

City Council  
May 23, 2016  
Monday



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

Produced and  
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# May/June

- Monday 23<sup>rd</sup>:** **CITY COUNCIL**  
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 25<sup>th</sup>:** **PORT AND HARBOR ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Thursday 26<sup>th</sup>:** **CANNABIS ADVISORY COMMISSION**  
Regular Meeting 5:30 p.m.
- Monday 30<sup>th</sup>:** **CITY OFFICES CLOSED**  
In observance of Memorial Day
- Wednesday 1<sup>st</sup>:** **PLANNING COMMISSION**  
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- PUBLIC SAFETY BUILDING REVIEW COMMITTEE**  
Worksession 5:30 p.m.
- Tuesday 7<sup>th</sup>:** **ECONOMIC DEVELOPMENT ADVISORY COMMISSION**  
Regular Meeting 6:00 p.m.
- Wednesday 8<sup>th</sup>:** **PUBLIC SAFETY BUILDING REVIEW COMMITTEE**  
Regular Meeting 5:30 p.m.
- Thursday 9<sup>th</sup>:** **AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE**  
Meeting 4:00 p.m.
- Monday 13<sup>th</sup>:** **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

- Library Advisory Board 1<sup>st</sup> Tuesday with the exception of January, April, August and November 5:30 p.m.**
- Economic Development Advisory Commission 2<sup>nd</sup> Tuesday 6:00 p.m.**
- Parks and Recreation Advisory Commission 3<sup>rd</sup> Thursday with the exception of July, December and January 5:30 p.m.**
- Planning Commission 1<sup>st</sup> and 3<sup>rd</sup> Wednesday 6:30 p.m.**
- Port and Harbor Advisory Commission 4<sup>th</sup> Wednesday 5:00 p.m. (May-August 6:00 p.m.)**
- Cannabis Advisory Commission 4<sup>th</sup> Thursday 5:30 p.m.**
- Public Arts Committee Quarterly 2<sup>nd</sup> Thursday 5:00 p.m.**
- Permanent Fund Committee Quarterly 2<sup>nd</sup> Thursday 5:15 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](mailto:clerk@ci.homer.ak.us) Clerk's office phone number: direct line 235-3130, other number 435-3106





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.**

Councilmembers Zak and Aderhold have 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**

Page 7

A. Updates

1. Treatment/Recovery
2. Reduction of Harm
3. Prevention

B. Visitor Dr. Michael Spigarelli, Professor of Pediatrics and Pharmacology, Expert on Drugs and Teen Brain Development, University of Utah

C. Next steps

1. Action plan for next 60 days
2. Milestone

**4. COMMENTS OF THE AUDIENCE**

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

Next Regular Meeting is Monday, June 13, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, June 20,

2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Heroin Use in Homer – Worksession NOTES  
April 11, 2016

Is there a problem? Yes – Community Health Issue

Is this an illness (vs. lack of character)? - Yes

**Framing Question: How can the community of Homer address opioids as an issue of health vs. criminality.**

- 1) Prevention – stop before it starts, education
- 2) Treatment/Recovery – detox medically assisted, keeping user safer
- 3) Harm Reduction – common, no dirty needles

Predation – cut off supply or demand?

50% Prescription – Heroin

Starting at 15 – 16

What is the scope of the problem? Look at arrests

What could we do? Inform community that there is a problem. What education is in schools now? Is it enough? KPB

- Get parents on board
- HPD/EMT can show up in school
- Hear from peers

Commit to process

Remove shame – talk about it

Community conversation

Rachel - Education earlier – W. Homer – age appropriate

Megan - Coalition – get in schools and community involvement, NARCAN at (less or below) cost

Dr. Spencer – Education for parents important – support group – dream: addiction care center

Kathy – Know what services are available due to changes to Medicaid

Children of people who are addicted – support for them

Prevention = efficiency

Scope of problem without loosing

Understand time on prevention

Why do people start? Need to figure out





# Strategic Doing Pack

EVENT NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Our Framing Question:

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Our Knowledge Keeper Name and e-mail: \_\_\_\_\_

Our Table Guide name and e-mail: \_\_\_\_\_



## Table of Contents

Section	Explanation	Page
Group Assets	Identify assets we are willing to share	Page 2
What Could we do together?	Brainstorm how we might connect our assets	Page 3
What Could we do together?	Connect assets and define 1-3 new opportunities	Page 4
What Should we do together?	Select 1 opportunity & define a successful outcome	Page 5
What Will we do together?	Define a Pathway project and action plan to get us to our outcome	Page 6
What Will we do together?	Map our successful Outcome, a Pathway Project and key next steps	Page 7
What's our 30/30?	Define a process moving forward	Page 8
Participant List	Separate sheet – to be attached after completed	Page 9



## Strategic Doing Question 1: What *could* we do together?

Connect the assets you shared to create new opportunities.

## *Brainstorming and Notes*

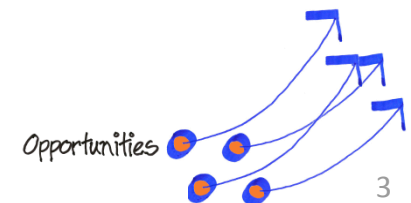
Quickly jot down connections that spring up from the discussion. Ask questions like ‘what would that look like’ or ‘what if we.....!’

**Example** of an opportunity connecting these assets:

Bill K – connected to young professionals; Jane S – skill of conducting surveys; Susan D. – social networking skills; ;Bob S – understanding City government

*“We could use Jane’s and Bob’s knowledge and skills to create an online survey of ideas for connecting young adults to government . We can use Bill’s connection to young professionals to know who to survey and Susan’s social networking skills to survey online and thru venues such as Facebook and Twitter.”*

Use the next page to narrow your ideas to 3 opportunities 11



Strategic Doing Question 1: What **could** we do together?

**Describe up to 3 opportunities**

*Narrow your ideas from the brainstorming phase to 3 the top choices that connect the assets*

*How could you describe this opportunity in one or two phrases?*

Example: Start an initiative to introduce young people to city government

Opportunity 1:

Opportunity 2:

Opportunity 3:

*Use the next page to convert one opportunity to an outcome*



## Strategic Doing Question 2: What *should* we do together?

Select **ONE** opportunity & define success

**Pick one of your opportunities and covert it to an outcome by defining measurable success**

Example: Our Opportunity: Connecting our assets could lead us to an open innovation “hack” for Government 2.0

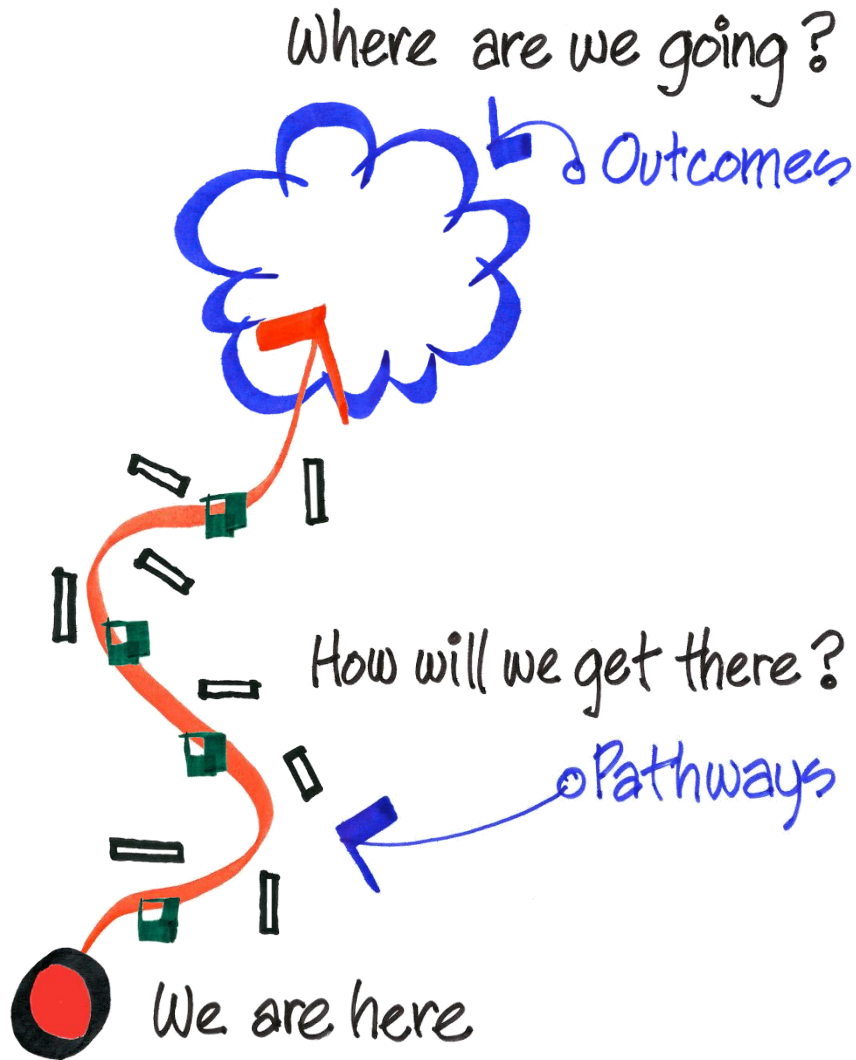
Our Outcome: An engaged community of at least 20 volunteers who produce new prototypes for government services and launch at least one redesigned service by 2015.

Success characteristic 1: Engaged city government volunteers	Metric: Number of volunteers
Success characteristic 2: Young adults enrolled in the introduction course	Metric: Number of young adults participating
Success characteristic 3: At least one service project with the groups within a year	Metric: One service project launched
Our Outcome:	How will you know if you’re successful? <i>Hint: If you cannot figure out how to measure, the initiative is too vague to be useful.</i>
Characteristic 1:	Measurement:
Characteristic 2:	Measurement:
Characteristic 3:	Measurement:

Use the next page to design a pathway to your outcome



***Map your outcome and project***



Our Outcome.— (Where we are going):

Our Outcome or Success metrics.— (How we know we have arrived):

- 1.
- 2.
- 3.

Our Pathfinder Project.— (How we will get there):

Milestones along our way.— (To make sure we are not lost):

Our Key Action Steps to get started.— (What we will start doing by next week):

- 1.
- 2.
- 3.
- 4.

## Strategic Doing Question 4: What's our **30/30**?

Maintaining alignments and connections is a dynamic process requiring continuous (but not constant) attention.

What's been done in the last 30 days? What needs to happen in the next 30 ? Small amounts of time (1-2 hours per month) can be devoted to revising our strategy. The point is to come back together share what we have learned, realign ourselves, and figure out our next steps for the next 30 days.

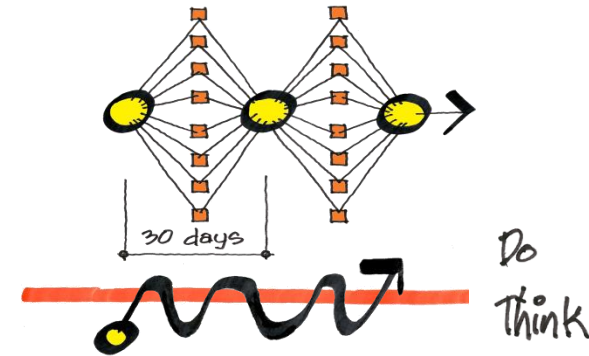
### Follow-up Meeting (Sample)

Date	Dec 1
Time	2:00PM
Place	Conference call: Susan will arrange

### Follow-up Meeting

Date	
Time	
Place	

## Moving Forward



### Internet Details

How will you use the Internet to stay connected?

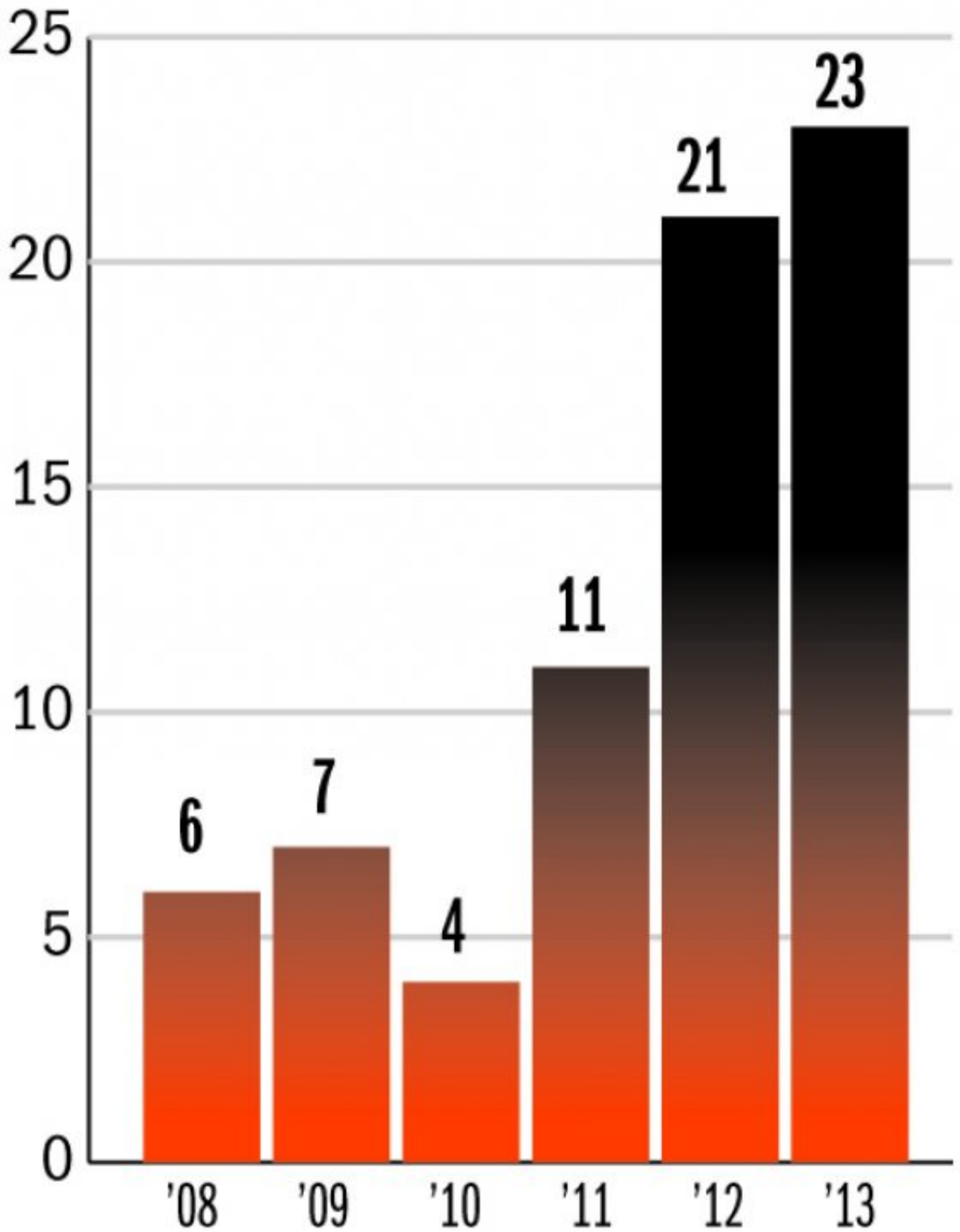
*We'll use e-mail for now. Might focus on a group blog. Bill will explore.*

### Internet Details

How will you use the Internet to stay connected?

# Heroin deaths\* in Alaska

2008-2013



\*Deaths where heroin was either the underlying cause of death or contributed to it.

