated in a fine schedule in a new HCC 20.32. 030, as part of the effort to develop a fine schedule for City Code violations.

20.08.020 Impoundment procedures.

- Throughout the revision, I have retained the term “peace officer”, as this is the more inclusive term for officials who may enforce the code. See AS 01.10.060(7):

(7) “peace officer” means (A) an officer of the state troopers; (B) a member of the police force of a municipality; (C) a village public safety officer; (D) a regional public safety officer; (E) a United States marshal or deputy marshal; and (F) an officer whose duty it is to enforce and preserve the public peace.

- This section does not prohibit any conduct, so it is unnecessary to state penalties for violating the section.

20.08.040 Nuisance animals.

- The term “bird” is unnecessary, as it is included in the term “animal”. See HCC 20.04.020, defining “animal” as “all domestic or domesticated members of the animal kingdom.”
- Violations are categorized by number of prior convictions, as in the case of HCC 20.08.010.

20.12.010 License required—Issuance. I have simplified the wording.

20.12.020 License tag to be worn and displayed. I have simplified the wording.

20.16.010 Rabies vaccination required. I moved the requirement for a veterinarian’s certificate to HCC 20.12.010, as a requirement for the issuance of a dog license.

20.20.030 Vicious animal. I revised this section for clarification and grammatical consistency.

20.24.010 Enforcement. HCC 20.08.040(b) is the correct cross-reference in the revised Title 20.

20.28.030 Kennel license fee. I rewrote this section for clarity and simplicity. The section provides that the reduced kennel license fee goes into effect on July 1 of the second year, while under HCC 20.12.010 the reduced dog license fee goes into effect on January 1 of the second year. I assume that this difference is intentional.

20.32.020 Fine schedule. This section collects fines for violations of HCC Title 20 that can be disposed of by bail forfeiture, in the form required by the Alaska Court System.

Let me know if you have questions.

TFK/

**CITY OF HOMER
HOMER, ALASKA**

Roberts

RESOLUTION 15-075

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
ESTABLISHING A SUSTAINABLE ANIMAL CONTROL REVIEW
COMMITTEE TO STRENGTHEN SUSTAINABILITY OF THE
SHELTER.

WHEREAS, The City has contracted out Animal Control services for over 30 years; and

WHEREAS, In 2005 with tremendous support and effort from the community and Homer Animal Friends, the City of Homer built a new Animal Shelter; and

WHEREAS, In these constrained fiscal times, it is prudent to review how the sustainability of providing animal control for the City of Homer can be strengthened; and

WHEREAS, It would be beneficial to establish a Sustainable Animal Control Review Committee (SACRC) to assist the City with increasing revenue and reducing expenses at the shelter.

NOW, THEREFORE, BE IT RESOLVED that the City of Homer hereby establishes the Sustainable Animal Control Review Committee (SACRC).

BE IT FURTHER RESOLVED that the Committee membership shall be the Mayor or one member of the City Council, the Police Chief or their designee, the Finance Director or their designee, a member of Homer Animal Friends, a Veterinarian licensed to practice in the State of Alaska, and a representative of the Homer Animal Shelter Contractor.

BE IT FURTHER RESOLVED that the committee should select within its membership a chairperson to run meetings and provide the clerk's office with agenda content, a vice chair in the chair's absence, and a secretary to take notes at meetings.

BE IT FURTHER RESOLVED that the scope of work shall include:

- Review of animal control fine and fee schedule
- Review of animal boarding policy
- Review of energy use at the shelter
- Review of opportunities for collaboration with Homer Animal Friends

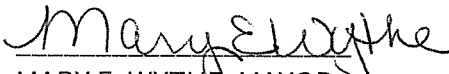
42 BE IT FURTHER RESOLVED that the Committee shall establish its own work schedule
43 and shall be disbanded when the initial scope of work is complete or December 1, 2015,
44 whichever comes first.

45
46 BE IT FURTHER RESOLVED that the City Clerk is authorized to advertise for parties
47 interested in serving as the veterinarian and Homer Animal Friends member.

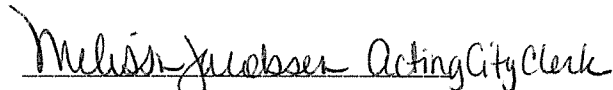
48
49 PASSED AND ADOPTED by the Homer City Council this 24th day of August, 2015.

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64

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal information: N/A, existing budget



ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

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Memorandum

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 20, 2016
SUBJECT: July 25 City Manager's Report

Animal Control Contract Advertised

The contract for Animal Control is up for renewal in December of 2016. The City will be issuing a request for proposals this week. The Animal Control Sustainability Committee spent a great deal of time updating City Code (changes to Title 20 before you today) and made useful suggestions on updates to the contract to be more reflective of current standards and practices. The RFP will be open for a full 7 weeks in an effort to give prospective contractors plenty of time to respond.

ICMA Conference in September

I will be missing the September 26 Council meeting as I will be attending the International City Manager Association conference in Kansas City, Missouri. I am very excited about so many workshops that pertain directly to City Manager responsibilities, development in small communities, and the Council-manager relationship. I really appreciate Council's support of my professional development. I applied for and received a Workplace Diversity scholarship that will cover much of the conference and travel expenses (about \$2,200 value).

What is Next with Harbor Rates?

Resolution 16-055, amending the harbor tariff failed at introduction and its companion, Resolution 15-054 amending the fee schedule to implement a graduated rate, was postponed until the second meeting in September, leaving many to question what is next. I appreciate all the Councilmembers and public who have met with me and expressed a desire to tackle this issue and build on the work of the Port and Harbor Commission. There is approximately \$8,000 left in the budget for moorage rate consultant services. Given the complexity of the issue, I suggest an extended work session with Northern Economics to help explain how the Port and Harbor Commission got to their recommendation, alternatives and compromises, and answer any questions Council may have. With elections in October and the potential for 2 new councilmembers and a new Mayor, the timing is awkward. I propose postponing Resolution 15-054 until the second meeting in October and scheduling an extended worksession on Monday October 17th with Northern Economics. Does that work for Council? Please submit any specific questions you have on harbor rates to so we can make the best use of Council's time and maximize time with the consultant.

How Useful are Monthly Stats?

Council should be receiving monthly statistical reports in their box (see attached March 2016 example). These stats cover items like animals reported lost at the shelter, number of packets distributed by the Clerk's office, Fire and EMS calls, number of arrests, volunteer hours at the Library, work orders process at Public Works, and wait list requests at the Homer Harbor (just to name a few, there is a great deal of information in the reports). While this information is interesting, I wonder how useful you find it. Most of the information is collected by the departments regardless of whether or not it is provided to Council, however it is an extra step to report it to the City Manager's office and my staff can spend a great deal of time hunting down and compiling statistics. How useful does Council find the statistics? Are there suggestions on how to present the information in a more useful way? Should we consolidate our energy in a single comprehensive annual report?

Status of Borough's Property and Sales Tax Code Revisions

The borough assembly has approved an ordinance to ask the voters to raise the maximum sales tax transaction to \$1,000, effective Jan. 1, 2017, and to eliminate sales tax on residential rent. Look for this on the October municipal ballot (October 4). The Assembly is scheduled at its July 26 meeting to vote on whether to put the senior citizen property tax exemption ordinance before voters Oct. 4. The ordinance would reduce, over several years, the optional (second) \$150,000 exemption in borough code. A third ordinance, dealing with other property tax issues (no voter approval required), will be introduced at the July 26 assembly meeting. Public hearings will be Aug. 9 and 23. The ordinance contains mostly procedural issues, but also amends code so that no one can get a residency-based property tax exemption if they have applied for or received a similar residency-based exemption outside of the borough in the same year. And it requires taxable personal property owners to notify the borough of sales, including the name and address of the new owner, so that the assessor can maintain an accurate list for assessments and tax billings. This Ordinance will have little impact for Homer.

Of greater interest to the City of Homer, is an ordinance dealing with all-things-sales-tax that is scheduled for introduction Aug. 9. This is the one that scales back which businesses can sell non-prepared foods as tax-exempt, amends code to require sales tax on flightseeing rides, says sales by a nonprofit ongoing business are subject to sales tax, and seeks to expand (as much as legally possible) the taxation of goods ordered and delivered into the borough. Per the direction given in the Revenue Worksessions, I will be drafting a resolution in support of many of these items for consideration at the next Council meeting (August 8).

Alaska Public Library Assistance Grant Agreement FY2017

The Library has received a grant from the Alaska State Library for \$6,900 for purchasing materials and staff training. This is a routine grant that the Library receives every year. In the past, it has been accepted and appropriated by ordinance. However, during the 2016 budget Council gave the City Manager the authority to accept and appropriate grants under \$25,000. I will report any small grant we receive to Council in the City Manager's report.

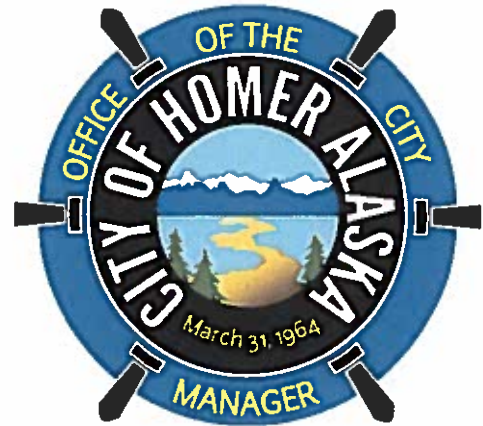
Enc:

March monthly statistical report

Alaska State Library grant agreement

Special use permit for KBCHA
Pioneer Avenue press release
Letter to Governor on state sales tax
Thank you card from Bunnell

City of Homer



Memorandum

To: Mayor, Council & City Manager
From: Misty Worland
Date: April 2016
Re: Department Statistics

Statistical Reports for March 2016

- Animal Shelter
- Clerks
- Fire
- Library
- Police
- Port & Harbor
- Public Works

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City of Homer

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Police Department

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(p) 907-235-3150

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

MONTH END ACTIVITY REPORT - ANIMAL SHELTER

TO: Chief Mark Robl *[Signature]*
 FROM: Coastal Animal Care
 REPORTING PERIOD: 2016

	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTALS
BOARDERS	6	0	3										
CITATIONS ISSUED	0	2	0										
COMPLAINTS	12	14	19										
EUTHANIZED	0	1	1										
IMPOUNDS	3	1	5										
REPORTED BITES	0	1	0										
REPORTED LOST	24	24	23										
ROAD KILLED	0	0	1										
TURN INS from inside city													
STRAYS	4	2	4										
OWNER TURN IN	9	1	5										
RETURN TO OWNER	6	2	4										
ADOPTED	0	3	3										
TURN INS from outside city													
STRAYS	1	1	4										
OWNER TURN IN	9	1	1										
RETURN TO OWNER	0	3	4										
ADOPTED	10	4	16										
QUARANTINE	0	0	0										
MISC SVC (Non-City Res)	2	11	13										
OTHER (explain)	0	1*	0										
TOTAL INCIDENTS	86	71	106	0	0	0	0	0	0	0	0	0	0

*school tour

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
City Council													
City Council Meetings		6	7	8									
Agendas Prepared		18	14	20									
# of Pages in Packet		939	768	1096									
# of Packets Distributed		30	45	45									
# of Tentative Agendas Distributed		14	21	14									
# of Action Agendas Distributed		14	14	14									
Minutes		2	2	3									
# of Minutes Distributed		14	14	21									
Commission/Board Meetings													
Planning Commission		2	2	2									
Overtime - hours		3	4.75	4									
# of Packets Distributed		6	6	6									
# of Agendas Distributed		8	8	8									
Minutes		2	2	2									
# of Minutes Distributed		8	8	8									
Economic Development Commission		0	1	1									
Overtime - hours		0	2	1.5									
# of Pages in Packet		29	153	43									
# of Packets Distributed		12	12	12									
# of Agendas Distributed		4	4	4									
Minutes		0	1	1									
# of Minutes Distributed		0	4	4									
Port and Harbor Commission		1	1	1									
Overtime - hours		2	2.5	2.5									
# of Pages in Packet		77	71	67									
# of Packets Distributed		11	12	11									
# of Agendas Distributed		4	4	4									
Minutes		1	1	1									
# of Minutes Distributed		4	4	4									
Parks and Recreation Commission		1	1	1									
Overtime - hours		1.75	3.75	3.5									
# of Pages in Packet		44	177	84									
# of Packets Distributed		10	10	10									
# of Agendas Distributed		4	4	4									
Minutes		1	1	1									
# of Minutes Distributed		4	4	4									