Source: Alaska Division of Public Health



# Active/Lethal Dose Ratio and Dependence Potential of Psychoactive Drugs









## City of Homer

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

Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

April 15, 2016

Subject: Support for South Peninsula Behavioral Health Services (The Center's) Application for DHSS Strategic Prevention Framework (SPF) Partnerships for Success (PFS) Grant Funds

To Whom It May Concern:

In the past few years, the City of Homer has become increasingly aware and concerned about the growing public health issue of prescription opioid and heroin abuse. Our Police Department sees an alarming rise in heroin-related charges and arrests; our emergency services personnel respond to increasing numbers of opioid and heroin-related calls; our hospital is experiencing a steady rise of both heroin users and heroin-related deaths – and has recently added a substance abuse specialist to their medical staff.

This epidemic takes a heavy social, economic and health toll on our community—so much so that City Council is engaged in a series of work sessions dedicated to understanding the extent of drug use in Homer and exploring ways local government may help stem the crisis. Meanwhile, we know that education and prevention programs can reduce the number of people who experience drug addiction and overdose.

I am writing to add City of Homer support to The Center's application for Strategic Prevention Framework (SPF) Partnerships for Success (PFS) grant funds. These DHSS funds will allow The Center (in partnership with MAPP's long-established Resiliency Coalition) to craft and coordinate a comprehensive and effective prevention response, addressing both the underlying problem of prescription opioid misuse/abuse and the often related and devastating heroin use among our youth and young adults aged 12-25.

As a member of the MAPP Steering Committee, City of Homer is familiar with the Resiliency Coalition membership and their ability to work together across agencies to effect healthy change in our community. The City of Homer will provide community capacity as it is able to address priority opioid/heroin abuse prevention strategies of this grant.

Thank you for your consideration of The Center's request; DHSS funds combined with the capabilities of Homer's established coalition of prevention-focused service providers makes a powerful combination to successfully reverse this socially and economically devastating tide of opioid/heroin abuse.

Sincerely,

Mary E. Wythe, Mayor





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.**

Councilmembers Zak and Aderhold have 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. CONSENT AGENDA**

**4. REGULAR MEETING AGENDA**

A. **Ordinance 16-26**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 1.18.043, Public Disclosure, to Require Elected City Officials to Disclose Each Business in Which an Immediate Family Member is a Partner, Proprietor or Employee. Smith. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016. Page 225

B. **Ordinance 16-29**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 16-10, the Completion of the 2016 Streets Repaving Project, Utilizing Homer Accelerated Roads and Trails (HART) Funds From 638,000 to \$562,506. Smith. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016. Page 103

Memorandum 16-090 from Public Works Director as backup. Page 107

C. **Resolution 16-057**, A Resolution of the Homer City Council Adopting an Americans With Disabilities Act Grievance Procedure. Aderhold. Page 147

**5. COMMENTS OF THE AUDIENCE**

**6. ADJOURNMENT NO LATER THAN 5:50 P.M.**

Next Regular Meeting is Monday, June 13, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, June 20, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
AGENDA APPROVAL



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



REGULAR MEETING  
6:00 P.M. MONDAY  
MAY 23, 2016  
COWLES COUNCIL CHAMBERS

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

## REGULAR MEETING AGENDA

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

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

Councilmembers Zak and Aderhold have 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 May 9, 2016. City Clerk. Recommend adoption. Page 41

- B. **Memorandum 16-080**, from Mayor Wythe, Re: Reappointment of Franco Venuti to the Planning Commission and to the Kenai Peninsula Borough Planning Commission.

Page 61

- C. **Memorandum 16-089**, from Deputy City Clerk, Re: Liquor License Location Transfer for Homer Liquor and Wine Company.

Page 67

- D. **Ordinance 16-24**, An Ordinance of the City Council of Homer, Alaska, Amending Title 5 to Add a New Chapter 5.44 to Prohibit the Extraction of Tetrahydrocannabinol ("THC") or Any Cannabinoid by Use of Materials or Methods Deemed Dangerous to Public Health and Safety, Unless Otherwise Permitted By Law. City Manager/Fire Chief. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016.

Page 79

Memorandum 16-081 from Cannabis Advisory Commission as backup. Page 85

Memorandum 16-082 from Fire Chief as backup. Page 87

- E. **Ordinance 16-25**, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 5.20.020, Open Burning - Permit Requirement, by Requiring a Permit to Burn Combustible Materials in an Approved Burn Barrel, and Amending Homer City Code 5.20.030, Trash Burning - Approved Container, by Requiring a Permit to Burn Trash in a Screen Covered Container or Other Trash Burner Approved by the Fire Chief. City Manager/Fire Chief. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016.

Page 89

Memorandum 16-083 from Fire Chief as backup. Page 95

- F. **Ordinance 16-27**, An Ordinance of the City Council of Homer, Alaska Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$38,000 From Port and Harbor Reserves for the Deep Water Dock Uplands Improvements. City Manager/Port and Harbor Director. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016.

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Memorandum 16-087 from Public Works Director as backup. Page 101

- G. **Ordinance 16-29**, An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 16-10, the Completion of the 2016 Streets Repaving Project, Utilizing Homer Accelerated Roads and Trails (HART) Funds From 638,000 to \$562,506. Smith. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016.

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Memorandum 16-090 from Public Works Director as backup. Page 107



- H. **Resolution 16-053**, A Resolution of the Homer City Council Awarding the Contract for Real Estate Broker Services to the Firm of Homer Real Estate of Homer, Alaska, for a Period of Three Years With Option to Extend, Compensating the Broker 10% Commission Fee of Each Property the Broker Sells and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption. Page 111
- I. **Resolution 16-056**, A Resolution of the City Council of Homer, Alaska, Adopting Written Safety Policy for Employees and Contractors. City Manager/Personnel Director. Recommend adoption. Page 123
- Memorandum 16-085 from Personnel Director as backup. Page 125
- J. **Resolution 16-057**, A Resolution of the Homer City Council Adopting an Americans With Disabilities Act Grievance Procedure. Aderhold. Recommend adoption. Page 147
- K. **Resolution 16-058**, A Resolution of the City Council of Homer, Alaska, Authorizing Participation in the Alaska Statewide Transportation Alternatives Program. Aderhold. Recommend adoption. Page 153
- L. **Resolution 16-059**, A Resolution of the Homer City Council of Homer, Alaska, Approving a Cooperative Agreement Between the Alaska Department of Fish and Game, Division of Sport Fish, and the City of Homer, Regarding the Fish Cleaning Table Renovation Project at the Nick Dudiak Fishing Lagoon. City Manager/Port and Harbor Director. Recommend adoption. Page 155
- Memorandum 16-086 from Port and Harbor Director as backup. Page 157
- M. **Resolution 16-060**, A Resolution of the Homer City Council Electing to Participate in the AMLJIA Loss Control Incentive Program for the City of Homer for the 2015-2016 Policy Year. City Manager/Finance. Recommend adoption. Page 163
- N. **Resolution 16-062**, A Resolution of the City Council of Homer, Alaska, Establishing a 2016 Mill Rate of 9.962541 Mills for the Ocean Drive Loop Special Service District. City Manager. Recommend adoption. Page 165
- 6. VISITORS**
- A. Bob Letson, South Peninsula Hospital, 10 minutes. Page 169

- B. Asia Freeman and Rita Jo Schulz, Pioneer Avenue Revitalization, 10 minutes.  
Page 177

**7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Mayor's Proclamation Mary Epperson Day - June 6, 2016  
Page 181

- B. Borough Report

C. Commissions/Board Reports:

- 1. Library Advisory Board
- 2. Homer Advisory Planning Commission
  - a. Minutes of May 4, 2016  
Page 183
- 3. Economic Development Advisory Commission
- 4. Parks and Recreation Advisory Commission
- 5. Port and Harbor Advisory Commission
- 6. Cannabis Advisory Commission

**8. PUBLIC HEARING(S)**

- A. **Ordinance 16-22**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission. City Clerk/Parks and Recreation Advisory Commission. Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.  
Page 195

Memorandum 16-073 from Parks and Recreation Advisory Commission as backup. Page 203

Memorandum 16-074 from Public Arts Committee as backup. Page 209

- B. **Ordinance 16-23**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia. Reynolds. Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016. Page 215

9. **ORDINANCE(S)**

- A. **Ordinance 16-26**, An Ordinance of the City Council of Homer, Alaska, Amending HCC 1.18.043, Public Disclosure, to Require Elected City Officials to Disclose Each Business in Which an Immediate Family Member is a Partner, Proprietor or Employee. Smith. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016. Page 225

- B. **Ordinance 16-28**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$1,000,000 From the Permanent Fund for the Purposes of Funding Improvements to the Fire Hall and Exempting This Expenditure From Homer City Code Chapter 3.12, Which Requires Expenditures for Operation and Maintenance Costs to be Taken From Income From the Income Sub-Fund Unless 60% of City Voters Approve the Expenditure. Smith. Recommended dates: Introduction May 23, 2016, Public Hearing and Second Reading June 13, 2016. Page 235

- C. **Ordinance 16-30**, 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 and Improvements to the Fire Hall; 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 Dedicated to Fund Public Safety Operations and Infrastructure, Including Construction of a Police Station and Renovation of a Fire Hall and Submitting the Question of the Issuance of Such Bonds and Such Sales Tax Rate Increase to the Qualified Voters of the City at the October 4, 2016 Regular City Election. Mayor/Council. Recommended dates: Introduction May 23, 2016, Public Hearings June 13 and 27, 2016, and Second Reading June 27, 2016. Page 249

Memorandum 16-091 from City Attorney as backup. Page 255

**10. CITY MANAGER’S REPORT**

- A. City Manager’s Report Page 261
  - 1. Memorandum 16-088 from Port and Harbor Director, Re: Mid-Year Budget Adjustment for Emergency Deep Water Dock Repairs. Page 277
- B. Bid Report Page 279

**11. CITY ATTORNEY REPORT**

**12. COMMITTEE REPORT**

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

**13. PENDING BUSINESS**

**14. NEW BUSINESS**

**15. RESOLUTIONS**

- A. **Resolution 16-054**, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Fee Schedule to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission. Recommend Public Hearing on June 13, 2016. Page 291  
  
Memorandum 16-084 from Port and Harbor Director as backup. Page 301
- B. **Resolution 16-055**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Implement a New Graduated Harbor Moorage Rate Structure. Port and Harbor Director/Port and Harbor Advisory Commission. Recommend Public Hearing on June 13, 2016. Page 329  
  
Memorandum 16-084 from Port and Harbor Director as backup. Page 301

- C. **Resolution 16-061**, A Resolution of the Homer City Council Establishing the Property Tax Mill Levy Rate at 4.5 for 2016. City Manager. Page 333
  
- D. **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. Page 335

**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, June 13, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, June 20, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA





# RECONSIDERATION



# CONSENT AGENDA



Session 16-10 a Regular Meeting of the Homer City Council was called to order on May 9, 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, SMITH, VAN DYKE, ZAK

ABSENT: REYNOLDS (excused)

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
CITY ATTORNEY WELLS  
FINANCE DIRECTOR LI  
FIRE CHIEF PAINTER  
POLICE CHIEF ROBL  
PORT AND HARBOR DIRECTOR HAWKINS  
PUBLIC WORKS DIRECTOR MEYER

Council met for a Worksession from 4:00 p.m. to 4:28 p.m. for Water and Sewer Rates Review. Council met as a Committee of the Whole from 5:00 p.m. to 5:26 p.m. to discuss Resolutions 16-049 and 16-050 and Consent and Regular Meeting Agenda items.

Councilmember Reynolds has requested excusal.

Mayor Wythe ruled Councilmember Reynolds' absence as excused. There was no objection from the Council.

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

### **AGENDA APPROVAL**

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

The following changes were made: **CITY ATTORNEY REPORT** - City Attorney Report – April 2016.

LEWIS/ZAK - MOVED TO AMEND TO ADD VISITORS – SOUTH PENINSULA ATHLETIC AND RECREATION CENTER, DANIEL ZATZ FOR A 10-MINUTE PRESENTATION.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ADERHOLD - MOVED TO SUSPEND THE ORDER OF BUSINESS TO HEAR ANNOUNCEMENTS/PRESENTATIONS BEFORE VISITORS.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

The agenda as amended was approved by consensus of the Council.

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

Barb Brodowski, city resident, commented the Kenai Borough attempted to tax food for six months instead of three months and the Assembly voted it down. The Council is trying to increase sales tax on food to 8.5% for six months instead of three months. It will make it tough for young people to remain in Homer. She suggested amending Ordinance 15-37 to leave sales tax at the existing rate.

Wayne Aderhold, city resident and Homer Cycling Club, announced Bike Month. There is lots of room to improve bike behavior on roads and trails. The League of American Bicyclists will sponsor Smart Cycling, a course taught by two lead cycling instructors. It will be held on August 6<sup>th</sup>. There is a \$50 fee that includes a book and certificate. For more information contact [aderhold@xyz.net](mailto:aderhold@xyz.net).

Kevin Hogan, city resident, commented on Resolutions 16-049 and 16-050. He suggested a 4-month limit to transition for a new attorney by RFP. Consideration could be given to in-house attorneys that get around the PERS penalty. He is glad Holly Wells stepped up for the lead attorney position as she handles herself professionally. Attorney services should stay in the community and keep the dollars from going to Anchorage. He objects to the current firm as they are involved in setting policy and have advised it is okay to discriminate.

August Weber, Homer resident, opposes Ordinance 15-37(A). If an extra 1% sales tax is imposed something should be given back to the taxpayers.

Tim Clark, city resident, opposes Ordinance 15-37(A). When he arrived in Homer 15 years ago there was a 5.5% combined sales tax. He spends a minimum of \$50 a day on groceries to feed

his three kids. He mentioned the new restrooms, sidewalks, several temporary city job openings, community gardens, and giant halibut hook. Some of the spending needs to be cut and the locals can save the 1% sales tax.

## RECONSIDERATION

## CONSENT AGENDA

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

- A. Homer City Council unapproved Regular meeting minutes of April 25, 2016. City Clerk. Recommend adoption.
  
- B. **Ordinance 16-22**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission. City Clerk/Parks and Recreation Advisory Commission. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.

Memorandum 16-073 from Parks and Recreation Advisory Commission as backup.

Memorandum 16-074 from Public Arts Committee as backup.

- C. **Ordinance 16-23**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia. Reynolds. Recommended dates: Introduction May 9, 2016, Public Hearing and Second Reading May 23, 2016.
  
- D. **Resolution 16-047**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District, and Authorizing the City Manager to Proceed With the Preparation and Construction of the Project. City Clerk. Recommend adoption.

- E. **Resolution 16-048**, A Resolution of the Homer City Council Awarding the Prisoner Meals for the Homer Jail Contract to the Firm of Homer Senior Citizens, Inc. of Homer, Alaska, in the Amount of \$8.50 Breakfast, \$8.50 Lunch, and \$8.50 Dinner Per Day/Per Inmate with a Delivery Fee of \$5.00 Per Trip and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Recommend adoption.

Memorandum 16-075 from Police Chief as backup.

- F. **Resolution 16-051**, A Resolution of the Homer City Council Awarding the Contract for the Construction of the Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV Project to the Firm of Arno Construction, Inc. of Homer, Alaska, in the Amount of \$530,341.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-078 from Public Works Director as backup.

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

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

#### **ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS**

- A. Mayor's Proclamation, National Police Week – May 15 - 21, 2015 and Memorial Day May 15, 2016

Councilmember Smith read and presented the proclamation to Police Chief Robl.

- B. Mayor's Proclamation, National Emergency Medical Services Week – May 15 – 21, 2016

Councilmember Zak read and presented the proclamation to Fire Chief Painter.



C. Mayor's Proclamation, National Public Works Week – May 15 - 21, 2016

Councilmember Aderhold read and presented the proclamation to Public Works Director Meyer.

D. Mayor's Proclamation, National Hospital Week – May 8 – 14, 2016

Mayor Wythe read and presented the proclamation to Bob Letson, CEO, South Peninsula Hospital.

E. Mayor's Recognition, Homer Hockey Association Pee Wee C Team

Mayor Wythe and Councilmember Van Dyke read and presented the recognition and Alaska Legislature recognitions to the Pee Wee Hockey Team.

F. Mayor's Proclamation, Bike Month - May 2016

Councilmember Aderhold read and presented the proclamation to the Homer Cycling Club.

G. Mayor's Recognition, Alaska Legislature Memoriam of William A. Corey

Mayor Wythe and Councilmember Smith read and acknowledged the Alaska Legislature in Memoriam of William A. Corey to his widow Gloria Corey.

## **VISITORS**

A. South Peninsula Athletic and Recreation Center, Daniel Zatz

Daniel Zatz, Homer Soccer Association and SPARC facilitator, reported the group has been working on the SPARC project and the summer soccer program. Kids usually go to outside camps, but this year the HSA is offering five 2-week soccer camps instead of a 10-week program. They placed an ad for a free round-trip ticket, lodging, transportation, bear viewing, and a fishing trip while here and received hundreds of replies from top level coaches. Instead of the kids going outside, the coaches will be coming here. The kids will have a lot better plays with new ideas and will be more competitive state-wide. It is an opportunity to generate scholarships and will benefit the youth coaches to coach under professional soccer coaches. He has been hearing from people statewide that are coming to Homer to go to soccer camp. He is hoping to grow the program so kids can play year round.

SPARC will be constructing a 72 ft. x 156 ft. building. The group had another meeting with the Borough and now have a tentative site plan with space saved for another building. The building will support all sorts of activities including a walking track, indoor soccer track, and pickleball court. Soccer will occupy the building for two hours a day leaving ten or more hours of open time. They are still on course for the dirt work to begin on July 31<sup>st</sup> and to erect the building September 1<sup>st</sup>. The building can be assembled in 15-20 days. Bathrooms will be completed in the late fall along with the installation of heat. The first games will be on September 30<sup>th</sup>.

The soccer program has 200 kids, ages 4-17, with more expected this year. The cost for the camps is \$85 (2-week camp) for the first three camps and \$150 (2-week camp) for the first three camps for older kids. Families coming from out of town will pay \$150 for a 2-week soccer camp.

SPARC will need a lot of input from the community to make the facility as flexible as possible. They intend to have net curtains on cables to separate the areas.

**ANNOUNCEMENTS/PRESENTATIONS/BOROUGH      REPORT/COMMISSION      REPORTS  
continued**

- H.      Bunnell Street Arts Center, Thank You
  
- I.      Borough Report
  
- J.      Commissions/Board Reports:
  - 1.      Library Advisory Board
  
  - 2.      Homer Advisory Planning Commission
    - a.      Minutes of March 16, 2016
  
  - 3.      Economic Development Advisory Commission

Councilmember Smith announced the Tuesday, May 10<sup>th</sup> meeting.

- 4.      Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported the trails symposium was a great success with 37 participants. The goals were to inform the public what we have, what is proposed, and the possibilities for safe trail and foot traffic connectivity. This will take the pressure off motorized traffic and enhance downtown walkability. Information and feedback was gathered and the public sector was empowered to be involved in construction and maintenance of trails and Adopt-a-Park. The commission will be focusing on the results of the symposium at their May 18<sup>th</sup> meeting. The commission had a healthy discussion about combining the Public Arts Committee as one commission and all commissioners embraced the opportunity for inclusion of arts and culture. The commission is appreciative of Council's work on the revised beach policy and is fully supportive of SPARC.

5. Port and Harbor Advisory Commission
6. Cannabis Advisory Commission
  - a. Memorandum 16-077 from Cannabis Advisory Commission, Re: Support to Allow Retail Cannabis on the Spit.

Police Chief Robl, Member of the Cannabis Advisory Commission, reported the commission talked about generating revenue from the cannabis industry, sales taxes, excise taxes, and license and inspection fees. They have asked both the City Attorney and Finance Director to weigh in on the options. The commission forwarded a motion to City Council in support of the Port and Harbor Advisory Commission's recommendation to allow cannabis sales on the Spit, to allow onsite consumption at retail facilities, but not smoking of any product.

Mayor Wythe called for a recess at 7:10 p.m. and reconvened the meeting at 7:16 p.m.

## **PUBLIC HEARING(S)**

- A. **Ordinance 16-19**, An Ordinance of the City Council of Homer, Alaska, Determining to Retain For a Public Purpose Tax Foreclosed Property in the Homer Recording District, Third Judicial District, State of Alaska Described as SW1/4 NW1/4 Section 4 Township 6S Range 13W Seward Meridian, KPB Tax Parcel No. 173-052-19, Located in the Vicinity of Easy Street and Quinalt Avenue, Last Owner of Record Debra Good. City Manager. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-19 by reading of title only for second and final reading.

LEWIS/ADERHOLD - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Ordinance 16-20**, An Ordinance of the City Council of Homer, Alaska, Amending Subsection (A) of HCC 17.04.040, Initiation of District, to Provide That a Special Assessment District May Be Initiated By a Petition Signed By the Record Owners of Real Property That Would Bear Not Less Than 50 Percent of the Assessed Cost of the Improvement. Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

Memorandum 16-070 from City Attorney as backup.

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

Mayor Wythe called for a motion for the adoption of Ordinance 16-20 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. **Ordinance 16-21**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith. Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

**Ordinance 16-21(S)**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in ~~the~~ **an** Amount of **Up to** \$189,000 From the General Fund to The Homer Foundation for Purposes of Constructing the South Peninsula Athletic and Recreation Center. Lewis/Smith.

Mayor Wythe opened the public hearing.

Karen Zak, Homer Chamber of Commerce, is supportive of the 11,000 sq. ft. space for all athletics. SPARC can compete with other Kenai facilities in hosting statewide events and stimulate the local economy.

Ken Castner, city resident, supports the SPARC project. It will provide a substitute for the HERC building which is needed to accomplish the public safety building. He supports Ordinance 16-21(S) as it provides opportunities to forge relationships with people and businesses who can contribute to the project.

Deb Lowney, city resident, voiced concern about the proposal for matching funds. She encouraged Council to look at in-kind contributions that the private sector can get involved in. It is a win win for the community and how the funds will be multiplied.

Carl Nostrand, Kachemak City resident, supports the SPARC project. It promotes cradle to grave activities and promotes healthcare for all. Alaska is the only state that doesn't have a college soccer program. With a small sided soccer (5:5) we could create a college high level sport program. This could bring all types of venues to town.

Mike Dye, Homer Soccer Association, thinks this is a great idea. It provides community involvement with private and public bodies working together. It could be the highlight for other communities to progress in these difficult times. He thanked Council for their support.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-21 by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

Mayor Wythe called for a motion to substitute Ordinance 16-21(S) for 16-21.

LEWIS/VAN DYKE – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Councilmember Smith brought the substitute ordinance forward to recognize in-kind contributions. This will give SPARC the opportunity to take full advantage of the funds offered by the City.

Asked how the in-kind service will be valued, City Manager Koester answered she will work with The Homer Foundation on a model formula for in-kind contributions that fits Council's intent.

Councilmember Aderhold appreciates the Parks and Recreation Advisory Commission's support of the project. One of her concerns is that it bypassed Parks and Recreation and came straight to city council. The City has an established process for nonprofits to receive grants through The Homer Foundation and this project bypasses that process. We are setting up a rule by exception. Although the project is pulling funds from revenue sharing we could be using that money for other things. We are not and have not funded reserve accounts for years and have vehicles in a bad state of disrepair. She supports the project, but worries we will end up chasing fun projects and will not get our work done. She does support the replacement for the HERC facility.

Councilmember Zak feels a little apprehensive if we are setting policy for the future. This is an opportunity and we have matching funds for in-kind contributions. At a time when the State is more restrictive on funding, this capital project will be like chickens laying eggs. The Homer Soccer Association advertised for coaches and has nationally recognized coaches coming to Homer. The word's going to get out of their trip to Homer. The SPARC will replace the HERC.

Councilmember Smith clarified this is a separate one-time allocation to The Homer Foundation.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

D. **Resolution 16-041(S)(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager. Public Hearing May 9, 2016.

**Resolution 16-041(S-2)(A)**, A Resolution of the City Council of Homer, Alaska, Amending the Homer Accelerated Roads and Trails Program (HART) Policy Manual to Change the Allocation of Costs for Street Reconstruction and New Street Construction, and the Basis for Assessing Such Costs; Amending the HART and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals to State That Expenditures Under Each Program is Subject to the Availability of Funds; **Referring the Development of a Matching Grant Program for Small Scale Greenway Trails to the Parks and Recreation Advisory Commission**; and Referring Other Revisions of the HART Policy Manual to the Homer Advisory Planning Commission for Its Review and Recommendations. City Manager.

Mayor Wythe opened the public hearing.

Deb Lowney, city resident, hopes the grant program for small scale greenway trails can find support. It will be creating something that is doable and empower the public to make things come to life. The Parks and Recreation Advisory Commission embraces the opportunity to take this on.

Mayor Wythe closed the public hearing.

Motion on the floor from April 25: MOTION FOR THE ADOPTION OF RESOLUTION 16-041(S)(A) BY READING OF TITLE ONLY.

Mayor Wythe called for a motion to substitute Resolution 16-041(S-2)(A) for 16-041(S)(A).

ADERHOLD/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

## **ORDINANCE(S)**

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

A. City Manager's Report

### **Happy Public Service Recognition Week**

Last week was Public Service Recognition week and is a great opportunity to reflect on the dedicated, talented and hardworking people we have working for the City of Homer. Working in government can be thankless –and it has been a hard year for City of Homer employees with the budget scrutinizing and talk of cuts. These are the people that keep the peace, keep your water clean, your streets sanded, the bills paid, and the City of Homer world turning. Make someone’s day the next time you see a City employee and thank them for their work!

### **Code Blue Grant Award for Gurney for New Ambulance**

Chief Painter has been informed that the Code Blue request to fund 50% of a gurney for the new ambulance has been approved. Funding for Code Blue Phase 16 is included in the Governor’s budget and there is no indication at this point that it is in jeopardy, but of course that will not be final until the budget is passed and signed. Funding will not be available until about September with the state only picking up a total of \$7,000 towards the project’s \$14,010 current estimate. The City will have to commit any unmet match before the gurney will be ordered by Southern Region EMS Council. However, there is the chance that the per gurney allocation will be increased to \$14,000, as was the case last year when unspent funds were reallocated. If an additional appropriation is needed, I will bring an Ordinance forward to Council this fall.

### **ADEC Extends Comment Period for Changes to the Regional Stakeholder Committee process**

Mayor Wythe sent a letter on April 11, 2016 to ADEC requesting an extension period for comments to the proposal to update the portions of Annex B specifically related to the Regional Stakeholder Committee process. Council followed that with Resolution 16-046 opposing proposed updates to Annex B of the Alaska Federal/State preparedness plan for response to oil and hazardous substance discharges/releases (Unified Plan). To help facilitate further public discussion and input on this proposal the deadline for submitting comments has been extended to the close of business May 31, 2016. ADEC will also post a fact sheet available to the public on the Public Notice website.

### **Utility Poles on Pioneer**

Councilmember Lewis brought to my attention a citizen’s concern regarding the safety and unsightliness of the utility poles down Pioneer Avenue (see attached email). The poles are owned by Alaska Communication Services (ACS) and in ADOT right of way. Public Works surveyed the poles and took the attached pictures. However, they are not qualified to say whether or not there is a safety concern with the state of the existing poles. It would be nice to have the poles underground, but there is a large expense associated with that. HCC 22.10.055(b) states that utilities must go underground if they are being majorly modified. However, there is lots of room in city code for the poles to be maintained without requiring underground installation. Major modifications exclude reconducting, reinsulating or in-kind replacement. There is a long list of exceptions to the underground requirement that can be



granted by the City Manager. Furthermore, City Council can grant an exemption to the underground requirement.

**Natural Gas HSAD Payment and Loan Update**

With July 1, the annual installment payment date for the Natural Gas HSAD just around the corner and the proposal to change the penalty structure for the Natural Gas HSAD in Resolution 16-052 before you this evening, I wanted to provide Council with an update on the Natural Gas assessments, loan, and payment schedule.

Natural Gas HSAD Figures:

Total assessed properties in Natural Gas HSAD	3,788
Number of properties exempted by Council after adoption of final roll	4
Number of properties who qualified for low income deferral in 2015	17
Number of delinquent properties (see attached roster)	181
Number of properties who paid in full in 2015	1,317
Number of properties paying in installments	2,269
Total amount due on July 1, 2016 for property in good standing paying in instalments	\$414.27
Delinquent and pays in full by July 1	\$3,934.64
Delinquent and wishes to participate in grace period per Resolution 16-052 due July 1 (Sept. 1, 2016 payment, interest on principal at 10.5%, 10% penalty and July 1, 2016 payment).	\$1,357.89

Cash Flow

Finance Director Li prepared the attached amortization tables reflecting the payment schedule with the Borough for the Natural Gas HSAD. Through free main allowance payments and payments that have been made since the City made our last payment in 2015, we have a balance of \$2.3 million in the natural gas HSAD account. I plan on making a pre-payment on June 1, 2016 to bring our annual payments under what our anticipated cash flow will be with 2,269 parcels making payments.

Delinquent Properties

I have attached a list of the properties that are currently in delinquent status, excluding leases and government parcels. If none of these properties pay, the Natural Gas HSAD will be required to absorb over half a million dollars in delinquent payments (excluding interest). Payments have trickled in, most commonly with the sale of a property. At some point Council should discuss ways to encourage payment from these properties. Options include initiating foreclosure proceedings or contracting with a collections agency. Part of that conversation will be the cost associated with foreclosure and a collections agency would take around 25% of what are relatively easy funds to collect. The Borough publishes a list of properties every year that they initiate foreclosure proceedings on due to back taxes owed. These properties are rarely actually foreclosed on – it is an effective mechanism to get people’s attention and payment.

City Manager Koester highlighted her report on utility poles on Pioneer Avenue and the natural gas SAD payment schedule. One of the utility poles at Pioneer and Svedlund is right next to the crosswalk making it unsafe for pedestrians. We can engage the owner of the poles and provide encouragement that they put the poles underground, although it is not required and may be expensive. Encouragement from the City Council and City Manager is the first step towards fixing the poles. The project now is just to shave and pave Pioneer Avenue.

### **CITY ATTORNEY REPORT**

- A. City Attorney's Report – April 2016

### **COMMITTEE REPORT**

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

Ken Castner, Public Safety Building Review Committee Chair, reported the committee has been very active and will be meeting again on Wednesday, May 11<sup>th</sup> at 5:30 p.m. It will be a public hearing to discuss the contracting methodology for remodeling the Fire Hall. The committee held the charrette, bringing all stakeholders together to design a master plan on how the parcel will work in the future. There is a lot of involvement from departments and the public. Originally the committee thought the HERC and police station would be on the east side, but found that it would have crowded the future fire department. So the police station was moved to the west side of the lot to leave ample room for the new fire station, which will probably be two stories. This leaves room to the east to build a separate facility. The committee talked about how utilities will mesh up and worked on maximizing non essentials in the HERC and minimizing space in the new building. They are aiming for the smallest building possible, still serving every space need. The Police Chief will be working with the lead architect in actual matchups and adjacencies between the HERC and police station. The police station will be built with diligence and intelligence. He encouraged anyone interested to come to the meetings.