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Library Advisory Board		0	0	1								
Overtime - hours		0	0	2								
# of Pages in Packet		0	0	62								
# of Packets Distributed		0	0	10								
# of Agendas Distributed		0	0	4								
Minutes		0	0	1								
# of Minutes Distributed		0	0	4								
Cannabis Advisory Commission		1	1	0								
Overtime - hours		1.5	2	0								
# of Pages in Packet		118	214	0								
# of Packets Distributed		15	15	0								
# of Agendas Distributed		4	4	0								
Minutes		1	1	0								
# of Minutes Distributed		4	4	0								
Committees												
Public Safety Building Review Committee		0	1	1								
Overtime - hours		0	2.25	2								
# of Pages in Packet		57	26	36								
# of Packets Distributed		10	10	10								
# of Agendas Distributed		4	4	4								
Minutes		1	1	1								
# of Minutes Distributed		4	4	4								
Public Arts Committee		0	1	1								
Overtime-hours		0	1	0								
# of Pages in Packet		0	42	22								
# of Packets Distributed		0	10	10								
# of Agendas Distributed		0	4	4								
Minutes		0	0	1								
# of Minutes Distributed		0	0	4								

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Clerk													
SAD's													
SAD Reports													
SAD Petition Distribution		2	2	0									
SAD Objection Notice Distribution		1	2	0									
Final Assessment Rolls													
Neighborhood Meetings													
License/Permits													
Liquor Licenses Processed		17	0	0									
Gaming Permits Processed		0	0	0									
Legislative													
Ordinance		5.00	2.00	10.00									
Resolution		17	7	12									
Memorandum		19	20	18									
Mayor													
Appointments		2	3	10									
Certificates		2	3	10									
Proclamations/Recognitions		1	3	2									
Advertisements													
Public Hearings		5	1	3									
# of Public Hearings Distributed		20	4	16									
Bids/RFPs		5	0	5									
Meeting Notice		4	4	4									
Elections		0	0	0									
# of Elections Distributed		0	0	0									
Correspondence Logs													
Legal Opinions		0	1	0									
Manual Updates													
Council Operating Manual		0	0	0									
Procurement Manual		0	0	0									
Property Management Policy & Procedure		0	0	0									
Cemetery													
Cemetery Plots Sold & Deeds Prepared		0	0	0									
Interments Processed		0	0	0									

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Other Activities													
Appeals Filed		0	0	0									
Ethics Complaints Filed		0	0	0									
Notaries		0	0	2									
Petition or Referendum Processing		0	0	1									
Radio Report		1		1									
Continuing Education													
Deputy Clerk II													
Record Retention													
Inactivated Records per Box		27	0										
Records Destruction per box		0	0										
Records Report		0	0										
Records Office Inventory		0	0										
Records Requests													
# of Record Log Requests		12	14	18									
Staff Time Processing Requests		1	2	2									
Revenue from Requests		85.75	89.75	10.25									
Elections													
Voter Registrations		3	14	32									
Election Training City/State/Borough		0	0	0									
City Election													
Absentee By Mail/Electronic Processed		0	0	0									
Absentee in Person Voters		0	0	0									
Special Needs Voters		0	0	0									
Questioned ballots		0	0	0									
SPH & Senior Center Voters		0	0	0									
State & Borough Election													
Absentee By Mail Ballot Requests		0	0	0									
Absentee in Person Voters		0	0	0									
Special Needs Voters		0	0	0									
SPH & Senior Center Voters		0	0	0									
Cemetery													
Cemetery Plots Sold & Deeds Prepared		0	0	0									
Interments Processed		0	0	0									

2016

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Manual Updates													
Fee Schedule		1	0	0									
Port Tariff #600		0	0	0									
Records Retention Schedule		0	0	0									
City Directory		1	0	1									
Other Activities													
Recording Documents		1	0	3									
Notaries		1	2	3									
Radio Report		2	2	1									
Continuing Education													
	0	0	0										
Deputy Clerk I													
Bids/RFPs													
Bids/RFPs		4	3	3									
# of Plan Holders logged		24	35	8									
Bid Openings		1	2	0									
Building Use - Non City													
# of Room Rentals Exempt		0	1	1									
# of Room Rentals Charged		0	0	1									
Rental Revenue		0	0	0									
Cemetery													
Cemetery Plots Sold & Deeds Prepared		0	0	1									
Interments Processed		0	0	0									
Correspondence Logs													
Mayor & Council		9	4	10									
Other Activities													
Monthly Calendar & Lobby Board Update:		3	4	4									
Radio Report		2	1	1									
Citywide Newsletters Distributed		1361	0	0									
Notaries		3	3	5									
Continuing Education													

Homer
Volunteer
Fire
Department

TO: Katie Koester, City Manager
FROM: Robert Painter, Fire Chief
DATE: April 27, 2016
SUBJ: March Activity Report

604 east pioneer avenue
homer, alaska 99603
907/235-3155
fax 907/235-3157
fire@ci.homer.ak.us

EMERGENCY SERVICE ACTIVITY

Emergency Calls	'11	'12	'13	'14	'15	'16
Fire	7	4	3	5	5	8
EMS	29	49	34	35	43	45
Total Responses	36	53	37	40	48	53

Calls To Date

	'03	'04	'05	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16
Fire	46	25	41	21	20	24	23	13	11	25	11	17	13	18
EMS	126	115	122	101	132	158	140	94	96	135	104	114	105	125
Total	172	140	163	122	152	182	163	107	107	160	115	131	118	143

	2011	2012	2013	2014	2015	2016
Community Loss	\$2,034K	\$2K	\$6K	\$3K	\$10K	\$25K
Property Saved	\$1,790K	\$1K	\$12K	\$0K	\$200K	\$25K

MEMBER EFFORT in hours (Month/Year to Date)

	'12 Mon/YTD	'13 Mon/YTD	'14 Mon/YTD	'15 Mon/YTD	'16 Mon/YTD
Alarm	197/626	154/499	152/507	216/522	198/569
Training	347/1,246	267/757	499/1,375	746/1,660	324/1,104
Prevention	4/11	3/24	7/9	2/10	3/21
Other	52/176	107/263	83/220	87/220	104/224
Total:	600/2,058	531/1,543	741/2,119	1,051/2,411	629/1,918

GENERAL COMMENTS

The Joint Firefighter II class held with Anchor Point and Ninilchik end with testing in March. Everyone successfully graduated and HVFD added 4 new FF-IIs to the roster, albeit temporarily as one of our volunteers was offered a position with the Anchorage Fire Department. We sent 2 firefighter/EMTs to Rope Rescue Technician Training in Nevada. These personnel, one paid and one volunteer, will in-turn provide additional training to our members to strengthen our rope rescue capability. The department provided triage training to hospital personnel, part of an ongoing effort to train a cadre of nursing personnel in disaster triage. This was a recommendation following the Hospital Disaster Exercise conducted in 2014. Additional classes will be held in April and May.

"The team that cares."

Type of Alarm & Location

Location Service/Alarm Type	Homer		Kachemak City		K.E.S.A.		Other	
	M	YTD	M	YTD	M	YTD	M	YTD
Emergency Medical	41	119	3	5	1	1	0	0
Fire, Structural		2		0		0		0
Fire, Wildlands		0		0		0		0
Fire, Vehicle		1		0		0		0
Rescue Services		0		0		0		0
Public Assist	8	15		0		0		0
Total Fire:	8	18	0	0	0	0	0	0
Combined Fire/EMS	49	137	3	5	1	1	0	0

Fire Loss/Save by Location

Location	Fire Loss		Fire Save	
	Month	Year-to-Date	Month	Year-to-Date
Homer		\$25,000.00	\$25,000.00	\$25,000.00
Kachemak City		0		
K.E.S.A.		0		
Other		0		
Totals:	0	\$25,000.00	\$25,000.00	\$25,000.00

Department Training and Other Activities Conducted

Activity/Class	Date	Members	Member Hours	Total Hours
FF-2 Course	3/2-3/11	4	16	64
FF-2 Practical Test	3/12	9	7	63
Tuesday EMS Training	3/1	11	2.5	27.5
Tues. Training/Comfort One	3/15	19	3	57
Tuesday FIRE Training	3/29	13	2.5	32.5
Rope Rescue Training in Las Vegas	3/7-3/11	2	40	80
Rig Checks & Shift Change	March	12	4.5	54
Departmental Services	March	3	7	21
Fire Investigation #14-253	6/13/14-4/16/16	1	28.5	28.5

Public Education/Prevention Activities

Activity	Date	Attendees	Members Assisting	Member Hours	Total Hours
Kachemak Selo Station Tour	3/18	16	2	1.5	3

Total Manhours of Combined Activities and Alarms

Activity	EMS Service	Fire Service	Combined Monthly	Combined Year-to-Date
Alarms	191.5	6.9	198.4	569
Training	164.5	159.5	324	1,104
Prevention			3	21
Other			103.5	223.5
Total Hours	356	166.4	628.9	1,917.5

Homer Public Library Statistical Summary for 2016

Date: 04-May-16

CIRCULATION	16-Jan	16-Feb	16-Mar	16-Apr	16-May	16-Jun	16-Jul	16-Aug	16-Sep	16-Oct	16-Nov	16-Dec	Y.T.D.
Total # of Items	13,494	13,098	13,884	12,404									52,880
INTERLIBRARY LOANS													
Incoming (Borrowed)	24	27	19	15									85
Outgoing (Lent)	31	19	23	44									117
STUDY ROOM USE													
# of groups	198	231	185	199									813
# of people	441	374	349	403									1567
MEETING ROOM USE													
# of groups	24	28	30	31									113
ATTENDANCE													
TOTAL (*Included)	11,023	11,026	11,662	12,425									46136
*Story Hour & Lapsit	311	398	249	376									1334
*School Classes	75	19	0	0									94
*Internet sessions	3,899	4,077	4,070	4,203									16249
*Programs	571	321	72	463									1427
OUTREACH													
# Visits	4	4	6	6									20
# People	16	16	25	131									188
NEW CARDS ISSUED													
City	29	31	25	24									109
Borough	32	27	28	14									101
Transient (TEMP)	3	1	1	2									7
VOLUNTEER HOURS													
# of people	83	47	78	73									281
# of hours	189	177.25	214	265.75									846
MATERIALS ADDED													
Books	361	118	301	258									1038
Audio	15	0	34	12									61
Video	78	12	61	59									210
Serials	0	0	0	2									2
Electronic Resources	0	0	0	0									0
MATERIALS REMOVED													
Books	301	169	116	134									720
Audio	1	27	3	0									31
Video	8	3	72	8									91
Serials	0	0	3	2									5
Electronic Resources	0	0	0	0									0
REVENUES DEPOSITED													
Fines/Fees/Copies	2305.64	2313.05	2408.80	2324.75									9,352.24
Building Fund (151-)													0.00
Library Gifts (803-)													0.00
Grants		23691.00											23,691.00
TOTALS	2,305.64	26,004.05	2,408.80	2,324.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$33,043.24

Books Added
Auds added
Vids Added
Serials Added
Books Removed
Auds removed
Vids removed
Serials Removed



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

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

MEMORANDUM

DATE: April 12, 2016
TO: City Manager Koester
FROM: Chief Mark Robl 
SUBJECT: Monthly Report March 2016

Police Department

We had a busy month. Our activity levels are starting to pick up across the board. We recorded 485 incidents, filed 33 arrest charges and issued 12 citations. We also issued 32 traffic warnings and made 106 security checks on local businesses. The monthly statistical report is attached for your review.

I attended DEC training covering marijuana grows and production facilities. Officers attended firearms training and annual OSHA refresher training.

Homer Jail

Jail activity levels were about average last month. No significant events occurred in the jail. The monthly jail statistical report is attached for your review.

Animal Shelter

The shelter manager's monthly report is attached for your review. I am unaware of any significant events involving shelter operations.