The second public purpose will be the skateboard park. The committee would like Council to refer the relocation of the skateboard park to Parks and Recreation Advisory Commission. The kids that use it would like it close to the police station or someplace else.

Core communications, jail cells, and dispatch will be in the new building. The HERC will be used for evidence storage, handling rooms, police training, locker rooms, a break room, shooting range, sally port, and vehicle evidence area.

D. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold announced the meeting on Thursday, May 12<sup>th</sup>.

**PENDING BUSINESS**

- A. **Ordinance 15-37(A)**, An Ordinance of the Homer City Council 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 1st Through September 30th, With the Increase to be Used for General Government Purposes, and Authorizing the City To Submit the Question of Such Sales Tax Increase to the Qualified Voters of The City at a ~~Special~~ **Regular** Election to Be Held in the City on \_\_\_\_\_. Lewis. Introduction October 12, 2015, Public Hearing December 7, 2015, Postponed to May 9, 2016 for Second Reading.

Motion on the floor from December 7, 2015: MOTION FOR THE ADOPTION OF ORDINANCE 15-37(A) BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Lewis brought the ordinance forward when Council was talking about using HART funds to balance the budget. A similar ordinance may come back in two years when the HART fund (diverted to the general fund for 3 years) is returned to HART. If the voters approve the public safety building we will have to pay for that somehow. The ordinance can be voted down, postponed, or be put on the ballot. If we vote it down we will have to look at other forms of revenue.

Council discussed options for the ordinance. They are currently exploring other revenue sources to pay for the public safety building. It is estimated the annual payment on a bond for the public safety building would be \$750,000 and an additional \$150,000 in annual operating expenses.

Councilmember Lewis recommended the ordinance be voted down and there will be a new ordinance to define funds that will be used to fund the public safety building and maintenance.

City Attorney Wells advised Council there are certain perimeters when you dedicate funds. Two propositions that rely upon each other will be needed.

VOTE: NO. LEWIS, SMITH, ADERHOLD, ZAK, VAN DYKE

Motion failed.

## NEW BUSINESS

### RESOLUTIONS

- A. **Resolution 16-049**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Negotiate a New City Attorney Contract With Birch Horton Bittner & Cherot for the Period of August 1, 2016 Through July 31, 2019. City Manager.

Memorandum 16-076 from City Manager as backup.

Mayor Wythe called for a motion for the adoption of Resolution 16-049 by reading of title only.

LEWIS/ADERHOLD - SO MOVED.

Councilmember Lewis commented consistency is important. In-house counsel will not provide the legal support we have with Birch Horton Bittner & Cherot. They have a number of people to do the research and we are paying for a number of people's time. An in-house lawyer could run into the hundreds of thousands of dollars per year.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. **Resolution 16-050**, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Issue a Request for Proposals (RFP) for General Counsel Legal Services. City Manager.

Mayor Wythe called for a motion for the adoption of Resolution 16-050 by reading of title only.

Failed for lack of a motion.

- C. **Resolution 16-052**, A Resolution of the City Council of Homer, Alaska, Providing for a New Penalty and Interest Structure for Special Assessments in the Homer Natural Gas Distribution Special Assessment District That Become Delinquent On or After July 1, 2016, and Providing Terms for the Reinstatement On or Before July 1, 2016 of Assessments That Became Delinquent Before That Date. Smith.

Mayor Wythe called for a motion for the adoption of Resolution 16-052 by reading of title only.

SMITH/VAN DYKE – SO MOVED.

Councilmember Smith sponsored the resolution since he's heard a lot of public feedback that collection of the assessments skips delinquency and goes right into default. He wanted to change the process to be fairer and to encourage people to pay on time.

Councilmember Aderhold asked how the changes were from a legal standpoint.

Mayor Wythe called for a recess at 8:10 p.m. and reconvened the meeting at 8:20 p.m.

Councilmember Aderhold conferred with City Attorney Wells and learned legal counsel is fine with the resolution changing the penalty and interest structure for natural gas assessments.

Councilmember Lewis noted it makes it easier on those that are delinquent. If people are not paying the assessment because they don't want to he has a hard time giving them a break.

VOTE: YES. ADERHOLD, ZAK, SMITH, VAN DYKE

VOTE: NO. LEWIS

Motion carried.

### **COMMENTS OF THE AUDIENCE**

Anders Gustafson, Homer resident, thanked Councilmembers Lewis and Smith for collaborating on Ordinance 16-21(S). Now it is on the community to step up and take advantage of the matching funds to get the project up and running. It is a great head start and will provide incredible leverage to community members and businesses.

Daniel Zatz, Homer resident, thanked Council for adopting Ordinance 16-21(S). He will work really hard not to let Council or anyone else in town down. He will try to be open by September 30<sup>th</sup> for adults, kids, and seniors. Youth soccer coaches are needed: [www.homersoccer.com](http://www.homersoccer.com). The first soccer camp starts on May 23<sup>rd</sup> and camps end on August 5<sup>th</sup>. People can participate at any point and time throughout the season.

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

City Attorney Wells thanked Council for the adoption of Resolution 16-049. Birch Horton Bittner & Cherot values working with the council and city administration and the small part they play in this community.

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

City Clerk Johnson had no comments.

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

City Manager Koester had no comments.

### **COMMENTS OF THE MAYOR**

Mayor Wythe had the honor of walking with the college for her graduation. She witnessed the presentation of Emeritus awards to Elizabeth Graber and Michael Hawfield. It was an unusual event for two teachers from Homer to be selected for the award, especially since they are a married couple. She congratulated them on the Emeritus awards and wished them the best of luck in their retirement. Tonight we recognized public administration, police, fire, public works, and the South Peninsula Hospital who will celebrate 60 years on July 9<sup>th</sup>. It was lovely to have the Pee Wee Hockey Team and Grandpa Gus helping with the recognition. She appreciates Gloria Corey sharing the In Memoriam of her late husband. Tonight we were very focused on happy moments.

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

Councilmember Zak commented the community came out strong for Clean-Up Day on Saturday. It was a beautiful day and community members, businesses, and the Chamber pitched in. Homer is a beautiful city and he's glad we live in a place we respect and take care of.

Councilmember Van Dyke congratulated the SPARC people and wished them good luck. The recreation center will be a great addition to the city. Parks and Recreation Advisory Commission will have a great time with greenway trails, which will be another fine addition to the city.

Councilmember Aderhold attended the graduation ceremonies at Kachemak Bay Campus, a facility that is valuable to Homer and the surrounding area. She congratulated Mayor Wythe on receiving her Master of Public Administration. It was good to see people getting their AA and GED. For those that received GED, hats off to you! She congratulated Professors Graber and Hawfield and thanked them for their service to the community. They've both done a lot for the community. She congratulated them on the Emeritus awards. Individuals and organizations that do things for the community are inspirational. These include the Peonies on Pioneer, the ski club, Homer Hockey Association, Homer Cycling Club who has instituted Share the Road and Park and Bike. The people here make it happen. She thanked the public that offered testimony and those that provided letters. It is important to her to receive feedback from the public. In the last few months we have started to see new younger faces at

the council meetings and she appreciates younger folks getting involved to see how city government works.

Councilmember Smith thanked those that participated. He is excited about SPARC and wants to provide man hours for the project. He referred John Li to the technical department to find the silencer on his cell phone. The Safe & Healthy Kids Fair was awesome for those that had the opportunity to participate; he applauded all the people that helped with the event. He congratulated the Pee Wee's and Coach Chris Owen for a good job. The payoff is to see the kids perform at that level. He thanked Gloria Corey for coming in. He has known her and Bill for many years; they are a good rare breed of Alaskans. Bill was a great dog lover, but his dog was not a great human lover.

Councilmember Lewis congratulated the Pee Wee Hockey Team. They are the first team to win state championship on home ice. He is sorry that he missed college graduation, but was Outside to watch his son walk. Kenai Peninsula College is one of the jewels of Homer. It is integrated with marine trades. In the fall they have a semester by the bay that brings students from outside to experience Homer and Kachemak Bay. SPARC will be another fun place to go and hang out.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:34 p.m. The next Regular Meeting is Monday, May 23, 2016 at 6:00 p.m., Committee of the Whole 5:00 p.m., and Worksession 4:00 p.m. A Worksession is scheduled for Monday, May 16, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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JO JOHNSON, MMC, CITY CLERK

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







# City of Homer

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

## Office of the Mayor

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 16-080

TO: HOMER CITY COUNCIL  
FROM: MARY E. WYTHE, MAYOR  
DATE: MAY 16, 2016  
SUBJECT: REAPPOINTMENT OF FRANCO VENUTI TO THE PLANNING COMMISSION AND TO THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.

---

Franco Venuti is reappointed to the Planning Commission for a three-year term to expire July 1, 2019.

Mr. Venuti is reappointed to the Kenai Peninsula Borough Planning Commission for a three-year term to expire July 31, 2019.

### RECOMMENDATION:

Confirm the reappointment of Franco Venuti to the Planning Commission and the Kenai Peninsula Borough Planning Commission.

Fiscal Note: N/A



**From:** [Melissa Jacobsen](#)  
**To:** [Jo Johnson](#)  
**Subject:** FW: Planning Commission Term Expirations  
**Date:** Thursday, May 12, 2016 8:07:35 AM

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**From:** Franco Venuti [mailto:fcvenuti@gmail.com]  
**Sent:** Wednesday, May 11, 2016 7:31 PM  
**To:** Melissa Jacobsen  
**Subject:** Re: Planning Commission Term Expirations

Hi Melissa ~ Please know that I wish to be reappointed to another term on the HAPC. It is an honor to serve this wonderful community in this capacity. ~ Franco Venuti

Sent from my iPhone

On May 11, 2016, at 4:13 PM, Melissa Jacobsen <[MJacobsen@ci.homer.ak.us](mailto:MJacobsen@ci.homer.ak.us)> wrote:

Hi Franco, Tom, and Shelly,

I just wanted to let you know your terms on the Planning Commission will expire on July 1.

Please let me know whether or not you wish to be reappointed before Wednesday, June 15<sup>th</sup> so we can get you reappointed timely or advertise an available seat if needed.

Thanks! Melissa

Melissa Jacobsen, CMC  
Deputy City Clerk  
City of Homer, Alaska  
907-435-3107

[City of Homer City Clerk's Office](#)

*PUBLIC RECORDS LAW DISCLOSURE: Most e-mails from or to [this](#) address will be available for public inspection under Alaska public records law.*



Franco Venuti Box 3652 Homer, Alaska 99603  
(907)235-7480 or 399-1550

MAY - 9 2016



05/10/2016

Mayor Beth Wythe  
City Of Homer  
Homer, Alaska 99603

Dear Mayor Wythe,

According to Borough records, my term as Borough Planning Commissioner for the City of Homer will expire on July 31, 2016. I am interested in serving another three (3) year term in this position. The Borough Planning Department informed me that I should contact you and ask you to send a letter to Mayor Mike Navarre before June 10, 2016 requesting that I be re-appointed. It is an honor to serve this wonderful community in this capacity and I would like to continue to do so.

Please contact me if you have questions.

Thank you very much.

Respectfully,



Franco Venuti  
[fcvenuti@gmail.com](mailto:fcvenuti@gmail.com)





# City of Homer

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Office of the City Clerk

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(f) 907-235-3143

## Memorandum 16-089

TO: MAYOR WYTHE AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK  
DATE: MAY 18, 2016  
SUBJECT: LIQUOR LICENSE LOCATION TRANSFER FOR HOMER LIQUOR AND WINE COMPANY

---

We have been notified by the ABC Board of an application for a liquor license location transfer in the City of Homer for the following:

Type: Package Store  
Lic #: 2351  
DBA Name: Homer Liquor & Wine Company  
Service Location: 4474 Homer Spit Rd. #4, Homer, AK  
Owner: MSA, Inc.  
Mailing Address: 369 E. Pioneer Ave., Homer, AK 99603

RECOMMENDATION: Voice non objection and approval for the transfer of the liquor license location.

Fiscal Note: Revenues.







THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

Department of Commerce, Community,  
and Economic Development

ALCOHOLIC BEVERAGE CONTROL BOARD

550 West 7<sup>th</sup> Ave., Ste. 1600  
Anchorage, Alaska 99501  
Main: 907.269.0350  
TDD: 907.465.5437  
Fax: 907.334.2285

May 13, 2016

Jo Johnson VIA EMAIL: clerk@cityofhomer-ak.gov

**MSA, Inc. d.b.a Homer Liquor & Wine Council #2531**

- New Application       Transfer of Ownership       Transfer of Location  
 Restaurant Designation Permit       DBA Name Change

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

We have received an application for the above listed licenses (see attached application documents) within your jurisdiction. This is the notice as required under AS 04.11.520. Additional information concerning filing a "protest" by a local governing body under AS 04.11.480 is included in this letter.

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is "arbitrary, capricious and unreasonable". Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

Under AS 04.11.420(a), the board may not issue a license or permit for premises in a municipality where a zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages, unless a variance of the regulation or ordinance has been approved. Under AS 04.11.420(b) municipalities must inform the board of zoning regulations or ordinances which prohibit the sale or consumption of alcoholic beverages. If a municipal zoning regulation or ordinance prohibits the sale or consumption of alcoholic beverages at the proposed premises and no variance of the

regulation or ordinance has been approved, please notify us and provide a certified copy of the regulation or ordinance if you have not previously done so.

Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 304.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews  
Business Registration Examiner  
Direct line: 907-269-0358  
Email: maxine.andrews@alaska.gov

State of Alaska  
**Alcoholic Beverage Control Board**

Date of Notice: May 13, 2016

Application Type:     **New**                       **TRANSFER**  
    Ownership  
    Location  
    Name Change

Governing Body:	City of Homer
Community Councils:	n/a
License #:	2531
License Type:	Package Store
D.B.A.:	HomerLiquor & Wine Company
Licensee/Applicant:	MSA, Inc.
Physical Location:	4474 Homer Spit Road #4
Mail Address:	369 E Pioneer Ave. Homer, AK 99603
Telephone #:	907-235-5101
EIN:	20-1378187

<b>Corp/LLC Agent:</b>	<b>Address</b>	<b>Phone</b>	<b>Date and State of Incorporation</b>	<b>Good standing?</b>
Melvyn Strydom	369 East Pioneer Ave. Homer, AK 99603	907-235-5101	6/22/2004 Alaska	yes

***Please note: the Members/Officers/Directors/Shareholders (principals) listed below are the principal members. There may be additional members that we are not aware of because they are not primary members. We have listed all principal members and those who hold at least 10% shares.***

<b>Member/Officer/Director:</b>	<b>DOB</b>	<b>Address</b>	<b>Phone</b>	<b>Title/Shares (%)</b>
Melvyn Strydom	5/8/1954	61477 Skyline Dr. Homer, AK 99603	907-235-5101	President 100%

Transfer of location only from 4306 Homer Spit Road #4

A local governing body as defined under AS 04.21.080(11) may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the board **and** the applicant with a clear and concise written statement of reasons in support of a protest within 60 days of receipt of this notice. If a protest is filed, the board will not approve the application unless it finds that the protest is “arbitrary, capricious and unreasonable”. Instead, in accordance with AS 04.11.510(b), the board will notify the applicant that the application is denied for reasons stated in the protest. The applicant is entitled to an informal conference with either the director or the board and, if not satisfied by the informal conference, is entitled to a formal hearing in accordance with AS 44.62.330-44.62-630. **IF THE APPLICANT REQUESTS A HEARING, THE LOCAL GOVERNING BODY MUST ASSIST IN OR UNDERTAKE THE DEFENSE OF ITS PROTEST.**

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Protest under AS 04.11.480 and the prohibition of sale or consumption of alcoholic beverages as required by zoning regulation or ordinance under AS 04.11.420(a) are two separate and distinct subjects. Please bear that in mind in responding to this notice.