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

Following is a summary of reported activity for the Homer Police Department:

	MARCH	2016
Incidents		485
Arrest Charges		33
Citations		12
Jail Bookings		38
Jail Days Served		68.5
Prisoners Transported to other DOC Facility		6

Monthly Incident Summary

Abandoned Vehicle	4	MVA - Damage	7
Agency Assist Inside Alaska (other than AST)	8	MVA - Injury	1
Agency Assist/AST	8	Patrol Request	4
Animal Related Offense/Complaint	13	Possess/Sell/Manufacture/Heroin	1
Arrest Warrant Service	3	Probation Violation	1
Assault (Fourth Degree)	1	Protective Custody/Alcohol	1
Assault/Family/Strongarm	1	Protective Custody/Mental	2
Assault/Non-Family/Other Weapon	1	Provide Transport	4
Assist Fire Department	9	Public Appearance	3
AST Service Call (not Agency Asst)	1	Public Assist	2
ATV Complaint	4	REDDI (ReportEvery Drunk Driver Immediately)	20
Burglary/Force/Non-Residence	1	Robbery Attempt	1
CHAUFFEUR LICENSE	1	Runaway Juvenile	1
City Ordinance (all others)	2	Search Warrant Service	1
City Ordinance (Beach)	11	Security Checks - All Others	106
Civil Problem/Assist/Standby	19	Security Checks - Bars	3
Consume/Possess Alcohol/18-21	1	Sex Offender Registration	1
Criminal/Malic Mischief/Personal	3	Shoplifting	3
Death Invest/Unattended Death	2	Suicide Attempt/Threat	1
Disturbance - Other	10	Suspicious Circumstances	36
Domestic Dispute	5	Suspicious Vehicle	7
Drivers License Violation	2	Taxicab Inspection/Fixit Tickets	12
Driving While Intoxicated/Warning Only	1	Theft from Building	4
Driving While Intoxicated-Alcohol	5	Theft from Vehicle	5
Drove w/o License	3	Theft of Bicycle	1
Drug Information	5	Threats	6
False Alarm	4	Traffic (Criminal-all others)	3
Found Property	13	Traffic (Non-Criminal-all others)	2
Fraud (other than Bad Checks)	6	Traffic Hazard	4
Fraudulent Use of Credit Card	1	Traffic Warning	32
Harassment	7	Trespass	5
Hit&Run/Leave Scene of Accident	5	Vehicle Tampering	1
Information/Other	4	VID	1
Intoxicated Pedestrian	3	Violate Camping Rules	1
Lost Property	8	Warrant Arrest (FTA)	1
Marijuana/Produce	1	Welfare Check	18
MCA/Operate Vehicle	1		
Minor Consume or Possess	1		
Minor Need of Supervision	1		
Missing Juvenile	1		
Mobile Food Vendor	2		
Motorist Assist	1		

Monthly Arrests Summary

Assault/Family/Strongarm	1
Consume/Possess Alcohol/18-21	2
Criminal/Malic Mischief/Personal	1
Driving While Intoxicated-Alcohol	5
Drove w/o License	2
DWLS/R/C	2
Fail to Provide Proof of MV Insurance	3
Fail to Report MVA	2
Hit&Run/Leave Scene of Accident	1
MCA/Operate Vehicle	1
Minor Consume or Possess	1
Parole Violation	1
Possess/Sell/Manufacture/Heroin	1
Probation Violation	1
Protective Custody/Alcohol	1
Protective Custody/Mental	2
Reckless Driving	1
Shoplifting	1
Theft III (charge only)	1
Trespass	2
Warrant Arrest (FTA)	1

Monthly Citation Summary

<i>Total Count for Ticket Type E</i>	3
<i>Total Count for Ticket Type P</i>	1
<i>Total Count for Ticket Type S</i>	1
<i>Total Count for Ticket Type T</i>	12

Type A = Animal Cite
Type P = Parking Cite

Type E = Equipment/Tobacco Cite
Type T = Moving/City Ordinance Cite

Type S = Court Summons

DEPARTMENT OF CORRECTIONS
4500 DIPLOMACY DRIVE #109
ANCHORAGE, AK 99508

MONTHLY CONTRACT JAIL REPORT CERTIFICATION

Month March, 20 16

Facility Reporting: Homer Community Jail

Total Number of Prisoners: 38

Total Number of Man-Days Served: 68.5

** Number of Prisoner Transports to another DOC Facility: 4

** Number of Prisoners Transported to another DOC Facility: 6

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND ACCURATE ACCOUNTING OF THE SERVICES RENDERED.

Certifying Officer: R. PITTA
(Printed Name)

Title: MCO


(Signature)

** Indicates transports made by Homer Community Jail Staff

NOTE: This form must accompany the Monthly Booking Report.

City of Homer - Public Works Department - 2016

Type Work	January		February		March		April		May		June	
	Labor Hrs.	# WO's	Labor Hrs.	# WO's	Labor Hrs.	# WO's	Labor Hrs.	# WO's	Labor Hrs.	# WO's	Labor Hrs.	# WO's
Scheduled	1004.75	406	927.75	384	809.5	383						
Repairs	507.5	91	620.75	75	687.5	86						
Contract (billings)	5	23	22.25	27	16	47						
PW Totals	1517	520	1571	486	1513	516	0	0	0	0	0	0
Current Backlog	22		41		39							

Type Work	July		August		September		October		November		December	
	Labor Hrs.	#WOS	Labor Hrs.	#WOS	Labor Hrs.	#WOS	Labor Hrs.	# WO's	Labor Hrs.	# WO's	Labor Hrs.	# WO's
Scheduled												
Repairs												
Contract (billings)												
PW Totals	0	0	0	0	0	0	0	0	0	0	0	0
Current Backlog												



	Public Works Labor Hours by Department																	Totals
	Facilities & Buildings											Vehicles/Equipment						
	HERC	Airport	City Hall	Police Dept	Fire Dept	Public Library	Port and Harbor	Used Oil	PW Bldg Fac	Parks	PW Misc.	Animal Shelter	City Hall	Port and Harbor	Police Dept	Fire Dept	PW Equip.	
January	62.50	91.00	46.50	10.00	4.00	46.50	3.25	5.50	118.50	133.50	774.25	16.50	0.00	7.50	31.50	18.00	148.00	1,517.00
February	73.50	76.50	33.00	8.50	7.00	68.50	10.75	1.00	187.50	106.25	675.50	19.00	0.00	0.00	81.00	34.50	171.50	1,554.00
March	73.50	79.75	49.00	7.00	4.00	83.00	50.50	1.00	153.00	130.25	604.00	24.50	0.00	0.00	68.00	8.00	161.50	1,497.00
April																		0.00
May																		0.00
June																		0.00
July																		0.00
August																		0.00
September																		0.00
October																		0.00
November																		0.00
December																		0.00
Totals	209.50	247.25	128.50	25.50	15.00	198.00	64.50	7.50	459.00	370.00	2,053.75	60.00	0.00	7.50	180.50	60.50	481.00	4,568.00

	January	February	March	April	May	June	July	August	September	October	November	December	Total Hrs:
Utility Locates Man Hours	5.00	10.50	16.00										31.50

Previous Year's Totals (12 months)

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Labor Hrs	21,754	31,834	31,929	33,456	34,805	35,116	33,566	38,526	33,222	36,164	30,943	34,160	29,748	32,308	27,785	29,112	27,416	
Wrk Ordrs	3,158	5,015	5,543	6,036	6,438	6,573	6,758	6,852	6,761	6,553	5,785	7,372	7,426	7,737	6,420	6,641	6,417	
Backlog	137	146	278	238	129	183	255	196	182	111	80	48	30	36	69	28	39	

Year to Date Totals

Labor Hrs	4,601	Total Facilities Man Hours =	3,397
Work Orders	1,522	Total Parks Maint Hours =	370
Current Backlog WO's	41	Total Harbor Maint Hours =	72
		Total Vehicle Maint. Hours =	730

- ** Notes**
1. Assumed maintenance of Port Facilities 09/1999
 2. Assumed maintenance of Airport Facility 7/1/2000
 3. Assumed maintenance of Homer Educational/Recreation Center (HERC) 7/15/2000
 4. Monthly hours may vary due to employee vacation time(s) and ongoing work in progress.
 5. Did not break out Capital Projects - accurate information would come from time sheets.
 6. Agreement between City of Homer and Kachemak Emergency Services ended 2009
 7. Port Maintenance management moved from Public Works to Port & Harbor 2011



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road

Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

MARCH 2016 PORT & HARBOR STAFF REPORT

1. Administration

Staff met with:

- Homer Rotary – Presentation Re: Harbor Improvements & Current Projects
- IT Staff – Camera Installation on Fish Dock
- Jake Buttikofer, Sugar – Teleconference Re: New Port & Harbor Software Program
- City Attorney – Tariff Amendments, Load & Launch Ramp Citation/Code Change, & Fish Dock crane use contract
- Quentin Chandler, KBBI – Interview Re: Petro Marine Lease
- R&M Consultants & ADOT – Teleconference Re: Homer DWD Uplands Concept Alternatives
- Chamber of Commerce – Presentation Re: Harbor Improvements & Current Projects
- ADOT Event Re: Pioneer Dock Ferry Terminal Improvement Final Inspection
- Jeff Monroe, Marpro Associates – Homer Terminal Tariff Revisions
- Department Head Staff Meeting
- R&M Consultants – In-person Anchorage Meetings Re: Deep Water Dock Economics Study, Upland Improvements, & Barge Berth Alternatives

2. Operations

The month of March has brought about the transition from winter to spring. Approximately 60 recreational vessels were added to the harbor's moorage inventory during the weekend of March 12th with total occupancy at 475 vessels. We believe the factors driving the increased presence of early spring recreational traffic is the unseasonable warm weather, low fuel prices, and the popularity of the winter king salmon sport fishery. Operations and administrative staff have been working closely with the Homer Chamber of Commerce as the winter king salmon tournament approaches.

Landings at all harbor facilities included the following vessels: Emmett Foss, L/C Devon, Bismark Sea & DBL106, Java Sea & DBL78, Pacific Wolf & DBL54, Anna T, Millennium Star, Bob Franco, Tustumena, CISPRI Perseverance, and Randolph Yoast.

Operations staff has been working with contractors and vessels owners to relocate commercial gear and equipment into a designated 50,000 square foot temporary storage site. Efforts are being made in preparation of the Deep Water Dock (and wood chip pad) cargo storage capital project. Also, the Port Director and Deputy Harbormaster have reviewed approximately 50 applications for the new harbor officer position and are currently in the process of conducting interviews.

Other notable incidents:

- On 2/26, harbor officers responded to an EMS call involving a 45 year old male who suffered a head injury aboard a 100' fishing vessel.
- On 3/3, harbor officers reported to HPD after finding suspicious items located at a camp site at the Pier 1 Theatre that were believed to be involved in a theft reported by a local business.
- On 3/4, harbor officers towed a 58' disabled fishing vessel to the Fish Dock to off-load its catch and then returned it to its stall for repairs.

- On 3/4, a minor collision/accident was reported involving a 40' survey vessel and a 28' recreational vessel.
- On 3/7, a graveyard shift harbor officer contacted the driver of a suspicious truck and trailer laden with ten 50-gallon drums in the vicinity of the Ramp 2 oil recycling station.
- On 3/8, harbor officers responded to a fuel spill involving a 50' commercial fishing vessel.

3. Ice Plant

The Ice Plant is officially open for ice sales as of March 14th.

4. Port Maintenance

Port Maintenance has been busy refurbishing the Port and Harbor's 40' aluminum gangway for vessel at the Deep Water Dock or Pioneer Dock; building more aluminum harbor carts; doing low tide repairs on the grids and Hickory berth fenders; burning piles of slash/wood debris; and have advertised for a Temporary Maintenance Tech.

Port & Harbor Monthly Statistical & Performance Report

For the Month of: **February 2016**

<u>Moorage Sales</u>		2016	2015	<u>Stall Wait List</u>			
Daily Transient		39	19	No. on list at Month's End		2016	2015
Monthly Transient		61	38	20' Stall		37	9
Semi-Annual Transient		1	0	24' Stall		24	15
Annual Transient		12	3	32' Stall		54	18
Annual Reserved		1	0	40' Stall		29	20
				50' Stall		28	27
				60' Stall		3	4
				75' Stall		3	2
				Total:		<hr style="width: 100%; border: 0.5px solid black;"/>	<hr style="width: 100%; border: 0.5px solid black;"/>
						178	95
<u>Grid Usage</u>				<u>Docking & Beach/Barge Use</u>			
1 Unit = 1 Grid Tide Use		2016	2015	1 Unit = 1 or 1/2 Day Use		2016	2015
Wood Grid		5	1	Deep Water Dock		23	36
Steel Grid		1	0	Pioneer Dock		27	21
				Beach Landings		0	2
				Barge Ramp		3	10
<u>Services & Incidents</u>		2016	2015	<u>Marine Repair Facility</u>			
Vessels Towed		0	1	Vessels Hauled-Out		2016	2015
Vessels Moved		3	44	Year to Date Total		0	0
Vessels Pumped		2	1			1	1
Vessels Sunk		0	0	<u>Wharfage (in short tons)</u>			
Vessel Accidents		0	0	In Tons, Converted from Lb./Gal.		2016	2015
Vessel Impounds		0	0	Seafood		260	192
Equipment Impounds		1	0	Cargo/Other		269	146
Vehicle Impounds		0	0	Fuel			26,473
Property Damage		0	2				
Pollution Incident		3	1				
Fires Reported/Assists		0	0				
EMT Assists		2	0				
Police Assists		0	2				
Public Assists		14	34				
Thefts Reported		0	0				
<u>Parking Passes</u>		2016	2015	<u>Ice Sales</u>		2016	2015
Long-term Pass		3	1	For the Month of February		*	*
Monthly Long-term Pass		0	0	*Shut Down for Maintenance			
Seasonal Pass		0	0	Year to Date Total		0	0
<u>Crane Hours</u>		2016	2015	<u>Difference between</u>			
		171.7	100.8	<u>2015 YTD and 2016 YTD:</u>		<hr style="width: 100%; border: 0.5px solid black;"/>	
				0 tons			

Port & Harbor Water/Sewer Bills

Service Period End Date: March 31, 2016

Meter Reading Period: 2/19 to 3/16/2016

Meter Address - Location	Acct. #	Meter ID	Service/ Customer Charge	Water Charges	Sewer Charges	Total Charges	Previous Reading	Current Reading	Total Usage (gal)
810 FISH DOCK ROAD - Fish Grinder	1.0277.01	84810129	\$9.50	-	-	\$9.50	316,700	316,700	-
4244 HOMER SPIT RD - SBH & Ramp 2	1.0290.01	84872363	\$9.50	-	-	\$9.50	8,144,800	8,144,800	-
4166X HOMER SPIT RD - SBH & Ramp 4	1.0345.01	70291488	\$9.50	-	-	\$9.50	22,616,300	22,616,300	-
4171 FREIGHT DOCK RD - SBH & Ramp 6	1.0361.01	71145966	\$9.50	-	-	\$9.50	103,200	103,200	-
4690C HOMER SPIT RD - Pioneer Dock	1.0262.01	70315360	\$9.50	\$273.59	-	\$283.09	2,957,900	2,983,000	25,100
4690A HOMER SPIT RD - Pioneer Dock	1.0261.01	70315362	\$19.00	-	-	\$19.00	414,500	414,500	-
4666 FREIGHT DOCK RD - Deep Water Dock	1.0357.01	70564043	\$19.00	\$396.76	-	\$415.76	81,116	8,148,000	36,400
4448 HOMER SPIT RD - Steel Grid	1.0230.01	80394966	\$9.50	-	-	\$9.50	229,800	229,800	-
795 FISH DOCK ROAD - Fish Dock/Ice Plant	1.0180.01	70291512	\$19.00	\$874.18	\$23.20	\$916.38	864,699,100	864,779,300	80,200
4147 FREIGHT DOCK RD - SBH & Ramp 6 Restroom	1.4550.01	70315668	\$19.00	\$25.07	\$53.36	\$97.43	917,600	919,900	2,300
4147X FREIGHT DOCK RD - Ramp 6 Fish Cleaning	1.0457.01	80856895	\$19.00	-	-	\$19.00	1,441,100	1,441,100	-
4001 FREIGHT DOCK RD - L&L Ramp Restrooms	10.4550.01	70364713	\$19.00	\$39.24	\$83.52	\$141.76	1,257,400	1,261,000	3,600
4667 HOMER SPIT RD L - Port Maintenance	1.0109.01	70257255	\$19.00	\$40.33	\$85.84	\$145.17	676,600	680,300	3,700
4667 HOMER SPIT RD - Bldg Near Water Tank	1.0100.02	70315820	\$9.50	-	-	\$9.50	320,400	320,400	-
4667 FREIGHT DOCK RD - DWD Restroom	1.0495.01	84920900	\$19.00	\$11.99	\$25.52	\$56.51	36,200	37,300	1,100
4311 FREIGHT DOCK RD - Port & Harbor Office	5.1020.01	83912984	\$19.00	\$17.44	\$25.12	\$61.56	23,600	25,200	1,600
4000 FREIGHT DOCK RD - Ramp 5 Restroom	5.125.01	86083228	\$19.00	-	-	\$19.00	-	-	-
4425 FREIGHT DOCK RD - Sys 5 & Ramp 8	5.1050.01	86094861	\$19.00	\$90.47	-	\$109.47	77,100	85,400	8,300

Overall Charges: \$2,341.13
Overall Water Usage: 162,300

Water/Sewer Monthly Comparison CY 2013 to Current								
	2013		2014		2015		2016	
January	\$1,039.71	62,100	\$3,545.49	288,500	\$2,526.35	183,700	\$1,216.22	68,800
February	\$995.09	57,300	\$4,042.38	322,400	\$2,015.14	140,800	\$1,891.14	122,500
March	\$3,777.17	91,400	\$3,968.26	320,400	\$3,339.49	253,700	\$2,341.13	162,300
April	\$2,825.07	208,200	\$5,792.92	452,200	\$4,997.38	467,700		
May	\$11,647.05	1,176,600	\$12,019.73	973,600	\$6,982.27	541,900		
June	\$19,728.26	1,660,800	\$13,396.30	1,106,200	\$14,116.19	1,134,100		
July	\$73,511.61	6,344,600	\$16,516.50	1,348,000	\$12,038.01	919,900		
August	\$18,766.53	1,547,500	\$15,883.21	1,279,500	\$15,033.97	1,197,000		
September	\$12,784.77	1,057,600	\$13,105.89	1,073,100	\$15,661.07	1,307,300		
October	\$6,823.64	558,200	\$3,874.68	266,000	\$5,445.90	406,300		
November	\$5,696.76	456,800	\$3,658.86	283,400	\$1,917.85	106,100		
December	\$2,699.74	186,900	\$1,748.09	111,900	\$1,284.30	30,100		
YTD Total	\$160,295.40	13,408,000	\$97,552.31	7,825,200	\$85,357.92	6,688,600	\$5,448.49	353,600

**WEEKLY CRANE TIME / TONS OF ICE
City of Homer - Fish Dock 2015**

Date From	Date To	Crane Hours (Weekly)	YTD Crane	Tons of Ice (Weekly)	YTD Ice
1/4/2016	1/10/2016	6	6	shut down for maintenance	0
1/11/2016	1/17/2016	24	30	shut down for maintenance	0
1/18/2016	1/24/2016	29.1	59.1	shut down for maintenance	0
1/25/2016	1/31/2016	28.5	87.6	shut down for maintenance	0
2/1/2016	2/7/2016	30.1	117.7	shut down for maintenance	0
2/8/2016	2/16/2016	64.5	182.2	shut down for maintenance	0
2/15/2016	2/21/2016	40.2	222.4	shut down for maintenance	0
2/22/2016	2/28/2016	36.9	259.3	shut down for maintenance	0
2/29/2016	3/6/2016	32.3	291.6	shut down for maintenance	0
3/7/2016	3/13/2016	51.3	342.9	shut down for maintenance	0
3/14/2016	3/20/2016	43.3	386.2	19	19
3/21/2016	3/27/2016	46.1	432.3	28	47
3/28/2016	4/3/2016	21	453.3	13	60
4/4/2016	4/10/2016	25.4	478.7	20	80
4/11/2016	4/17/2016	52.6	531.3	81	161
4/18/2016	4/24/2016				
4/25/2016	5/1/2016				
5/2/2016	5/8/2016				
5/9/2016	5/15/2016				
5/16/2016	5/22/2016				
5/23/2016	5/29/2016				
5/30/2016	6/5/2016				
6/6/2016	6/12/2016				
6/13/2016	6/19/2016				
6/20/2016	6/26/2016				
6/27/2016	7/3/2016				
7/4/2016	7/10/2016				
7/11/2016	7/17/2016				
7/18/2016	7/24/2016				
7/25/2016	7/31/2016				
8/1/2016	8/7/2016				
8/8/2016	8/14/2016				
8/15/2016	8/21/2016				
8/22/2016	8/28/2016				
8/29/2016	9/4/2016				
9/5/2016	9/11/2016				
9/12/2016	9/18/2016				
9/19/2016	9/25/2016				
9/26/2016	10/2/2016				
10/3/2016	10/9/2016				
10/10/2016	10/16/2016				
10/17/2016	10/23/2016				
10/24/2016	10/30/2016				
10/31/2016	11/6/2016				
11/7/2016	11/13/2016				
11/14/2016	11/20/2016				
11/21/2016	11/27/2016			shut down for maintenance	
11/28/2016	12/4/2016			shut down for maintenance	
12/5/2016	12/11/2016			shut down for maintenance	
12/12/2016	12/18/2016			shut down for maintenance	
12/19/2016	12/25/2016			shut down for maintenance	
12/26/2016	1/1/2017			shut down for maintenance	
				shut down for maintenance	

Deep Water Dock 2015

Date	Vessel	LOA	Times	Billed	\$ Dock	Srv Chg
1/3	Tustumena	296	1900/2200	St of AK	788.00	52.00
1/7	Swiftwater	218	1000/2100	Turnagain Ma	788.00	52.00
1/13	DBL 54	300	0820/1215	Kirby Offshor	788.00	52.00
1/13	Pacific Wolf	121	0845/1215	Kirby Offshor	506.00	52.00
1/17	Java Sea & DBL 78	395	0430/0900	Kirby Offshor	1,206.00	52.00
1/17	Java Sea INSIDE	121	0900/	Kirby Offshor	506.00	na
1/18	Java Sea & DBL 78	395		Kirby Offshor	1,206.00	
1/18	Java Sea INSIDE	121	/1000	Kirby Offshor	253.00	na
1/19	Java Sea & DBL 78	395	/0245	Kirby Offshor	1,206.00	
1/27	Tustumena INSIDE 1/6	296	0915/1200	St of AK	131.28	na
1/30	Java Sea & DBL 78	395	0500/	Kirby Offshor	1,206.00	52.00
1/31	Java Sea & DBL 78	395	/2020	Kirby Offshor	1,206.00	
1/31	Millennium Star	105	1800/	Olympic	253.00	na
2/1	Millennium Star INSIDE	105	/1200	Olympic	253.00	
2/4	Perseverance	207	1000/	Cispri	788.00	52.00
2/5	Perseverance	207		Cispri	788.00	
2/6	Perseverance	207	/1030	Cispri	788.00	
2/9	Millennium Star INSIDE	105	1350/	Olympic	253.00	na
2/10	Millennium Star INSIDE	105		Olympic	506.00	
2/11	Millennium Star INSIDE	105	/0900	Olympic	253.00	
2/16	PacWolf & DBL54 INSIDE	395	0745/1645	Kirby Offshor	603.00	na
2/23	Tustumena	296	1900/2030	St of AK	788.00	52.00
2/24	DBL 106	383	1630/	Kirby Offshor	1,206.00	52.00
2/24	Bismarck Sea INSIDE	125	1730/	Kirby Offshor	253.00	na
2/25	DBL 106	383		Kirby Offshor	1,206.00	
2/25	Bismarck Sea INSIDE	125		Kirby Offshor	506.00	
2/26	DBL 106	383	/2120	Kirby Offshor	1,206.00	
2/26	Bismarck Sea INSIDE	125	/2100	Kirby Offshor	506.00	
3/2	Anna T INSIDE	105	1215/	Amak Towing	253.00	na
3/3	Anna T	105		Amak Towing	506.00	
3/3	Millennium Star INSIDE	105	0030/	Olympic	506.00	na
3/4	Anna T	105		Amak Towing	506.00	
3/4	Millennium Star INSIDE	105	/1830	Olympic	506.00	
3/5	Anna T	105		Amak Towing	506.00	
3/6	Anna T	105		Amak Towing	506.00	
3/6	Millennium Star INSIDE	105	1600/	Olympic	253.00	na
3/7	Millennium Star INSIDE	105	/1130	Olympic	506.00	
3/7	Anna T	105		Amak Towing	506.00	
3/8	Millennium Star	105	/1315	Olympic	506.00	
3/8	Anna T	105	/1300	Amak Towing	506.00	
3/9	Anna T	105		Amak Towing	506.00	
3/9	Millennium Star INSIDE	105		Olympic	506.00	
3/10	Anna T	105		Amak Towing	506.00	
3/10	Millennium Star INSIDE	105		Olympic	506.00	
3/11	Anna T	105		Amak Towing	506.00	
3/11	Millennium Star INSIDE	105		Olympic	506.00	
3/12	Randolf Yost RIG	350	1930/	Furie	1,005.00	52.00
3/12	Anna T	105	/1530	Amak Towing	506.00	
3/12	Millennium Star INSIDE	105	/1500	Olympic	506.00	
3/13	Randolf Yost RIG	350		Furie	1,005.00	
3/13	Anna T	105	/1115	Amak Towing	506.00	