AS 04.21.010(d), if applicable, requires the municipality to provide written notice to the appropriate community council(s).

If you wish to protest the application referenced above, please do so in the prescribed manner and within the prescribed time. Please show proof of service upon the applicant. For additional information please refer to 3 AAC 104.145, Local Governing Body Protest.

**Note:** Applications applied for under AS 04.11.400(g), 3 AAC 304.335(a)(3), AS 04.11.090(e), and 3 AAC 304.660(e) must be approved by the governing body.



Maxine Andrews  
Business Registration Examiner  
Direct line: 907-269-0358  
Email: maxine.andrews@alaska.gov

## Transfer Liquor License

License is:     Full Year                      OR                       Seasonal    List Dates of Operation: 4/15 - 10/15

SECTION A - LICENSE INFORMATION		FEES
License Year: 2015 - 2016	License Type: PACKAGE STORE	Filing Fee:        \$100.00  Rest. Desig. Permit Fee: (\$50.00)        \$  Fingerprint:        \$ (\$49.75 per person)  <b>TOTAL    \$100.00</b>
License #: 2531	Statute Reference Sec. 04.11_150__	
Local Governing Body: (City, Borough or Unorganized)  CITY OF HOMER	Community Council Name(s) & Mailing Address:  HOMER CITY COUNCIL 491 E. PIONEER AVE. HOMER, AK 99603	
Name of Applicant (Corp/LLC/LP/LLP/Individual/Partnership):  MSA INC.	Doing Business As (Business Name): <b>HOMER LIQUOR &amp; WINE COMPANY</b>	Business Telephone Number: 235-5101  Fax Number: 235-6139
Mailing Address: <b>369 E. PIONEER AVE.</b>	Street Address or Location of Premises:  <b>4474 HOMER SPIT ROAD #4</b>	Email Address:  <b><a href="mailto:alaskamsa@gmail.com">alaskamsa@gmail.com</a></b>
City, State, Zip: HOMER, AK 99603	<b>HOMER, AK 99603</b>	
Is any shareholder related to the current owner? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "yes" please state the relationship <u>SAME ENTITY</u>		
SECTION B - TRANSFER INFORMATION		
<input checked="" type="checkbox"/> Regular Transfer  <input type="checkbox"/> Transfer with security interest: Any instrument executed under AS 04.11.670 for purposes of applying AS 04.11.360(4)(b) in a later involuntary transfer, must be filed with this Application. Real or personal property conveyed with this transfer must be described. Provide security interest documents.  <input type="checkbox"/> Involuntary Transfer. Attach documents which evidence default under AS 04.11.670.		Name and Mailing Address of <b>CURRENT</b> Licensee: MSA INC. <b>369 E. PIONEER AVE.</b> <b>HOMER, AK 99603</b>  Business Name (dba) <b>BEFORE</b> transfer: <b>HOMER LIQUOR &amp; WINE COMPANY</b>  Street Address or Location <b>BEFORE</b> transfer: <b>4306 HOMER SPIT ROAD #4</b> <b>HOMER, AK 99603</b>
SECTION C - PREMISES TO BE LICENSED		
Distance to closest school grounds: 3.1 MILES	Distance measured under: <input type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	<input type="checkbox"/> Premises is GREATER than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input type="checkbox"/> Premises is LESS than 50 miles from the boundaries of an incorporated city, borough, or unified municipality. <input checked="" type="checkbox"/> Not applicable
Distance to closest church: 3.6 MILES	Distance measured under: <input type="checkbox"/> AS 04.11.410 <b>OR</b> <input type="checkbox"/> Local ordinance No. _____	
Premises to be licensed is: <input type="checkbox"/> Proposed building <input type="checkbox"/> Existing facility <input checked="" type="checkbox"/> New building		<input checked="" type="checkbox"/> Plans submitted to Fire Marshall (required for new & proposed buildings) <input type="checkbox"/> Diagram of premises attached

## Transfer Liquor License

### SECTION D – LICENSEE INFORMATION

1. Does any individual, corporate officer, director, limited liability organization member, manager or partner named in this application have any direct or indirect interest in any other alcoholic beverage business licensed in Alaska or any other state?

Yes  No If **Yes**, complete the following. Attach additional sheets if necessary.

Name	Name of Business	Type of License	Business Street Address	State
MSA Inc.	The Grog Shop	Package Store	369 E. Pioneer, Homer	AK #479
MSA Inc.	The Rum Locker	Package Store	276 Olsen Ln #3, Homer	AK #4432
MSA Inc.	Grog Shop East End	Package Store	3125 East End Rd, Homer	AK #2301
MSA Inc.	Patel's	Package Store	4470 Homer Spit Rd, Homer	AK #3176
MSA Inc.	Patel's #2	Package Store	4287 Homer Spit Rd, Homer	AK #3472

2. Has any individual, corporate officer, director, limited liability organization member, manager or partner named in this application been convicted of a felony, a violation of AS 04, or been convicted as a licensee or manager of licensed premises in another state of the liquor laws of that state?

Yes  No If **Yes**, attach written explanation.

### SECTION E – OWNERSHIP INFORMATION - CORPORATION

*Corporations, LLCs, LLPs and LPs must be registered with the Dept. of Community and Economic Development.*

Name of Entity (Corporation/LLC/LLP/LP) (or N/A if an Individual ownership): MSA Inc.		Telephone Number: 235-5101	Fax Number: 235-6139
Corporate Mailing Address: 369 E. Pioneer Ave		City: Homer	State: AK Zip Code: 99603
Name, Mailing Address and Telephone Number of Registered Agent: Same		Date of Incorporation OR Certification with DCED: 6/22/04	State of Incorporation: AK
MELVYN STRYDOM 907 235-5101			
Is the Entity in "Good Standing" with the Alaska Division of Corporations? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
If no, attach written explanation. Your entity <b>must</b> be in compliance with Title 10 of the Alaska Statutes to be a valid liquor licensee.			

### Entity Members (Must include President, Secretary, Treasurer, Vice-President, Manager and Shareholder/Member with at least 10%)

Name	Title	%	Home Address & Telephone Number	Work Telephone Number	Date of Birth
Melvyn Strydom	President	100	61477 Skyline dr. Homer 99063	235-5101	5/08/54



## Transfer Liquor License


**NOTE: If you need additional space, please attach a separate sheet.**

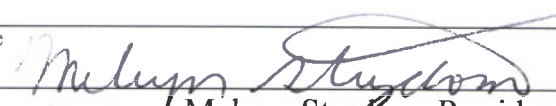
### SECTION F – OWNERSHIP INFORMATION – SOLE PROPRIETORSHIP (INDIVIDUAL OWNER & SPOUSE)

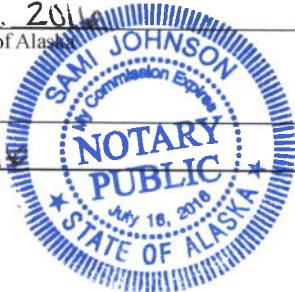
**Individual Licensees/Affiliates** (The ABC Board defines an “Affiliate” as the spouse or significant other of a licensee. Each Affiliate must be listed.)

Name: Address: N/A  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:	Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:
Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:	Name: Address:  Home Phone: Work Phone:	Applicant <input type="checkbox"/> Affiliate <input type="checkbox"/>  Date of Birth:

#### Declaration

- I declare under penalty of perjury that I have examined this application, including the accompanying schedules and statements, and to the best of my knowledge and belief it is true, correct and complete, and this application is not in violation of any security interest or other contracted obligations.
- I hereby certify that there have been no changes in officers or stockholders that have not been reported to the Alcoholic Beverage Control Board. The undersigned certifies on behalf of the organized entity, it is understood that a misrepresentation of fact is cause for rejection of this application or revocation of any license issued.
- I further certify that I have read and am familiar with Title 4 of the Alaska statutes and its regulations, and that in accordance with AS 04.11.450, no person other than the licensee(s) has any direct or indirect financial interest in the licensed business.
- I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

Signature of Current Licensee(s)	Signature of Transferee(s)
Signature	Signature
Signature 	Signature
Name & Title (Please Print) <b>Melvyn Strydom, President</b>	Name & Title (Please Print)
Subscribed and sworn to before me this <u>7</u> day of <u>April</u> , 201 <u>6</u>	Subscribed and sworn to before me this _____ day of _____, 201 <u>6</u>
Notary Public in and for the State of Alaska	Notary Public in and for the State of Alaska
 My commission expires: <u>07/16/2018</u>	My commission expires:



STATE OF ALASKA  
ALCOHOL BEVERAGE CONTROL BOARD  
Licensed Premises Diagram

**INSTRUCTIONS:** Draw a detailed floor plan of your present or proposed licensed premises on the graph below; show all entrances and exits, and all fixtures such as tables, booths, counters, bars, coolers, stages, etc.

**DBA:** HOMER LIQUOR & WINE COMPANY

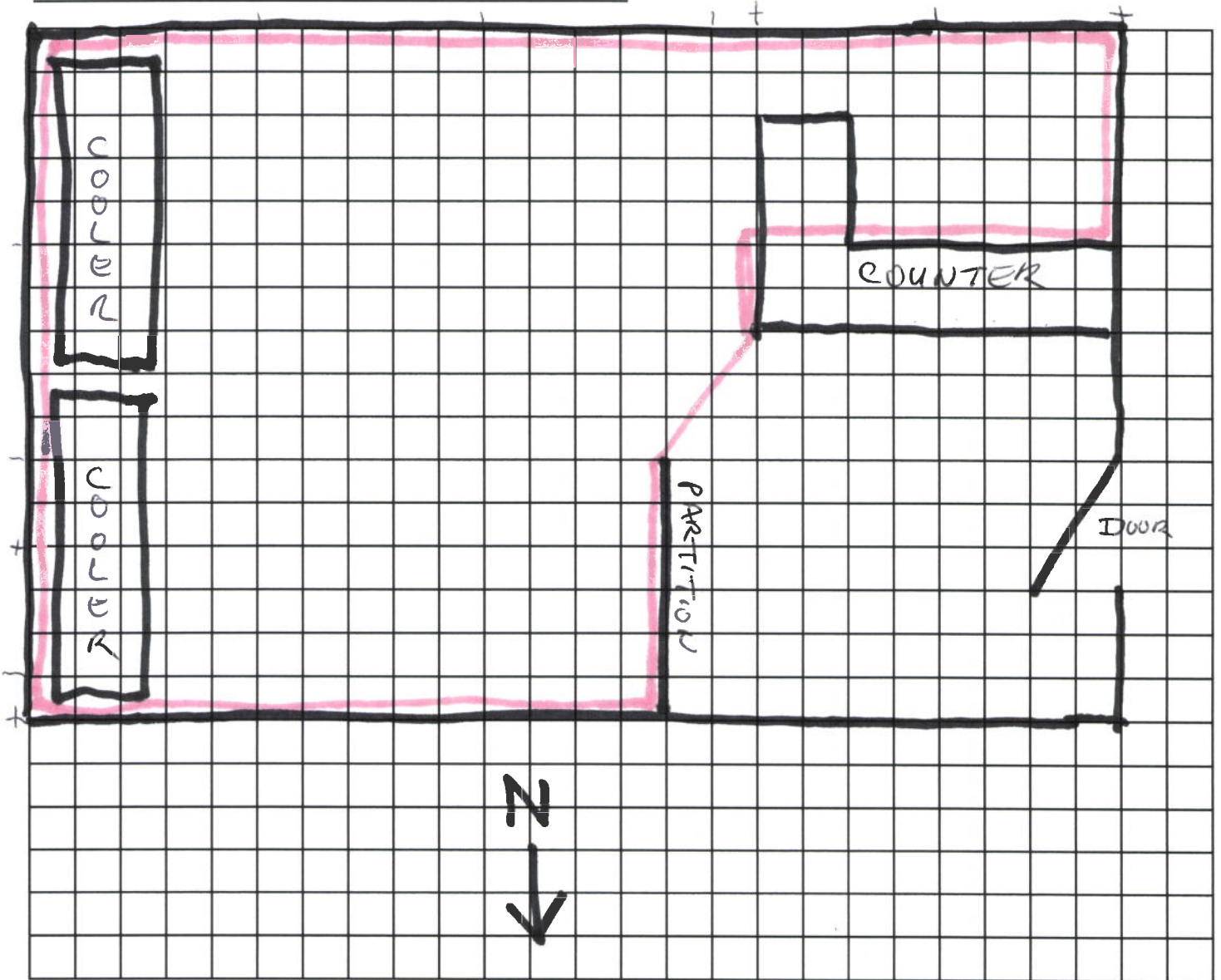
**PREMISES LOCATION:** 4474 HOMER SPIT RD #4

Indicate scale by x after appropriate statement or show length and width of premises.

SCALE A: \_\_\_\_\_ 1 SQ. = 4 FT.      SCALE B: X 1 SQ. = 1 FT.

Length and width of premises in feet: 24 x 16

Outline the area to be designated for sale, service, storage, and consumption of alcoholic beverages in red.  
**DO NOT USE BLUE INK OR PENCIL ON THIS DIAGRAM.**







# City of Homer

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## Office of the City Clerk

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MARK ROBL, POLICE CHIEF  
FROM: MELISSA JACOBSEN, DEPUTY CITY CLERK  
DATE: MAY 16, 2016  
SUBJECT: LIQUOR LICENSE LOCATION TRANSFER

---

We have been notified by the ABC Board of an application for a liquor license location transfer in the City of Homer for the following:

Type: Package Store  
Lic #: 2351  
DBA Name: Homer Liquor & Wine Company  
Service Location: 4474 Homer Spit Rd. #4, Homer, AK  
Owner: MSA, Inc.  
Mailing Address: 369 E. Pioneer Ave., Homer, AK 99603

This matter is scheduled for the May 23, 2016 City Council meeting. Please respond with objections/non-objections to this liquor license renewal by **Wednesday, May 18, 2016**.

Thank you for your assistance.



# City of Homer

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

Office of the City Clerk

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Homer, Alaska 99603

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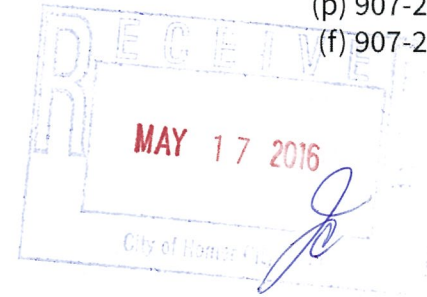
## Memorandum

TO: MELISSA JACOBSEN, DEPUTY CITY CLERK

FROM: MARK ROBL, CHIEF OF POLICE 

DATE: May 16, 2016

SUBJECT: LIQUOR LICENSE LOCATION TRANSFER



We have no objection to the application for a liquor license location transfer in the City of Homer for the following:

Type: Package Store  
Lic #: 2351  
DBA Name: Homer Liquor & Wine Company  
Service Location: 4474 Homer Spit Rd. #4, Homer, AK  
Owner: MSA, Inc.  
Mailing Address: 369 E. Pioneer Ave., Homer, AK 99603

Chief Mark Robl

**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-24**

An Ordinance of the City Council of Homer, Alaska, Amending Title 5 to Add a New Chapter 5.44 to Prohibit the Extraction of Tetrahydrocannabinol ("THC") or Any Cannabinoid by Use of Materials or Methods Deemed Dangerous to Public Health and Safety, Unless Otherwise Permitted By Law.