Deep Water Dock 2015

3/13	Millennium Star INSIDE	105	/1130	Olympic	253.00	
3/14	Randolf Yost RIG	350		Furie	1,005.00	
3/15	Randolf Yost RIG	350		Furie	1,005.00	
3/16	Randolf Yost RIG	350		Furie	1,005.00	
3/17	Randolf Yost RIG	350		Furie	1,005.00	
3/18	Randolf Yost RIG	350		Furie	1,005.00	
3/19	Randolf Yost RIG	350		Furie	1,005.00	
3/20	Randolf Yost RIG	350		Furie	1,005.00	
3/21	Randolf Yost RIG	350		Furie	1,005.00	
3/22	Randolf Yost RIG	350		Furie	1,005.00	
3/23	Randolf Yost RIG	350		Furie	1,005.00	
3/23	Perseverance Cispri INSIDE	207	0030/	Cispri	788.00	na
3/24	Randolf Yost RIG	350		Furie	1,005.00	
3/24	Perseverance Cispri INSIDE	207	/1745	Cispri	788.00	
3/25	Randolf Yost RIG	350		Furie	1,005.00	
3/26	Randolf Yost RIG	350		Furie	1,005.00	
3/27	Randolf Yost RIG	350		Furie	1,005.00	
3/28	Randolf Yost RIG	350		Furie	1,005.00	
3/29	Randolf Yost RIG	350		Furie	1,005.00	
3/30	Randolf Yost RIG	350		Furie	1,005.00	
3/31	Randolf Yost RIG	350		Furie	1,005.00	
3/31	Silver Arrow	242	0930/1145	AK Maritime	131.28	na
05/05/16				Year to Date Totals:	\$52,126.56	\$520.00

Alaska Public Library Assistance Grant Agreement FY2017

This agreement made and entered into this first day of July 2016, by and between the **Alaska State Library**, hereafter referred to as the Grantor; and the **Homer Public Library**, hereafter referred to as the Grantee.

Whereas, the State of Alaska has appropriated funds for public library assistance; and whereas, the application of the Grantee for a grant for public library assistance has been approved. NOW THEREFORE, for and in consideration of the mutual covenants herein contained the parties hereto agree as follows:

The Grantor will agree to:

1. Furnish funds in the amount of **\$6,900**.
2. Provide advisory services in furtherance of the grant project.

The Grantee will agree to:

1. Expend local funds of at least **\$7,000** for project purposes. Funds may be expended only for public library purposes and must be clearly attributable to public library services and operations.
2. Provide at least the following services free to residents of the municipality or community:
 - Establish and maintain a collection of books and other materials for loan;
 - Provide access to interlibrary loans;
 - Provide reading or other educational programs for children; and
 - Provide reference information.
3. Abide by the conditions set forth in its application and approved by the Grantor, including:
 - The number and timing of open hours;
 - The existing and ongoing educational requirements for the library director.
4. Expend at least **\$3,500** on library materials and online services for each outlet.
5. Have trained staff on duty in the library during the scheduled open hours.
6. Submit a Final Grant and Technology Report and Public Library Annual Report by September 1, 2017.
7. Maintain accurate records for auditing purposes.
8. Return any grant funds unexpended or unencumbered by June 30, 2017, and all funds for which there is no proper accounting.
9. Repay any portion of grant funds that have not actually been matched by local funds over the course of the grant period.
10. Receive prior approval from the Grantor for any line item change that exceeds 10% of the line item, except that no prior approval is required for:
 - Line item changes of less than \$100; or
 - Line item changes that add funds to library materials and online services.

The source of funding for this agreement is as follows:

State Sources

\$6,900

By accepting this award or agreement, the grantee may become subject to the audit requirements of State of Alaska Administrative code 2 AAC 45.010. As a result, the grantee may be required to provide for an audit and to permit independent auditors to have access to their records and financial statements. The grantee should consult with an independent auditor for assistance in determining audit requirements for each fiscal year.

The undersigned understands and agrees to the conditions of this agreement. Both signatures are required.

For the Library

Ann Hlyson

Signature

Library Director 7/5/16

Title

Date

For the Legal Entity

Kate Koester

Signature

City Manager 7-7-16

Title

Date

**PLEASE MAKE A PHOTOCOPY OF THE SIGNED AGREEMENT FOR YOUR RECORDS
RETURN BY SEPTEMBER 1, 2016 TO: LIBRARY GRANTS ADMINISTRATOR, ALASKA STATE LIBRARY,
395 WHITTIER STREET, JUNEAU, AK 99801**



**SPECIAL AREA PERMIT 16-V-0005-GP-SA
Amendment I**

ISSUED: June 3, 2016
EXPIRES: December 31, 2016

General Public:

Re: Kachemak Bay Critical Habitat Area – Limited Off-road Use of Motorized Vehicles

In response to public need for access within the Kachemak Bay Critical Habitat Area (KBCHA), and recent changes to City of Homer tideland allowable uses, the Alaska Department of Fish and Game (ADF&G), Division of Habitat, has determined that both the public interest and the proper protection of fish and wildlife and their habitat would be served through issuance of an amendment to Special Area Permit 16-V-0005-GP-SA. The General Permit (5 AAC 95.770) authorizes certain off-road motorized vehicle use in the KBCHA. This General Permit amendment authorizes the use of any off-road wheeled and tracked vehicles, 10,000 pounds or less gross vehicle weight (GVW), on all unvegetated KBCHA tidelands below mean high tide within five corridors: (1) between Anchor Point and Bishop Beach Park to the City of Homer signs; (2) between Miller's Landing and the Fox River Trail; (3) between Martin River and Bear Cove; and, (4) between Seldovia and the portion of Kasitsna Bay, west of the entrance to Jakalof Bay, (5) seasonally (October 1- March 31) between the east end of the Homer Seawall to the south end of Mariner Park, **excluding** Mariner Lagoon (see enclosed maps). Motorized vehicle use in these corridors is for the purpose of providing access for personal and recreational transit within the KBCHA.

The KBCHA was created pursuant to AS 16.20.590 to protect and preserve habitat areas especially crucial to the perpetuation of fish and wildlife, and to restrict all other uses not compatible with that primary purpose. This activity is not expected to adversely impact important habitat values.

In accordance with 5 AAC 95.770, the department hereby issues a Special Area Permit amendment to the general public for off-road use of motorized vehicles in the KBCHA subject to the following stipulations:

1. The off-road use of vehicles greater than 10,000 pounds GVW and the use of construction equipment, including tracked or excavating equipment, are **not** included in this authorization.

2. Harassment of wildlife, including any activity that displaces wildlife, is prohibited, excepting legal and permitted hunting, fishing, and gathering of fish and game.
3. No vehicle shall be operated below the ordinary high water line (vegetation line) of any river, lake, or stream specified to contain anadromous fishes.
4. No vehicle shall be operated below mean high tide in Mariner Lagoon.
5. No fuel shall be stored, nor vehicles leaking fuels, oils, hydraulic, or cooling fluids, shall be operated on the tidelands of the KBCCHA.

The vehicle owner and operator (permittee), or the legal guardian of minor dependents, is responsible for the actions of contractors, agents, or other persons who participate in the approved activity. For any activity that requires an individual Special Area Permit, as identified in 5 AAC 95.420, the individual shall notify the Division of Habitat of the activity. Any action taken by the permittee or agent of the permittee that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the Division of Habitat. Therefore, it is recommended you consult the Division of Habitat immediately when a deviation from the approved plan is being considered.

This letter constitutes a Special Area Permit amendment issued under the authority of 5 AAC 95. Please be advised that this determination applies only to activities regulated by the Division of Habitat. This determination does not relieve you of your responsibility to secure other permits from state, federal, or local agencies. You are still required to comply with all other applicable laws.

In addition to the penalties provided by law, this permit amendment may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The permittee shall mitigate any adverse effect upon fish or wildlife, their habitat, or any restriction or interference with public use that the commissioner determines may be expected to result from, or which actually results from, the permittee's activity, or which was a direct result of the permittee's failure to: 1) comply with a permit amendment condition or a provision of 5 AAC 95; or 2) correct a condition or change a method foreseeably detrimental to fish and wildlife, or their habitat.

You shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or your performance under this permit amendment. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

This permit amendment decision may be appealed in accordance with the provisions of AS 44.62.330-630.

Sincerely,

Sam Cotten, Commissioner



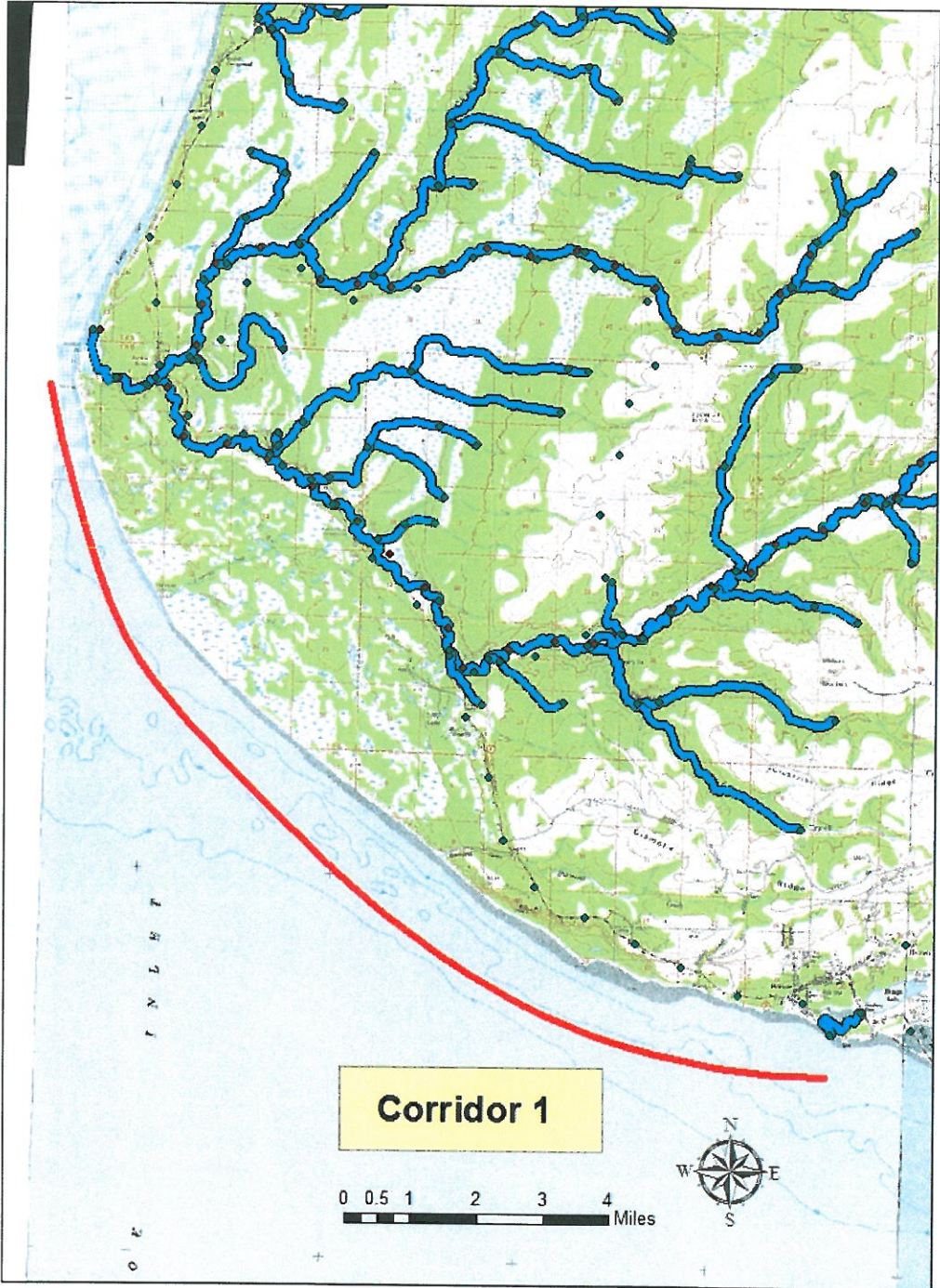
By: Ginny Litchfield
Kenai Peninsula Area Manager
ADF&G, Habitat Division

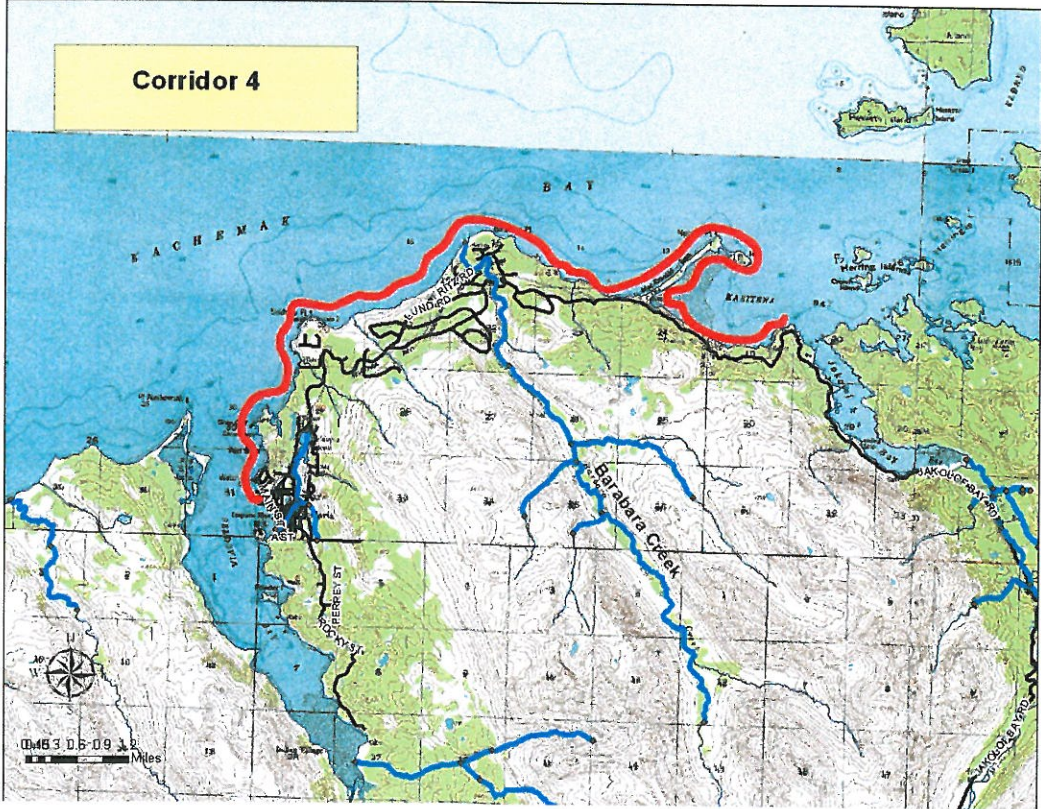
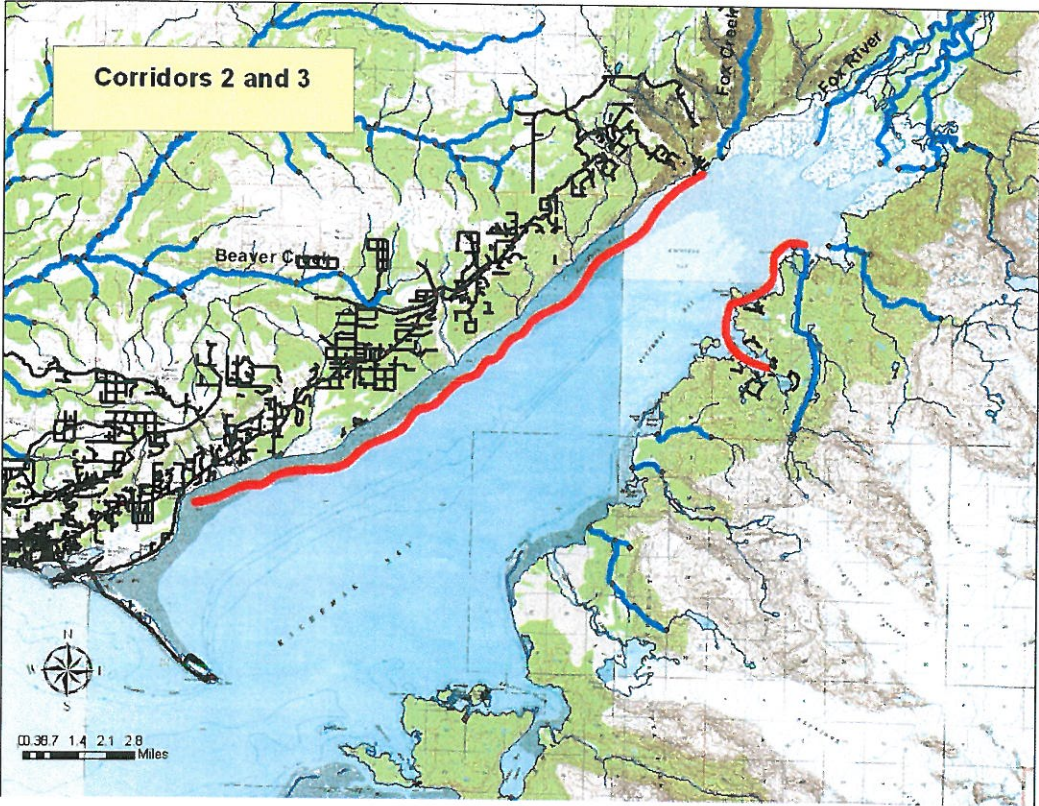
Enclosures: Maps

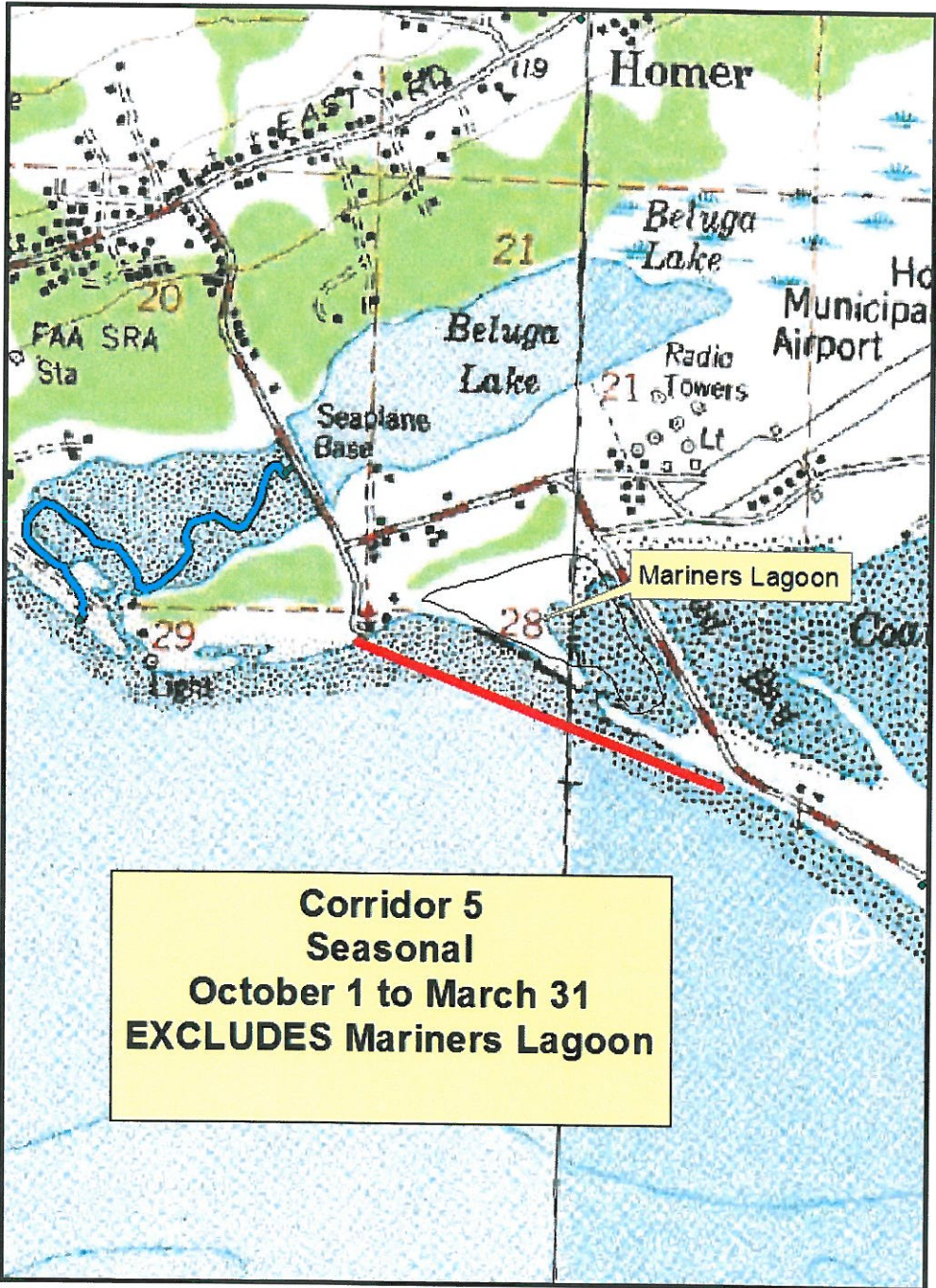
cc: KRC File

By email only:

AWT Homer
ADF&G Homer, Anchorage
COE – KFO







PRESS RELEASE:

Sod disappearing, new murals appearing and talk of peonies and re-paving: What is happening on Pioneer Avenue?

For Immediate Release

June 30, 2016

**Contact: Jenny Carroll, Special Projects/Communications Coordinator
jcarroll@ci.homer.ak.us, 435-3101**

In June, the City of Homer's Public Works Department was out on Pioneer Avenue with a back hoe, shovels and brooms performing some much needed safety maintenance on the lawn and garden meanders in Pioneer's right-of-way. Over the past thirty years, road sand, grass clippings and deciduous leaves have accumulated in grassy areas along Pioneer Avenue, building the sod layer in some places as much as a foot above the curb and sidewalk. Raised sod is a tripping hazard to pedestrians, who, stepping between the grass and the pavement don't expect such a steep drop off. Also over the years, various garden/landscape enhancements, like rocks and boulders, were placed in the right-of way within reach of snow plow blades. At 4:00 am on dark wintery mornings when City plows are out clearing streets, these landscape rocks are difficult to see. Clipping a frozen-in boulder is dangerous for plow drivers, damages plow equipment and can damage other things in the rock's path if the plow actually manages to move it.

Public Works reached out to each Pioneer Avenue business to let them know about the improvements and offered to work with affected owners on relocating landscape features before crews began leveling the soil layer to curb height and clearing the plow path. Care was taken to preserve established and healthy shrubs and trees; a few dead or significantly moose-damaged Mountain Ash trees were removed. Where the sod was on a slope, the slopes were graded to avoid steep angles. Freshly cleared areas were treated with a layer of top soil and hydro-seeded to stimulate regrowth— a little rain will help the seed germinate and begin the welcome green growth.

This maintenance will help with sidewalk snow removal in the winter, and helps to rejuvenate the landscaped areas we enjoy so much during the summer. The City's work is separate from, but coincidentally coincided with other efforts aimed at improving Pioneer Avenue.

On June 21, representatives from the Department of Transportation and Public Facilities were in Homer to discuss local road projects at an open house—one of which is repaving Pioneer Avenue in the summer of 2018. Their plans call for removing 1.75 inches of asphalt, laying down 2 inches of new asphalt and installing ADA compliant curb cuts at intersections. Plans specify that the work will be done at night to minimize traffic and business disruption.

Additionally, the Pioneer Avenue Revitalization Task Force (a grassroots, volunteer collaboration of civic, private and non-profit partners under the auspices of the Homer Chamber of Commerce) have been meeting on the last Wednesday of each month at 1 p.m. at the Chamber of Commerce to energize a wide cross-sector of the community around developing initiatives to strengthen Pioneer Avenue as an economic district.

The group has proposed bringing the power of peonies to Pioneer to attract residents and visitors and encourage them to linger and explore Homer's historic core. Peony farming is a burgeoning industry in Homer (with over 25 local farms) and an apt symbol of Homer's pioneering spirit. The Task force is using the peony itself in the spirit of cultivating new forms of beauty and industry to help sustain Homer's local economy. New murals that you see on the Heath Street retaining wall at Kachemak Center and on the Star Car Wash at the intersection of Svedlund are part of this 'Peonies on Pioneer' effort.