Sponsor: City Manager/Fire Chief

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Memorandum 16-081 from Cannabis Advisory Commission
  - b. Memorandum 16-082 from Fire Chief



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

3 City Manager/  
4 Fire Chief

5 **ORDINANCE 16-24**  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING TITLE 5 TO ADD A NEW CHAPTER 5.44 TO PROHIBIT  
9 THE EXTRACTION OF TETRAHYDROCANNABINOL ("THC") OR ANY  
10 CANNABINOID BY USE OF MATERIALS OR METHODS DEEMED  
11 DANGEROUS TO PUBLIC HEALTH AND SAFETY, UNLESS  
12 OTHERWISE PERMITTED BY LAW.

13  
14 WHEREAS, In 2014, Alaska voters approved a ballot measure legalizing personal  
15 recreational marijuana use and possession of marijuana and marijuana paraphernalia; and  
16

17 WHEREAS, Other jurisdictions that have legalized marijuana have experienced an  
18 increase in fires and explosions related to certain methods of manufacturing marijuana  
19 products, including the use of highly flammable materials and methods to extract THC oil  
20 from the marijuana plant, resulting in significant personal injury, death and property damage;  
21 and

22  
23 WHEREAS, The City of Homer is dedicated to drafting regulations to protect the public  
24 health and safety against known and unreasonable risks of certain manufacturing processes  
25 of a legalized marijuana industry.  
26

27 THE CITY OF HOMER ORDAINS:  
28

29 Section 1. Homer Municipal Code is hereby amended by adding a new chapter 5.44  
30 Prohibited Acts Regarding Marijuana, as follows:  
31

32 Chapter 5.44 Prohibited Acts Regarding Marijuana.  
33

34 5.44.010 Certain manufacturing processes prohibited.  
35

36 A. It shall be unlawful for any person to:  
37

- 38 1. manufacture a marijuana concentrate, hashish, or hash oil by use of  
39 solvents containing compressed flammable gases or through use of a  
40 solvent-based extraction method using a substance other than  
41 vegetable glycerin, unless the person is validly licensed and permitted  
42 in accordance with statute, regulation, or ordinance.

43 B. Definitions. For purposes of this section:

44  
45 1. "*manufacture*" means the preparation, compounding, conversion, or  
46 processing of marijuana, hashish, or hash oil, either directly or  
47 indirectly by extraction from substances of natural origin,  
48 independently by means of chemical synthesis, or by a combination of  
49 extraction and chemical synthesis, and includes any packaging or  
50 repackaging of the marijuana, hashish, or hash oil, or labeling or  
51 relabeling of its container. It includes the organizing or supervising of  
52 the manufacturing process. It does not include the legally authorized  
53 planting, growing, cultivating, or harvesting of a plant.

54  
55 2. "*marijuana concentrate*" means any product which, through  
56 manufacture, contains tetrahydrocannabinol (THC). Common names  
57 and types of product include "shatter", butane or CO2 hash oil, "ring  
58 pots", butter, hash, hashish, keif, oil, or wax.

59  
60 C. Seizure.

61  
62 1. Any marijuana as defined in AS 17.38.900, equipment, material,  
63 product, package or container possessed, used or intended to be used,  
64 or produced in violation of this section may be seized and held as  
65 evidence to be used in any future proceeding and may be disposed of as  
66 appropriate after their use for evidentiary purposes is no longer  
67 required, including in accordance with chapter 18.30 of this code.

68  
69 Section 2. This ordinance shall take effect upon its adoption by the Homer City  
70 Council.

71  
72 Section 3. This ordinance shall be of a permanent and general character and shall be  
73 included in the City code.

74  
75 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_ 2016.

76  
77 CITY OF HOMER

78  
79  
80 \_\_\_\_\_  
81 MARY E. WYTHE, MAYOR  
82

83 ATTEST:

84

85

86 \_\_\_\_\_

87 JO JOHNSON, MMC, CITY CLERK

88

89

90 AYES:

91 NOES:

92 ABSTAIN:

93 ABSENT:

94

95 First Reading:

96 Public Hearing:

97 Second Reading:

98 Effective Date:

99

100

101 Reviewed and approved as to form:

102

103 \_\_\_\_\_

104 Mary K. Koester, City Manager

105

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

107

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

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







# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 16-081

TO: MAYOR WYTHE AND CITY COUNCIL  
FROM: CANNABIS ADVISORY COMMISSION  
THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: DECEMBER 17, 2015  
SUBJECT: RECOMMENDATION TO SUPPORT BANNING THC EXTRACTION

---

The Cannabis Advisory Commission met on December 17, 2015. Under New Business the commission reviewed City Attorney Wells' recommendation and draft ordinance. Following is the excerpt of the minutes regarding the discussion:

### NEW BUSINESS

#### A. Memorandum on THC Extraction

##### 1. Proposed Ordinance 16-xx

Acting Chair Stead read the title into the record. City Planner Abboud commented that this ordinance does not prohibit legal manufacturing processes.

Discussion on the ordinance ensued in regards to personal extraction processes and the preference to leave that for the professionals.

REYNOLDS/JONES - MOVED TO RECOMMEND THE DRAFT THC EXTRACTION ORDINANCE FOR ADOPTION BY COUNCIL.

No further discussion.

VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Recommendation:

Informational in Nature.





## City of Homer

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

## Volunteer Fire Department

604 East Pioneer Ave  
Homer, Alaska 99603

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

(p) 907-235-3155

(f) 907-235-3157

### Memorandum 16-082

TO: Katie Koester, City Manager  
FROM: Robert Painter, Fire Chief  
DATE: May 12, 2016  
SUBJECT: Proposed Hash Oil Production Ordinance

---

The non-regulated production of hash oil, also known as butter, honey oil, dabs or wax, by unlicensed individuals has become a concern of fire safety officials across the country, especially in those states where marijuana has been legalized. While there are many methods available to concentrate the tetrahydrocannabinol (THC) found in marijuana, extraction and concentration through the use of “hot” methods, for example using highly flammable butane, has been identified as a danger to the public and first responders and has been prohibited in many jurisdictions. There are well documented cases in which these home-based extraction methods have resulted in explosions and fires, causing injury and property damage.

The proposed Homer City Ordinance adding a new chapter 5.44 Prohibited Acts Regarding Marijuana, I believe, adequately addresses my concerns by prohibiting the production of concentrates by these potentially dangerous methods, except where expressly allowed by state law, in commercial extraction and/or concentration facilities, regulated by state fire code. I believe that the general public, if they still desire to attempt extraction/concentration in their private homes, may still do so using available “cold” or non-volatile production methods not addressed under this addition under Title 5.

Recommendation:

Informational only.



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-25**

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 5.20.020, Open Burning - Permit Requirement, by Requiring a Permit to Burn Combustible Materials in an Approved Burn Barrel, and Amending Homer City Code 5.20.030, Trash Burning - Approved Container, by Requiring a Permit to Burn Trash in a Screen Covered Container or Other Trash Burner Approved by the Fire Chief.

Sponsor: City Manager/Fire Chief

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Memorandum 16-083 from Fire Chief



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

3 City Manager

4 **ORDINANCE 16-25**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
6 AMENDING HOMER CITY CODE 5.20.020, OPEN BURNING- PERMIT  
7 REQUIREMENT, BY REQUIRING A PERMIT TO BURN  
8 COMBUSTIBLE MATERIALS IN AN APPROVED BURN BARREL, AND  
9 AMENDING HOMER CITY CODE 5.20.030, TRASH BURNING-  
10 APPROVED CONTAINER, BY REQUIRING A PERMIT TO BURN  
11 TRASH IN A SCREEN COVERED CONTAINER OR OTHER TRASH  
12 BURNER APPROVED BY THE FIRE CHIEF.  
13

14  
15 WHEREAS, The State of Alaska Division of Forestry amended the regulations pertaining  
16 to the use of burn barrels for the disposal of Class A materials, including wood, grass, and  
17 other organic materials, and now requires a permit for the use of a burn barrel during burn  
18 season, which begins on April 1 and ends on August 31 (“burn season”); and  
19

20 WHEREAS, This change will affect the authorized use of burn barrels within the city  
21 limits of Homer, as well as all surrounding areas.  
22

23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
24

25 Section 1. Homer City Code 5.20.020, Open burning – Permit requirement, is amended  
26 to read as follows:  
27

28 5.20.020 Open burning – Permit requirement.  
29

30 a. Except as provided in subsection (c) of this section ~~and in HCC 5.20.030~~, no person  
31 shall burn any combustible material in the open without a permit from the City,  
32 **including in approved burn barrels**. Burning permits shall be available at the Fire  
33 Department and shall be issued only upon approval of the Fire Chief or other official  
34 with written delegation of authority from the Fire Chief. Any person burning  
35 combustibles, whether under the authority of a permit or not, is solely responsible for  
36 any damage caused by the fire.  
37

38 b. If the Fire Chief determines that weather or other conditions create a situation  
39 where open burning may create a hazard to public health or safety, or property, the  
40 Fire Chief may refuse to issue burning permits, restrict the number of permits issued,  
41 impose additional restrictions on new permits, modify, suspend, or revoke existing  
42 permits, prohibit campfires, and take other measures necessary to protect health,

43 safety, life, and property for as long as the hazardous conditions exist.

44

45 c. A person may use a barbecue and burn a campfire in a developed fire pit or ring  
46 without a burning permit.

47

48 d. The Fire Chief shall have authority to impose conditions on burning permits and to  
49 suspend or modify burning permits as necessary to protect public health and safety,  
50 life and property. The Fire Chief shall have authority to revoke a burning permit for  
51 violation of the terms of the permit.

52

53 e. The intentional use of coal as a fuel in any open burning, barbecues or campfires is  
54 prohibited; however, the use of charcoal is exempt.

55

56 f. The violation of any provision contained in this chapter shall be punished under the  
57 general penalty provision of HCC 1.16.010. The City may also invoke civil penalties and  
58 remedies under HCC 1.16.020.

59

60 Section 2. Homer City Code 5.20.030, Trash burning – Approved container, is amended  
61 to read as follows:

62

63 5.20.030 Trash burning – Approved container.

64

65 No person shall burn trash without a permit., ~~except in a screen covered container, or~~  
66 ~~other trash burner approved by the Fire Chief.~~ All open burning of household waste or  
67 other materials is prohibited, except brush, grass, wood and paper products that are  
68 uncontaminated under applicable DEC regulations.

69

70 Section 3. This ordinance shall be of a permanent and general character and shall be  
71 included in the City code.

72

73 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_\_ day of  
74 \_\_\_\_\_, 2016.

75

76 CITY OF HOMER

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\_\_\_\_\_  
MARY E. WYTHE, MAYOR

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[**Underlined added.** Deleted language stricken through.]



85 ATTEST:

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88

89 \_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

90

91

92

93 YES:

94 NO:

95 ABSTAIN:

96 ABSENT:

97

98

99 First Reading:

100 Public Hearing:

101 Second Reading:

102 Effective Date:

103

104 Reviewed and approved as to form.

105

106

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

108

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

110

111

112 Fiscal Note: N/A

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

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





## City of Homer

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## Volunteer Fire Department

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(p) 907-235-3155

(f) 907-235-3157

### Memorandum 16-083

TO: Katie Koester, City Manager  
FROM: Robert Painter, Fire Chief  
DATE: April 5, 2016  
SUBJECT: Use of Burn Barrels Within City Limits

---

It has been brought to my attention that the State of Alaska Division of Forestry recently changed the regulations pertaining to the use of burn barrels for the disposal of Class A (wood, grass or other organic) materials. They now require permits for the use of burn barrels during the statutory burn season, April 1 through August 31). This change will affect burn barrels within the city limits of Homer as well as all surrounding areas. As such I believe we should amend our section of the code 5.20.020 – Open Burning – Permit Required and 5.20.030 Trash Burning – Approved Container to reflect these changes.

I believe that the addition of a single sentence and the deletion of the struck out section below will suffice for 5.20.020 – “Except as provided in subsection (c) of this section ~~and in HCC 5.20.030~~, no person shall burn any combustible material in the open without a permit from the City, including in approved burn barrels. Burning permits shall be available at the Fire Department and shall be issued only upon approval of the Fire Chief or other official with written delegation of authority from the Fire Chief”.

As for 5.20.030 Trash Burning:

“No person shall burn trash without a permit, ~~except in a screen covered container, or other trash burner approved by the Fire Chief”.~~

Until such time is these city codes are amended, we will to rely on word of mouth and getting word out via social media and the web site regarding the need for permits for the use of burn barrels anywhere on the Kenai Peninsula.



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-27**

An Ordinance of the City Council of Homer, Alaska Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$38,000 From Port and Harbor Reserves for the Deep Water Dock Uplands Improvements.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Memorandum 16-087 from Public Works Director



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

3 City Manager/  
4 Port and Harbor Director

5 **ORDINANCE 16-27**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE FY 2016 OPERATING BUDGET BY  
9 APPROPRIATING FUNDS IN THE AMOUNT OF \$38,000 FROM  
10 PORT AND HARBOR RESERVES FOR THE DEEP WATER DOCK  
11 UPLANDS IMPROVEMENTS.  
12

13 WHEREAS, Public Works and Port/Harbor are working together to complete  
14 improvements to a 30-acre site on the Homer Spit utilizing a \$1M State Legislative Grant  
15 (needed improvements identified in the draft Deep Water Dock Feasibility Study); and  
16

17 WHEREAS, Much effort was expended during design, at the contract award, and early  
18 in the construction process to control costs. Items of work were eliminated, designs were  
19 modified to reduce costs, and additional work items were rejected; and  
20

21 WHEREAS, During construction, a few items of essential work have been identified that  
22 cannot be completed within the grant budget (See Memorandum 16-087); and  
23

24 WHEREAS, These items were not foreseen, and the Harbormaster feels these items of  
25 work need to be completed to provide a reliable finished product and has proposed and  
26 supports the use of Harbor Reserve Funds to complete the items.  
27

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

30 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by  
31 appropriating \$38,000 from Port and Harbor Reserves for the Deep Water Dock Uplands  
32 Improvements.  
33

34 Expenditure:

35 Account	Description	Amount
36 415-0924	Deep Water Dock Uplands Improvement Project	\$38,000

37  
38  
39 Section 2. This is a budget amendment ordinance only, is not permanent in nature,  
40 and shall not be codified.  
41

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

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49  
50

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

51 ATTEST:  
52  
53

54 \_\_\_\_\_  
55 JO JOHNSON, MMC, CITY CLERK

56  
57  
58

59 AYES:  
60 NOES:  
61 ABSTAIN:  
62 ABSENT:

63  
64  
65  
66 First Reading:  
67 Public Reading:  
68 Second Reading:  
69 Effective Date:

70  
71  
72  
73

74 Reviewed and approved as to form:

75  
76

77 \_\_\_\_\_  
78 Mary K. Koester, City Manager

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

79  
Date: \_\_\_\_\_

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





# City of Homer

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

Public Works

3575 Heath Street  
Homer, AK 99603

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

(p) 907- 235-3170

(f) 907-235-3145

## Memorandum 16-087

TO: Mary K. Koester, City Manager  
FROM: Carey Meyer, Public Works Director  
DATE: May 16, 2016  
SUBJECT: **Deep Water Dock Uplands Improvements  
Request for Additional Construction Funds**

Public Works and Port/Harbor are working together to complete improvements to the 30-acre site on the Spit utilizing a \$1M State Legislative Grant. The improvements are intended to improve access to the Deep Water Dock and security at the storage/laydown areas used by Dock users (needed improvements identified in the draft Deep Water Dock Feasibility Study). The improvements consist of paving Outer Dock Road, removal of the wood wall around the Chip Pad and installation of new fencing/lighting/security cameras at the Chip Pad.

Much effort was expended during design, at the contract award, and early in the construction process to control costs. Items of work were eliminated, designs were modified to reduce costs, and additional work items were rejected.

During construction, a few items of essential work have been identified that cannot be completed within the grant budget. The total cost to complete these work items is \$38,000. These items were not foreseen, and the Harbormaster feels these items of work need to be completed to provide a reliable finished product and has proposed and supports the use of Harbor Reserve Funds to complete the items summarized below:

- Excavation for the road improvement encountered large rocks (near the Barge Ramp and behind the Chip Pad) that required additional effort beyond the construction contract amount. (\$19,195)
- Slopes created by the road excavation require protection from erosion. Cobble from excavated material will be placed on the slopes once the excavated material is screened. (\$9,150)
- Grading of adjacent areas to correct and improve drainage around the Chip Pad and in the sport fishing trailer parking area (\$7,500)
- Additional survey effort was required due to changes in design based on unanticipated soil conditions described above. (\$2,200)

**Recommendation:** The Council adopt Ordinance 16-27 amending the 2016 Operating Budget by appropriating an additional \$38,000 from the Harbor Reserve to complete the Deep Water Dock Uplands Improvement Project. (Fiscal Note: 415-924 - DWD Uplands Improvements)



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-29**

An Ordinance of the City Council of Homer, Alaska, Amending Ordinance 16-10, the Completion of the 2016 Streets Repaving Project, Utilizing Homer Accelerated Roads and Trails (HART) Funds From 638,000 to \$562,506.

Sponsor: Smith

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Memorandum 16-090 from Public Works Director
  - b. Ordinance 16-10



**CITY OF HOMER  
HOMER, ALASKA**

Smith

**ORDINANCE 16-29**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING ORDINANCE 16-10, THE COMPLETION OF THE 2016  
STREETS REPAVING PROJECT UTILIZING HOMER ACCELERATED  
ROADS AND TRAILS (HART) FUNDS FROM \$638,000 TO \$562,506.

WHEREAS, Ordinance 16-10 appropriated \$638,000 for the 2016 Streets Repaving Project; and

WHEREAS, This amount included project management/administrative charges; and

WHEREAS, It is not the practice of the City to charge project management/administrative fees on internal projects; and

WHEREAS, In the past the general administrative charge to HART in the operating budget covered all project management/administrative fees.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Ordinance 16-10 is amended to appropriate \$562,506 for the completion of the 2016 Streets Repaving Project utilizing Homer Accelerated Roads and Trails (HART) Funds.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
160-766	HART	\$562,506

Section 2. This budget amendment ordinance is not permanent 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

43 ATTEST:

44

45

46 \_\_\_\_\_

47 JO JOHNSON, MMC, CITY CLERK

48

49

50 AYES:

51 NOES:

52 ABSTAIN:

53 ABSENT:

54

55

56

57 First Reading:

58 Public Hearing:

59 Second Reading:

60 Effective Date:

61

62

63 Reviewed and approved as to form:

64

65 \_\_\_\_\_

66 Mary K. Koester, City Manager

67

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

69

70

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

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



## **Memorandum 16-090**

To: Katie Koester, City Manager  
From: Carey Meyer, PW Director  
Date: May 11, 2016  
Subject: **2016 Repaving Project – Ordinance 16-10**

---

The amount authorized in Ordinance 16-10 to complete the 2016 Repaving Project was inaccurate. The project budget provided by Public Works (Memorandum dated February 16) included costs defined as administrative costs (\$75,494). Public Works has never charged administrative or project management time directly to a HART fund project budget. Eliminating the administrative costs from the approved project budget would reduce the authorization from \$638,000 to \$562,506.

As stated above, Public Works has not in previous years charged time to HART projects. Previously, the full time project manager was 100% funded out of general fund, but it was recognized that any time spent on grant reimbursable projects would be charged to the grant. This year, the part time project manager was hired with the understanding that he would only work on grant projects (no charges to general fund was authorized).

In previous years, some administrative costs incurred by Public Works in support of the HART program were covered by an administrative cost transfer from the HART fund to the General fund. In 2016 this transfer is not a part of the operating budget.

Without including project management time within the paving project budget, the Public Works project manager is not authorized to complete project management duties associated with HART projects.





1 CITY OF HOMER  
2 HOMER, ALASKA

3  
4 City Manager/  
Public Works Director

5 ORDINANCE 16-10  
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE 2016 OPERATING BUDGET TO ALLOW FOR THE  
9 COMPLETION OF THE 2016 STREETS REPAVING PROJECT  
10 UTILIZING HOMER ACCELERATED ROADS AND TRAILS (HART)  
11 FUNDS IN AN AMOUNT NOT TO EXCEED \$638,000.  
12

13 WHEREAS, Periodically, Public Works coordinates the repaving of roads where the  
14 pavement has reached its useful life (20-30 years old), including grinding of existing pavement  
15 and resurfacing; and  
16

17 WHEREAS, Public Works has successfully completed similar projects in 2006, 2009, and  
18 2012 utilizing HART funds; and  
19

20 WHEREAS, Public Works has inspected pavement conditions on all City maintained  
21 roads and recommends that nine road sections be resurfaced (see Memorandum 16-043) and  
22 estimated the cost of each.  
23

24 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
25

26 Section 1. The FY 2016 Operating Budget is hereby amended by appropriating an  
27 amount not to exceed \$638,000 from the Homer Accelerated Roads and Trails (HART) Fund  
28 for completing the 2016 Street Repaving Project.  
29

30 Expenditure:

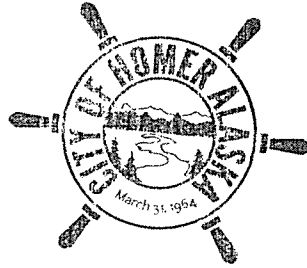
<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
160-766	HART	\$638,000

31  
32  
33

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

37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 25<sup>th</sup> day of April  
38 \_\_\_\_\_, 2016.  
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CITY OF HOMER  
Mary E. Wythe  
MARY E. WYTHE, MAYOR

ATTEST:

Jo Johnson  
JO JOHNSON, MMC, CITY CLERK

AYES: 5  
NOES: 1  
ABSTAIN: 0  
ABSENT: 0

First Reading: 3/14/16  
Public Hearing: 3/29/16 Reconsidered 3/29/16  
Second Reading: 4/25/16  
Effective Date: 4/26/16

Reviewed and approved as to form:

Mary K. Koester  
Mary K. Koester, City Manager

Date: 4.27.16

Thomas F. Klinkner  
Thomas F. Klinkner, City Attorney

Date: 4-29-16

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 16-053**

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR REAL ESTATE BROKER SERVICES TO THE FIRM OF HOMER REAL ESTATE OF HOMER, ALASKA, FOR A PERIOD OF THREE YEARS WITH OPTION TO EXTEND, COMPENSATING THE BROKER 10% COMMISSION FEE OF EACH PROPERTY THE BROKER SELLS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on March 17, 2016, the Homer Tribune on March 23, 2016, sent to two in-state plans rooms, and posted on the Clerk's home page; and

WHEREAS, Bids were due on April 14, 2016 and Addendum #1 extended the due date to May 5, 2016; and

WHEREAS, One bid was received from Homer Real Estate and was determined to be a responsive and responsible bidder to complete the work; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the contract award for Real Estate Broker Services to the firm of Homer Real Estate of Homer, Alaska, for a period of three years with option to extend, compensating the broker 10% commission fee of each property the broker sells and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

43 ATTEST:

44

45

46 \_\_\_\_\_

47 MELISSA JACOBSEN, CMC

48 ACTING CITY CLERK

49

50 Fiscal Note: 10% commission fee of each property sold.

**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

The City of Homer, Alaska is hereby advertising for sealed proposals from real estate brokers/firms to sell real property located within the city limits of Homer. It is the intent of this Request for Proposals (RFP) to have the successful broker/firm, enter into a Professional Services Contract with the City of Homer to supply real estate services.

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 2:00 p.m. on April 14, 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 Plan Holders List and to be considered responsive.** Plan Holder Registration form and Proposal Documents are available online at: <http://www.cityofhomer-ak.gov/rfps>.

Copies of the Request for Proposals package are posted on the City website: <http://www.cityofhomer-ak.gov/rfps> or available at the Office of the City Clerk. To obtain a copy of the proposal package and to be listed on the plan holders list, please contact the City Clerk at (907) 235-3130. If you have any questions on the contents of the RFP package, please contact the City Manager's Office at (907) 235-8121 x2222.

You may purchase hard copies of the Proposal Documents at the Office of the City Clerk upon payment of \$5 per set (\$10 for overnight delivery). All fees are non-refundable. The City reserves the absolute right to reject any or all proposals, may waive any or all informalities or irregularities, and may permit the correction of errors or omissions in responses.

Dated this 8th day of March, 2016

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

Fiscal Note: 100-0110-5227

Publish:

Homer News: March 17, 2016

Homer Tribune: March 23, 2016



**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

**OVERVIEW**

The City of Homer is seeking proposals from real estate brokers/firms to sell real property located within the city limits of Homer. It is the intent of this Request for Proposals (RFP) to have the successful broker/firm, enter into a Professional Services Contract with the City of Homer to supply real estate services as outlined herein.

**AVAILABLE LAND**

The following properties are owned by the City of Homer and are available for sale:

- **Lot 1** – Parcel ID: 17911005  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM 0004712 HARRY FEYER SUB LOT 1  
2015 KPB Assessed Value: \$30,900
- **Lot 2** – Parcel ID: 17514416  
Legal Description: T 6S R 13W SEC 19 Seward Meridian HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2  
2015 KPB Assessed Value: \$277,700
- **Lot 3** – Parcel ID: 17915003  
Legal Description: T 6S R 13W SEC 23 Seward Meridian HM THAT PORTION OF GOVT LOT 3 LYING SOUTHEASTERLY OF KACHEMAK DRIVE  
2015 KPB Assessed Value: \$22,600
- **Lot 10** – Parcel ID: 17908009  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM GOVT LOT 10  
2015 KPB Assessed Value: \$21,700
- **Lot 21** – Parcel ID: 17908015  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM GOVT LOT 21  
2015 KPB Assessed Value: \$23,800
- **Lot 24** – Parcel ID: 17908025  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM GOVT LOT 24  
2015 KPB Assessed Value: \$21,700
- **Lot 25** – Parcel ID: 17908026  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM GOVT LOT 25

**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

2015 KPB Assessed Value: \$21,700

- **Lot 30** – Parcel ID: 17908050  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM S1/2 OF GOVT LOT 30 LYING WEST OF KACHEMAK DR  
2015 KPB Assessed Value: \$15,000
- **Lot 36** – Parcel ID: 17910001  
Legal Description: T 6S R 13W SEC 14 Seward Meridian HM GOVT LOT 36  
2015 Assessed Value: \$38,100

Parcels may be added or removed from this list at any time by Council. The Land Allocation Plan, which can be found on the City of Homer Website, is reviewed annually by Council and includes information on lots available for sale. Successful proposers may be asked to facilitate sale of any one of these properties or others as designated by City Council via ordinance.

**PROPOSAL OVERVIEW:**

The following information is required and must accompany your proposal:

1. **Cover Letter:** Provide a cover letter indicating your interest in serving as the City's real estate agent/firm to sell land in the City of Homer.

The inventory of City owned land outlined in the Summary Table 1 (above) can be broken down into three general categories: (A) Residential, (B) Commercial, or (C) Industrial. Please indicate which type(s) of real estate you are interested in listing. You are not required to make a proposal for all three categories.

2. **Background Information:** For example, list years in business with a description of your firm including size of firm, location, number and nature of the professional staff to be assigned to this contract, with a brief resume for each key person listed.
3. **Experience Summary:** Describe your firm's pertinent real estate experience (minimum five years previous experience with proven effectiveness).
4. **Marketing Methods:** Describe the methods of identifying target user groups and a description of the marketing materials and the strategy for presenting the site to a regional and national marketplace (when appropriate).



**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

**5. Fee Schedule:**

- A. State your commission rate for listing and selling of properties.
- B. State your proposed method of compensation for representing the City of Homer in negotiations for purchasing the properties.
- C. State any other costs the City of Homer should anticipate relating to the real estate services to be provided.
- D. State any required 'carry-over compensation' for your firm - meaning, compensation after real estate service agreement expires.

Note: Quoted fees shall be valid for **one year** upon receipt.

6. **References:** Provide a list of three applicable references. Include name, title, and contact information for each reference as well as a brief description of the specific services provided.
7. **Conflict of Interest:** In order to avoid a conflict of interest, or the appearance of a conflict of interest, your firm should not engage in any outside activities that are inconsistent, incompatible, or appear to conflict with your ability to exercise independent/objective judgment in the best interest of the City of Homer. Please outline all conflicts of interest that may exist for your firm in relation to providing real estate services for the City of Homer.
8. **Good Standing:** Your firm must be in compliance with Federal, State, and local government; which specifically includes good tax payment status and good corporate registration status. Please indicate the payment status of taxes applicable to your firm. Additionally, please provide your firm's legal corporate name and Tax ID number, as reflected by State of Alaska records.

**GENERAL INSTRUCTIONS**

- All proposals shall be made in writing and shall be submitted as indicated in the information packet. The cover letter shall be signed and dated to be considered.

**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

- All proposers are required to obtain the information packet at the Office of the City Clerk or on the City website at: <http://www.cityofhomer-ak.gov/rfps> and are to be listed on the Plan Holders List maintained by the City Clerk.
- The proposal must be submitted in a sealed envelope marked "Real Estate Broker Services" to the City Clerk's office, 491 E. Pioneer Ave., Homer, AK 99603 on or before 2:00 p.m. on April 14th, 2016.

Proposals will then be forwarded to the City Council. The City Council will review the proposals and develop a list of finalists to be interviewed. *The Applicants are responsible for ensuring that their proposal is received on time and at the location specified.*

- To be considered, firms must submit a complete response to the RFP in the form requested. Firms not responding to items requested in the RFP or indicating exceptions to such items may have their submittals rejected.
- The City of Homer reserves the right to reject any and all proposals, and to waive irregularities in the proposal documents. All proposals, plans, and other documents submitted shall become the property of the City of Homer. Responses to this RFP are considered public information and are subject to discovery under the Freedom of Information Act.
- Respondents are responsible for their own expense in preparing, delivering or presenting a proposal, and for subsequent negotiations with the City of Homer, if any.

**MORE INFORMATION**

Interested bidders can ask questions and obtain more information by:

- Written Questions: Submit all questions in writing to the Office of the City Clerk. The deadline for questions is April 7th, 2016. The Clerk's Office will submit your

**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

question to the person who can best answer it. All questions and the City's answers will be provided to all prospective proposers on the Plan Holders List.

**SCOPE OF SERVICES**

The successful firm shall agree to contract with the City of Homer to provide the following:

- Develop strategies for sale of designated City-owned properties (such as conducting a study of comparable properties);
- Develop marketing materials (electronic and/or hard copy) to advertise sites for sale, distribute the materials to potential buyers via the appropriate form(s) of media and report results to the City of Homer on an agreed upon frequency;
- Advise the City of Homer related to strategies to promote and sell the designated sites. Public presentations may be required.
- Participate in site tours of City of Homer-owned property that is for sale for potential buyers;
- Analyze offers from potential buyers and advise the City of Homer with respect to negotiations;
- Represent the City of Homer in negotiations with a prospective buyer from the time of offer until closing;
- Coordinate real estate transaction closings; and
- Handle all other customary activities and services associated with real estate transactions.