The mural project, led by Kady Perry a public artist and muralist here this June as part of Bunnell Street Arts Center's Artist-in-Residence Program, successfully produced murals for seven different private business sponsors, many containing a peony motif. Kady facilitated mural workshops and led teams of local volunteers who created these murals in collaboration with the owners of private properties where the work will be installed. Bunnell Street Art Center provided the venue for artists to be involved; the Task Force reached out to private businesses for participation; local and state-wide artists donated their talents; the Homer Foundation supported Kady's Artist-in-Residency with a grant; Pioneer Avenue is the beneficiary. Keep your eyes peeled as additional murals are moved into their permanent locations at the Art Shop Gallery, K-Bay Caffe, Skiff Chik, Ulmers and the old garage next to Bay Realty.

Peony gardens are also planned for Pioneer Avenue. As part of this effort, local peony grower, and pioneer in Alaska's peony industry, Rita Jo Shoultz is sourcing hundreds of affordable peony tubers to plant along Pioneer Avenue – at willing private businesses, public and non-profit spaces. Melissa Saltzman, Homer's representative in the Alaska Peony Growers Association, is contacting local peony farmers for additional support and possible co-sponsorship of Pioneer Avenue gardens. The Task Force is currently working to identify ideal peony garden locations, and will work with Pioneer Avenue businesses to get them established.

All activities are coordinated by the Revitalization Task Force and privately funded. The City of Homer sits on the task force to stay abreast of Task Force activities and partner where it can and as appropriate. One of the ways the City is partnering is by dedicating six City-owned and maintained Pioneer Avenue garden plots to peonies. Areas being considered are the large cleared area across from Captain's Coffee, along the sidewalk at the Bartlett/Pioneer restroom, in front of City Hall, WKFL Park, at the corner of Pioneer and Heath Street (Young's corner) and in front of Nomar. In addition to supporting the work of the Task Force, peony gardens will save Public Works time and money. The City already has positive experience with two peony gardens established at the Airport and in back of City Hall about three years ago. Staff appreciates that peonies are long-lived perennials, moose proof and save on the production and maintenance of annual flowers each season.

Future efforts on the Task Force agenda include providing benches, trash cans, wayfinding signage and/or other architectural art elements to enhance pedestrians experience on Pioneer Avenue; contiguous bike and walking trails that connect to Old Town and other nearby areas; and the possibility of a future fall Peony Festival. Task Force meetings and initiatives to date have been advertised to all Pioneer business tenants and owners and welcome all interested community members to participate – either in planning or projects, or both!



Raised sod between the curb and sidewalk on the North side of Pioneer Avenue in front of the Kenai Peninsula Borough Office. (206 E. Pioneer Avenue.)

Before and after photos of raised sod between curb and sidewalk on the South side of Pioneer Avenue in front of Northwind. (173 W. Pioneer Avenue.)





City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

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July 15, 2016

Governor Bill Walker
State of Alaska
PO Box 110001
Juneau, AK 99801

RE: State Sales Tax

Dear Governor Walker,

The City of Homer would like to take this opportunity to express how important sales tax revenue is to our community. Homer shoppers pay 7.5% sales tax (4.5% City of Homer and 3% Kenai Peninsula Borough) making Homer one of the highest sales tax rates in the State. Sales tax makes up over 70% of our tax revenue. The City of Homer's population is a little over 5,000. However, we serve as the hub for over a 30 mile radius. The City could not provide the services it does without contributions from non-residents through sales tax. These area residents use our roads, library, parks, and many other services. For the most part, they are happy to contribute their share to the services they enjoy. The City does not tax non-prepared food year round; only during the peak summer months (June-August).

The City understands the need to take immediate and decisive action to solve the state's fiscal crisis and was one of the first municipalities to pass a resolution to the Alaska State Legislature to pass a balanced, sustainable, and predictable state budget for the future (Resolution 16-007). However, when weighing fiscal options, please consider the impact of state sales tax on smaller communities who have a reduced tax base and depend on sales tax dollars to provide essential services.

Sincerely,

Katie Koester
City Manager

CC:

John Hozey, Deputy Chief of Staff Office of the Governor
Senator Gary Stevens
Representative Paul Seaton

Dear Jenny, Katie and
The City of Homer
Thank you for your
support of "Peonies
or Pioneers" - Bunnell's
Board and
Staff

Maura
Gunn Desree Hager

Alysi Kaku - Quia

Robyn Kayla Jensen
Susan J. Smith

Ann Margaret
Wimmer
M. Wimmer
Cathy Cole



City of Homer

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Office of the City Clerk

491 East Pioneer Avenue
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(f) 907-235-3143

Memorandum 16-122

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: JUNE 27, 2016
SUBJECT: MARIJUANA PROHIBITION PETITION

An application for initiative petition to prohibit marijuana establishments was filed March 3, 2016. The Clerk found the application was in proper form and issued an initiative petition for the sponsors to obtain signatures. The deadline to return the initiative petition to prohibit marijuana establishments was June 23, 2016. No petition was filed.

RECOMMENDATION:
Informational only.



City of Homer

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Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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(f) 907-235-3143

Memorandum 16-123

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
THROUGH: KATIE KOESTER, CITY MANAGER
DATE: JULY 13, 2016
SUBJECT: AML POSITION STATEMENT

Accompanying this memorandum is a copy of the AML Position Statement that was adopted at the 2015 AML Annual Conference. AML is asking municipalities to review the Position Statement and submit a resolution if any amendments are recommended. Resolutions need to be received by August 12th and the Position Committee will review them at the AML Summer Conference. The Committee will present final recommendations to be voted on by the membership at the 2016 AML Annual Conference in November.

RECOMMENDATION:

Review the AML Position Statement and forward any proposed amendments to the City Manager by Tuesday, August 2nd. If any amendments are proposed a resolution will be prepared for Council's consideration at the August 8, 2016 regular meeting.

Position Committee Resolution Guidelines

The AML Position Statement was developed by an AML standing committee composed of the AML President and appointed or elected officials from member municipalities who have expertise in one or more of the following subject areas:

- Economic Development
- Education
- Energy
- Finance/Taxation
- Public Safety
- Resource Management
- Transportation

Other committee members include:

- One At-Large member
- AML Executive Director
- Sitting board President

In order to assure that the position statements remain true to the goal of reflecting the will of our members and the League's philosophy and mission, changes to the position statements will be considered by both the committee and the membership only if endorsed by resolution, of a member's governing body.

Changes begin during the AML Summer Conference in August. A copy of the current AML Position Statement will be sent to all member municipalities for review. For changes to be considered during the AML Summer Conference to the DRAFT 2017 Position Statement, resolutions must be received by mail or fax, no later than August 12, 2016.

The DRAFT 2017 Position Statement will then be sent to all member municipalities prior to the AML Annual Business meeting in November. For changes to be considered, resolutions must be received in the AML office electronically by mail or fax, no later than October 7, 2016. Resolutions for changes to this document will not be accepted after this date.

The Position Committee shall debate and act upon each resolution for final recommendations to the membership during the Position Committee meeting on November 16, 2016. If the Position Committee does not accept the submitted resolution, the governing body may bring it to the floor at the General Session on November 17, 2016 for discussion.

Those resolutions accepted by the Position Committee shall also be discussed during the General Session on November 17, 2016 for incorporation into the Position Statement. The amended Position Statement shall be voted on by the full membership at the AML Business Meeting to be held on the morning of November 18, 2016.

Note: These resolutions are "separate" from the Action Resolutions that AML adopts to further a specific "issue" during the Legislative or Congressional session.



2016 Position Statements

Approved by AML Membership
November 2015

One Sealaska Plaza, Suite 200
Juneau, Alaska 99801

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Fax (907) 463-5480

www.akml.org

Kathie Wasserman, Executive Director
kathie@akml.org

Alaska Municipal League

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Local Control

Article X of the Alaska State Constitution makes mention, throughout, of “maximum local self-government...” The Alaska Supreme Court has used this section to make close calls in favor of municipalities in many court proceedings. While Title 29 lays out the laws under which a municipal government must operate, liberal construction is given to municipalities under the State Constitution.

Due to the large geographical land mass of Alaska; due to the different cultures that are in place in the many large areas of Alaska; due to the differing array of climates and environment experienced by each area of Alaska; and due to the differing infrastructure, facilities and services provided within each area, it is common knowledge that most “one size fits all” legislation that might attempt to envelop the entire State does not usually work well in Alaska. Therefore, it is imperative that, unless prohibited by law, municipalities closest to the electorate be able to provide their constituents with the laws, services, benefits, and taxation that the local populations, through their local elected officials, feel is appropriate.

The Alaska Municipal League has always based their positions upon two guiding principles: Does it allow for maximum local control, and/or does it create an unfunded mandate.



Revenue Sharing

The State's Constitution entrusts state government with managing the state's resources to the maximum benefit of all Alaskans. The Constitution also promotes maximum self-governance at the local level. It is therefore incumbent upon the Governor and Legislature to manage and distribute the wealth of Alaska's resources to local governments each and every year. Predictable, dependable, and direct Revenue Sharing is therefore required for the State to meet its Constitutional obligations. To that end, the State should designate a specific long-term funding source that would perpetually sustain the Municipal Revenue Sharing Program.



PERS/TRS Unfunded Liability

Management of Alaska's public retirement system has always been the responsibility of State government. Participating municipalities have had no choice but to rely on information provided by the State when making decisions regarding their own contributions to the system. Decades of improper accounting and inaccurate actuarial data provided by the State to municipalities, has now created a huge unfunded pension liability that can no longer be accurately apportioned among all participating employers. The League recognizes that there is municipal responsibility to participate in solving this fiscal problem. However, as the primary responsible party and the only entity with the long-term resources to effectively deal with the magnitude of the issue, the State should incorporate into its long-term fiscal planning strategy a leading position that ensures this ongoing obligation is met, while maintaining close coordination with participating employers to avoid the potential of shifting too great a burden to local governments.



Fiscal Policy

It is critical for the State to establish long-term financial policy as opposed to short-term reactive approaches that primarily focus on annual revenue/expenditure fluctuations or fiscal austerity. Accumulation of reserves during good years should continue as part of that policy, however draws from reserves during lean years should be more process driven and not as subject to political bartering.

When necessary, State budget cuts in one department's program area must be coordinated with complimentary programs in other departments. The same needs to occur between State and local municipal programs. To do otherwise will sacrifice critical service delivery and the health of the economy statewide. The League calls upon the Governor to provide Cabinet level leadership during budget formulation to balance these interrelated effects. At the legislative level the League asks that the Director of Management and Budget works closely with the Director of the Legislative Finance Division to assure that programs remain balanced during the Legislature's budget deliberations.

The Legislature must also ensure that State initiatives always include the necessary State resources required for implementation. Unfunded mandates to local governments are tantamount to unilaterally usurping critical local income and priorities.

State funding reductions to municipalities, when necessary, should occur over a number of years to provide those municipalities with the reaction time to make adjustments. New revenue sources, if considered, must always consider impacts to existing local government revenue sources first. Local municipal sources already in place must always take primacy over new State revenue schemes.



Education

Funding of Public School Districts: The Alaska Constitution provides that the State shall “establish and maintain a system of public schools.” The State established school districts to be the basic unit for the administration of schools. The funding of these school districts is complex and segmented with Federal, State, and local sources. Additionally, State and Federal categorical funds are available to meet special circumstances, which adds to the complexity.

- Sudden alterations in funding and dramatic shifts in funding levels cause havoc as the districts try to implement programs. Thus, stability of funding is required for the adequate management of school districts. Funding levels will change; but predictable, phased increases (or reductions if necessary) are essential.
- Additionally, billions of State and local dollars have been expended on educational infrastructure, sudden reductions in funding inevitably cause the deferral in maintenance of this massive investment. Such deferral of maintenance increases the eventual price tag when minor maintenance issues become critical failures.

Local Control: One of the League’s guiding principles is local control. AML recognizes that ultimate control of education rests with the State Legislature by constitutional dictate; but also recognizes that every educational mandate by the Legislature can impact other important locally developed programs. Every School District is unique with widely different populations, cultures, lifestyles, educational backgrounds, and expectations. AML therefore challenges the Legislature to maximize local control over education and to provide flexibility for local circumstance wherever possible.

Evaluation of School Performance: Evaluation of schools is a process of assessing and reporting a set of key indicators, such as student standardized test results, proficiency rates, graduation rates, drop-out rates, etc. This evaluation process should provide the community with the data on how well the students and district are performing, and to provide the school district with the benchmarks for programmatic improvement. The goal is to continuously improve local educational programs. Almost every new Administration brings a new performance or accountability program, with a different twist, tool, or plan requiring school district action or adaptation. Each alteration has the potential of interfering with the longitudinal evaluation data stream. Thus it is essential that each change be tailored to avoid that disruption. In Alaska, the evaluation process needs to be local, positive, and focused on continually enhancing the local educational performance.

Education Programs for Workforce Development: The primary task for Alaska’s University System and the vocational technical centers in Alaska is to prepare Alaskans with the skills needed by Alaskan industries and employers. There are, of course, other tasks performed by these educational institutions, but preparing the populace to meet the economic and workforce needs in Alaska needs to be kept as the principal priority.



Energy

Energy Policy. Alaska's economy depends heavily on gasoline and diesel fuel for heating, transportation, and electric power. Energy costs in rural areas are generally significantly higher, but vary widely depending on transportation costs, seasonal usage peaks, nearby petroleum development infrastructure, and many other factors. Wind and hydroelectric power are abundant and underdeveloped. Processing and distribution facilities to use some of the oil and gas produced in Alaska are virtually non-existent. There are extensive gas reserves, but no current way to get it to the lower 48 or other markets. Production, transportation, storage, and distribution systems to take advantage of these resources in Alaska must be developed immediately.

Alaska's current oil and gas energy policy is complicated and to some extent, driven by the industry and national political decisions which are outside Alaskan's control. Support, other than financial, should be provided to encourage new exploration and development of oil and gas resources. Alaska policy needs to emphasize the production, distribution, use and sale of our oil and gas resources to benefit all Alaskans.

Alaska's energy policy therefore requires a thorough review with emphasis on the needs of Alaska residents. Permitting and future development of energy resources need to emphasize "Alaska First." Processing facilities and distribution for Alaskans must be a very high priority. Other opportunities, although expensive, abound for the use of alternative energy from the sun, water, wind, and tidal surges. The technology to build and operate facilities utilizing some of Alaska's natural resources to provide biomass for heat and fuel also needs more emphasis. Revenues from a new natural gas pipeline must be made available for local communities and rural residents to draw upon for energy related grants or for low interest rate loans to help diversify sources and reduce energy costs.

Energy Planning. Alaska is one of the most energy rich states in the union, yet the cost of energy throughout the State is far above the national average. Most local governments have identified the cost of energy as a primary detrimental influence affecting quality of life and economic expansion within their communities.

As the State moves forward with plans to develop a North Slope LNG pipeline to tidewater, it is critical that strategic planning be started immediately at the State level to identify local energy needs statewide, and to develop a comprehensive plan to use either the natural gas itself, or the revenue from the sale of natural gas, to mitigate the high cost of energy throughout the State. This planning must occur in time to influence the design of any LNG pipeline and/or associated processing/shipping facilities, as to maximize the ability of those facilities to meet the strategic energy needs of the State.



Transportation

Transportation infrastructure in Alaska includes much more than roads. When we say transportation we mean surface, air, trail, rail and water. All of these modes work together to move people, goods and services throughout our great state.

Transportation investment has been studied and proven to be a critical economic driver over and over again. Alaska's transportation infrastructure is pivotal to the state's economy and facilitates access to markets, supplies, and most of all, resources. Improving and investing in Alaska's transportation system will enhance the global competitiveness of Alaska business and economic opportunities for its people. Alaska needs new transportation infrastructure development to provide access to resources, reduce barriers for communities to participate in the economy, allow for safe and efficient transportation for all Alaskans, and to dramatically improve Alaskan's quality of life statewide. It is equally important to ensure the maintenance of our existing infrastructure.

Historically, the federal government has been funding 85%-90% of Alaska's transportation infrastructure budget. The Federal Highway Trust Fund is experiencing significant shortfalls, contributing to a decrease in federal funds for Alaska, which is not likely to rebound. The League therefore supports a State Transportation Fund with predictable funding that will provide continuity between Administrations and be applicable to all our modes of transportation.



Fishing

Alaska has over 34,000 miles of coastline on three different seas: Arctic Ocean, Pacific Ocean, and the Bering Sea. Over half of the nation's commercially harvested fish, crab and shrimp come from Alaska, nearly four times more than the next largest seafood producing state. A rich variety of other species, such as sea cucumbers, abalone, sea urchins, herring, etc. also come from Alaskan waters and provides unique export markets. Many of Alaska's ports consistently rate in the top 30 U.S. ports in terms of volume or value of seafood delivered. Seafood has been and remains one of Alaska's top export commodities.

The vast fishery resources of Alaska are of significant importance to the economies of the state and the nation. Local benefits from these resources are not uniformly spread throughout Alaska, but heavily concentrated in communities along the coast of Alaska. The economies of many Alaskan coastal communities are largely dependent on the fishing industry.

Throughout most of the state, there is also a subsistence and recreational need and lifestyle associated with fish resources. These are critically important sectors of our culture and economy that must also be considered in any resource management plan for the industry.

Revenues to local communities from fishing vary considerably and are dependent on a number of factors including the overall health and strength of various fisheries, quota allocations, changing management schemes, as well as the location of processors and the public and private docks or ports to which the catches are delivered. As state funding declines many of the coastal communities face major challenges to maintain community services provided, in part, to the large seasonal influx of fisherman. It will therefore be almost impossible to maintain these current ports and harbor facilities without some other sources of revenue, including consideration of recreational demand on these facilities. As the fishing industry adjusts to change, the state needs to review its current laws and regulations regarding the collection and distribution of revenues from fishery resources and ensure they are equitably allocated to Alaska's fishing communities.



Public Safety

The State provides needed public safety services to areas not covered by local law enforcement agencies (per AS 44.41.020) and assistance to municipal police departments with the enforcement of criminal laws (AS 18.65.090). It is also critical for the State to maintain all necessary training for Village Public Safety Officers (VPSOs) as they provide essential public safety services to communities that otherwise would not have law enforcement.

Municipalities often depend on the State, which has the responsibility for search and rescue operations (AS 18.60.120), to conduct search and rescues within their municipalities.

The State provides a criminal justice information system that is utilized by State and local law enforcement agencies (AS 44.41.020(b)) and is vital to municipal law enforcement, as it provides information unavailable through any other sources. Further, the State Crime Lab provides basic forensic services to law enforcement agencies free of charge. State and local law enforcement rely on these services for aiding in the investigation and prosecution of crimes and in solving other non-criminal cases.

The State has implemented and maintains an interoperable communication system that is used by an increasing number of public safety personnel in the state. This system allows for an increased range of operation and the ability to communicate with other local and state agencies. As long as the cost of these systems continues to be borne by the State, municipalities will continue to find them to be very useful tools.

The State operates the Public Safety Academy which trains many law enforcement officers and provides consistency with public safety services statewide. The training for municipal police officers at the academy is generally funded, upon request through the Alaska Police Standards Council (APSC). APSC is also responsible for setting the standards for police officers and for certifying police officers.

Some municipalities operate contract holding facilities for in-custody persons. These municipalities rely on funding from the State to operate these facilities. In lieu of this, the Department of Corrections or law enforcement would be required to transport prisoners at an increase in both time and state expense.

Emergency Medical Technician certifications and Paramedic licensing (required by AS 18.08.84 and 12 AAC 40.300-390 respectively) represent essential life safety functions of the state that must be continued. The required Division of Forestry training for response to wild land fires is also critically important to ensure the protection of all state lands and threatened nearby infrastructure. Funding for this program should be maintained.



Economic Development

Economic development permeates all AML position statements. Effective communication between the Governor, the Legislature, and local governments is critical to the success of any strategic long range state or local economic development strategy.

Even though government cannot affect all the factors important to economic development, it can have a significant impact through both its traditional role as a public service provider and regulator, and its entrepreneurial role as a dealmaker and business recruiter. Of these two roles, the former is essential – government must provide quality basic services and an efficient regulatory environment if it wishes to create economic development. Providing further incentives to businesses are optional; whether it makes sense depends on what government can reasonably offer, the extent to which such offerings are necessary to attract or retain firms, and that the cost of such offerings can be fully funded by the State be entirely a local option.

Public policy can affect factors that are important to businesses, primarily through regulations, taxes, and incentives. It is therefore incumbent upon the Governor and Legislature to maintain a long-term commitment to Alaska's future by considering local stability and growth, as well as local community plans to develop and implement a comprehensive State vision for economic growth and diversification. Such a vision then needs to guide all future State policy and budgetary decisions.



Minerals

Alaska's size and complex geology provide immense opportunity for a wide variety of minerals to occur, including coal, gold, copper, silver, molybdenum, zinc, and rare earth minerals. Before statehood, the mineral industry made up about 30% of the economy as compared to about 5% today. Vast untapped mineral reserves still exist.

Some of the disadvantages in Alaska are the distances from markets, lack of road systems to move the material, and in some cases, the lack of technology to develop and process the mineral. All these factors raise the cost of production and make it harder for the industry to compete with other parts of the U.S. and the world.

Alaska enjoys a unique position in that there are vast untapped minerals for the future. These minerals are available to be developed when needed. Such development should occur while incorporating the best environmental practices to protect the environment. Bonds need to be required to protect the resources and people in case of default.

AML supports and encourages research efforts, whether public or private, into new and improved methods to overcome Alaska's disadvantages, to negate potential adverse impacts, and to improve mineral recovery. Special emphasis should be aimed at improving discharge quality from mine operations and to reduce the risk of dam failures.

The Governor and Legislature need to be active advocates in the responsible development of our mineral resources.



Clean Water

Alaska's abundance of rivers, lakes, wetlands, snowfields, and glaciers comprise an estimated 40% of the Nation's surface water. There are more than 12,000 rivers in Alaska, and three of those rivers, the Yukon, the Kuskokwim, and the Copper, are among the ten largest rivers in the United States. Alaska has more than 3 million lakes ranging from pond size to 1,000 square miles. Despite Alaska's wealth of water, its water resources are not uniformly distributed geographically or seasonally.

Water is highly important to Alaskans, not only for domestic use, but also for the fishing and tourism industries. Alaska needs to assure that policies are in place to protect the quality of its waters, while not inhibiting responsible development, and that those policies are reviewed and updated periodically to assure they include the most up to date and proven science, and are applicable to the unique characteristics of our state.

Alaska also needs to take an active role in the trans-boundary protection of rivers and streams. Treaties with Canada on the protection of rivers need to be reviewed to assure they include new technologies and practices.

All types of development need to account for the costs of putting the best mitigation practices in effect.



City of Homer

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(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: JULY 25, 2016
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS TO PURCHASE CITY REAL PROPERTY SEVEN PARCELS

The City of Homer, Alaska is hereby advertising for sealed proposals to purchase the following real properties: Lots 57, 58, 59), 60, 65, 66, 67, 70, LILLIAN WALLI ESTATE, according to Plat No. 88-16, in the Homer Recording District, Third Judicial District, State of Alaska. Total Appraised Value & Minimum Bid for all lots is \$91,900.

Responses to the City's request for sealed proposals will be received at the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, until **12:00 noon on July 28, 2016**. Proposals shall be opened and received by the City Manager. 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. All proposers must submit a City of Homer Plan Holders Registration Form to be on the PHL and to be considered responsive. Plan Holder Registration form and Bid Documents are available online at <http://www.cityofhomer-ak.gov/rfps>.

INVITATION TO BID FOR THE 2016 PAVING PROJECT

Sealed bids for the **City of Homer 2016 Paving Project** will be received at the Office of the City Clerk, 491 East Pioneer Avenue, Homer Alaska, until **2:00 PM, Thursday, August 11th 2016**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

The City of Homer local bidder's preference requirements and State of Alaska prevailing wage rates will apply. A **non-mandatory pre-bid conference** will be held at the **Public Works office, 3575 Heath Street**, at **1:30 PM, Thursday, August 4th, 2016**. The work includes, but is not limited to the following:

CITY ATTORNEY REPORT

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

MEMORANDUM 16-124

TO: MAYOR AND CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

DATE: JULY 19, 2016

SUBJECT: DEFERRED ASSESSMENT FOR DOUGLASS FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT

Sue C. Douglass (formerly Swain) has applied for an assessment deferment for Kenai Peninsula Borough (KPB) Parcel Number 175-300-11.

Pursuant to HCC 17.04.190 Deferment of assessment payments for low income residents, assessments may be deferred if the person:

1. Has an annual family income that is less than 125 percent of the current U.S. Health and Human Services Poverty Guidelines for Alaska;
2. Owns or has a life tenancy in the assessed property, and permanently resides in a single-family dwelling on the property; and
3. Is not determined by the City, after notice and hearing, to have been conveyed the property primarily for the purpose of obtaining the exemption.

Documentation has been shown that the applicants meet the criteria established for a deferment of assessment payments. An assessment payment deferment is subject to approval by the Council.

RECOMMENDATION:

Review the Douglass application for natural gas assessment deferment. Take action to approve or disapprove the application.

Fiscal Impact: \$2857.27 unpaid balance

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