**TERM OF CONTRACT**

The contract period for the successful agent/firm will be **one year** from date of award. The contract may be renewed for additional terms upon satisfactory performance by the broker/firm and at a negotiated rate agreed to in writing by both the agent/firm and the City of Homer. Alternate contract periods may be considered.

**EVALUATION AND AWARD PROCESS**

Issuance of this RFP and receipt of proposals does not commit the City of Homer to award a contract. The City of Homer reserves the right to postpone receipt date

**REQUEST FOR PROPOSALS  
REAL ESTATE BROKER SERVICES:**

Sale of real property owned by the City of Homer

accepting or rejecting any or all proposals received in response to this RFP, or to negotiate with any of the brokers/firms submitting an RFP, or to cancel all or part of this RFP.

**SELECTION CRITERIA**

**Selection of a broker/firm will be made based on the following criteria:**

1. Ability of the contractor(s) to meet or exceed the requirements defined in the RFP;
2. Experience, qualifications, references;
3. Knowledge of regional real estate market and ability to market to prospects beyond the region;
4. Regional reputation and local presences/experience;
5. Fee schedule; and
6. Willingness to think “outside the box” and present innovative ideas for marketing the specific City owned properties designated for sale.

**ORAL PRESENTATION/INTERVIEWS**

Firms submitting a proposal in response to this RFP may be required to give an oral presentation of their proposal. Additional technical and/or cost information may be requested for clarification purposes, but in no way change the original proposal submitted. Interviews are optional and may or may not be conducted.

If an interview is conducted, it is essential that the consultant’s personnel to be assigned to the work, as well as key representatives, be present at and participate in the interview. A recommendation of the selected consultant will be made to the Homer City Council. The selected consultant and City of Homer representatives will negotiate a mutually acceptable contract. The negotiated contract shall be approved by the Homer City Council.

**ADDENDUM NO.1**  
**TO THE REQUEST FOR PROPOSAL/INSTRUCTION FOR PROPOSERS**  
**REQUEST FOR PROPOSALS FOR REAL ESTATE BROKER SERVICES**  
**CITY OF HOMER, ALASKA**

**Addendum Issue Date:** April 14, 2016

**RFP Submittal Date:** Thursday, May 5, 2016 @ 4:00 p.m.

**Previous Addenda Issued:** None

**Issued By:** Renee Krause, CMC  
Deputy City Clerk

**On behalf of:** Katie Koester, City Manager  
City of Homer

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**Notice to RFP Submitters:**

RFP submitters must **acknowledge receipt of this addendum** by one of the following methods:

- (1) By acknowledging receipt of this addendum in the RFP cover letter when proposal is submitted.
- (2) By email or facsimile which includes a reference to the project and addendum number.

The RFP submittals require acknowledgment individually of all addenda to the RFP. Any RFP's received without acknowledgment of receipt of addenda may be rejected prior to evaluation

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The bid documents for the above project are amended as follows (all other terms and condition remain unchanged):

**ITEM 1 – RFP Submittal Date Extension**

The RFP submittal due date has been extended to Thursday, May 5, 2016 @ 4:00 p.m.



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Personnel Director

**RESOLUTION 16-056**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
ADOPTING WRITTEN SAFETY POLICY FOR EMPLOYEES AND  
CONTRACTORS.

WHEREAS, A strong safety culture is of the utmost importance in the everyday  
workplace environment; and

WHEREAS, The Employee Safety Committee was tasked with developing a Safety  
Policy that supplements current City directives, departmental standard operating  
procedures, federal, state, and local laws, rules and regulations; and

WHEREAS, The Safety Policy supports the required Alaska Municipal League's work-  
safety courses which employees complete annually; and

WHEREAS, The Safety Policy provides proper safety practices for both employees and  
contractors working for the City.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby adopts the  
written Safety Policy.

PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, CMC  
ACTING CITY CLERK

Fiscal Note: N/A







# City of Homer

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

## Human Resources

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2225

(f) 907-235-3148

## Memorandum 16-085

**TO:** Mayor Wythe and City Council

**THRU:** Katie Koester, City Manager

**FROM:** Andrea Browning, Personnel Director

**DATE:** May 16, 2016

**RE:** Safety Policy

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The Safety Committee was formed in 2014, in order to develop a standard policy that explains proper safety practices in detail to all City employees and subcontractors.

The committee was given the task of creating a Safety Policy that supplements current City directives, departmental standard operating procedures, federal, state, and local laws, rules and regulations.

The Safety Policy supports the required Alaska Municipal League work safety courses, which are required courses for each regular employee. Additionally, the Safety Policy gives departments a training guide for seasonal employees, as well as contractors working for the City.

The Safety Policy is a tool which promotes a strong safety culture, protects employees, subcontractors, as well as limits the liability of the City.





# Safety Policy

2016

# PREFACE

A strong safety culture is of the utmost importance in our everyday workplace environment. These safety policies are designed to explain proper safety practices in detail to all City employees and subcontractors. They are intended to supplement the current City directives, departmental standard operating procedures, federal, state, and local laws, rules and regulations. They outline mandatory safety practices to be followed by all city employees. These policies will be understood by all employees and observed at all times wherever they relate to the proper discharge of their duties.

Precaution must be taken to prevent personal injury and accidents at all times. When carrying out the safety policies, assistance and guidance to new employees will be given so that they may acquire proper safety habits.

The City of Homer does not expect its employees to incur any risk when conditions arise that are not covered by these safety policies. Employees are expected to use sound judgment in the performance of their duties with regard to the application of safety principals.

Department directors, managers and supervisors shall make frequent observations of compliance with these safety policies. They will take immediate action as necessary to insure compliance with these policies and departmental instructions issued in the interest of safety.

It is imperative that all unsafe conditions, whether corrected immediately or not, be reported by employees to their immediate supervisor.

Any conflict or further discussion of these policies should be brought to the attention of your direct supervisor.

**Violations of these required safety policies may result in disciplinary action.**

# City of Homer Injury & Illness Prevention Plan

## CITY OF HOMER EMERGENCY MEDICAL SERVICES

- First aid kits will be located in the workplace and inspected regularly to ensure that expended items are promptly replaced.
- Emergency phone numbers will be prominently displayed for employees.
- Serious injuries/illnesses/accidents shall be reported immediately. The first available person on scene will call 911 or send another available person to call immediately.
- The ill/injured employee shall not be moved unless necessary, due to life or safety concerns.
- The scene of the accident/incident shall not be disturbed, or the operation resumed, until authorized by a supervisor.
- Non-serious accidents/incidents shall be reported to the supervisor immediately, especially if medical assistance is necessary.
- All injuries and illnesses will be investigated as promptly as possible.

Notification to the following personnel should be made as necessary:

<b>City of Homer (Human Resources)</b>	<b>(907) 435-3103</b>
<b>AK/OSHA (if necessary)</b>	<b>(907) 269-4950</b>
<b>Fed/OSHA (if necessary)</b>	<b>1-800-321-OSHA</b>

## DIRECTOR/MANAGEMENT PARTICIPATION

Management's interest and participation in the injury and illness prevention program is vital to its success. Two basic management functions are planning and controlling. Safety must be included in both these functions in order to increase efficiency and reduce operating costs.

### ***Responsibilities Include***

- Communicating management interest by issuing a written statement of policies to all employees.
- Providing realistic amounts of time and money for safety items.
- Complying with developed recommendations for safety plans, as well as assigning accountability for the overall program.
- Including necessary allocations for injury and illness prevention requirements in every subcontract. This will include all items necessary for the protection of employees, equipment, and the general public.

## SAFETY COORDINATOR

HR Director assumes the responsibility for coordinating safety activities and administering this program.

### ***Responsibilities Include:***

- Coordinate all safety activities for the City of Homer.
- Assist Safety Committee in establishing minimum safe standards; rules and regulations.
- Review supervisor's reports of accidents and maintain a file of these reports for analysis.
- Establish training programs for employees and supervisors as required.
- Liaison between management, supervisors, employees for all job safety communications.

## **SUPERVISOR**

The duties of the supervisor are the key things that prevent injuries, illnesses, accidents and waste. These supervisory roles also have the key responsibility to create and maintain interest in the City's Injury and Illness Prevention Program.

### ***Responsibilities Include:***

- Review Safety Policy with all new employees
- Instructing each new employee on the job in safety rules and regulations and ensure they know how to obtain first aid should it be necessary.
- Give each worker detailed job instructions and warn them of the hazards to which they may be exposed. (NOTE: Review these hazards before the employee performs work).
- Providing safe tools and equipment and see that the personal protective equipment is issued and used - whenever necessary. Provide instruction or training in the use of personal protective equipment.
- Conducting safety meetings as needed for special cases. Maintain reports of these meetings in your work area.
- Reviewing all injuries, illnesses and accidents that occur. Complete a supervisor's report of accidents and follow-up to see that corrective action is taken to control or prevent similar accidents from occurring in the future.
- Checking the job frequently, including housekeeping and equipment, to see if there are new hazards or if improvements can be made. Schedule frequent inspections to determine areas in which additional action is needed.
- Reviewing operation and maintenance manuals along with S.O.P's to determine job conditions, which affect safety and health. Arrange job planning meetings between supervisors and employees to organize and pre-plan the tasks so work can proceed in a safe manner.

## **EMPLOYEE**

The effectiveness of our Injury and Illness Prevention Program depends upon the participation and cooperation of ALL employees of The City of Homer.

### ***Responsibilities Include:***

- Follow safety and health procedures and recognize and report hazards immediately to your supervisor.
- Cooperate with your supervisor in preventing injuries, illnesses, accidents and maintaining a clean and safe work place.
- Learn and abide by all safety rules.
- Make safety suggestions to your supervisor.
- Safeguard all City equipment and report unsafe or defective equipment to your supervisor immediately.
- Wear personal protective equipment as appropriate for your job description.
- Observing good housekeeping practices at all times.
- Wearing the appropriate clothing when performing your duties. Appropriate clothing means clothing and other accessories (such as jewelry) that will minimize injury from moving machinery, overhead work, hot or dangerous substances, hypothermia or cold related injuries or any other harmful agent or exposure.
- Be familiar with and abide by all City of Homer Injury and Illness Prevention Program and Code of Safe Practices.

## **COMMUNICATION**

Communication is vital to the effectiveness of our Injury and Illness Prevention Program. The City of Homer encourages all employees to inform their supervisor of known or suspected hazards encountered. The City's means of communicating safety and health standards and procedures to you include: periodic safety inspections; tailgate meetings; safety meetings; posters; training; written and verbal communications.

## **HAZARD ASSESSMENT AND CONTROL**

To identify existing or potential hazards on and around the job site, a hazard assessment and control program will be implemented. This program will point out hazards; identify means to correct hazards that may occur and steps to prevent them from happening again.

### ***This program Includes:***

- Daily safety and health checks performed by supervisory staff as departmentally required
- Regular self-inspections and walks through the work place to ensure safe work practices are being followed and unsafe conditions or procedures are identified and corrected as soon as possible
- Employees will notify their supervisor of possible hazardous situations. These reports will be given prompt and serious attention
- Monitor the operation of workplace equipment to make sure it is maintained in safe and good working condition.
- All workplace injuries, illnesses, and accidents will be investigated and reported. This will help to identify the causes and needed corrections, determine why they occur, where they happen, and any trends.
- All hazards will be corrected as soon as they are identified. For any situations that cannot be corrected immediately, a target date for correction will be set on certain considerations. Interim protection will be provided as necessary.

## **INJURY/ILLNESS INVESTIGATION**

All workplace injuries, illnesses and accidents will be investigated and reported.

This will help to identify the causes and needed corrections, determine why they occur, where they happen, and any trends. This information is critical in preventing and controlling hazards and future accidents.

To be effective, preventative measures must be based on complete and unbiased knowledge of the causes of an accident or incident. The primary purpose of an investigation is to furnish that information.

## **SAFETY AND HEALTH TRAINING**

The Occupational Safety and Health Act require that “each employer shall instruct each employee in the recognition and avoidance of unsafe conditions.” Our program includes training for both supervisors and employees.

### **SUPERVISORY TRAINING WILL INCLUDE:**

- Hazards associated with each job: how to recognize them; their potential effect on the employees; and the rules, procedures and work practices for controlling exposure to those hazards. This training will include general training to cover hazards basic to all places of employment as well as specific training to cover hazards that are unique to each employee’s job assignment.
- Information regarding the hazardous chemicals their employees are exposed, or could be exposed to in the work areas. This information is based on the data contained in the SDS’s.
- How to relate information to employees by setting good examples and instructing them in and making sure that they understand and follow safe procedures.
- Accident investigations and how to take corrective and preventive actions. Emergency and first aid procedures.

### **EMPLOYEE TRAINING WILL INCLUDE:**

- General training to cover hazards basic to all places of employment and; specific training to cover hazards that are unique to each job (this will include hazardous materials and substances applicable to the Hazard Communication Standard).
- Safe work procedures and how these procedures protect against exposure to hazards.
- When personal protective equipment (PPE) is required or needed, how to use it, and how to maintain it in good condition.
- Safety meetings conducted by supervisory personnel, as departmentally required.
- Documentation of safety and health training of all employees will include: employee name, training date/s, type of training, and training provider/s.

### **DISCIPLINARY POLICY AND PROCEDURE**

The safety procedures outlined in our Injury and Illness Prevention Program and “Code of Safe Practices” is for the protection of all employees and the public. Accidents happen without warning - and many are caused by the carelessness of the worker themselves.

The City of Homer will make every effort to ensure the health and safety of all workers in every situation. No worker will be required or knowingly permitted to work in an unsafe or unhealthful place, except for the purpose of making it safe and healthful and then only after proper precautions have been taken to protect the worker while doing such work.

However, sometimes we are faced with a situation where the worker is aware of the correct work practice that has been adopted for his or her protection, but the worker has either failed from neglect or has refused to comply with any established safe work practice and must be disciplined.

The policy that the City of Homer has adopted is in accordance with the Personnel Regulations for any employee who knowingly and willingly violates any procedure, regulation, or order which has been adopted for employee safety and health or protection of the public. Please refer to the most current Personnel Regulations regarding discipline and performance improvement plans.

### **CONCLUSION**

An employee has a moral obligation to themselves, their family, and their fellow workers, the City of Homer and the public at large to do everything possible to prevent injuries, illnesses and accidents. Safe, efficient equipment and every conceivable safety device may be provided by The City of Homer but careful observance of these safe practices and the use of common sense must be the employee’s contributions to the overall effort to prevent injuries, illnesses and accidents.

Safe and careful habits result naturally from good work practices and may be acquired by personal experience or by profiting from the experience of others. To aid each employee in developing safe work habits, the City has prepared this safety program covering most of the safe working procedures to be followed on the job sites. All employees should carefully read this program and become thoroughly familiar with potential hazards and the applicable safety precautions outlined herein



## CODE OF SAFE PRACTICES

1. Check your work area to determine if a problem or hazard may exist. Since your activity may endanger workers, the public, or nearby equipment and materials, take all of the steps necessary to safeguard them.
2. Review the safety requirements for each work assignment, as needed, with your supervisor. You will not be expected or permitted to do your work in a manner which might result in injury to yourself or others.
3. Each employee shall acquaint themselves with emergency procedures and anticipate what you will do in an emergency.
4. All unsafe and defective equipment, hazardous conditions, and unsafe practices or behavior of other workers shall be reported to your supervisor.
5. Any employee engaged in horseplay or roughhousing on any job site may be subject to immediate discharge.
6. The sale, purchase, use, possession of or offer of drugs and/or alcohol is strictly prohibited while on job sites. Violation of this rule is grounds for immediate termination.
7. Employees shall not knowingly be permitted or required to work while their ability or alertness is so impaired by fatigue, illness, or other causes that may unnecessarily present exposure to injury.
8. All work-related injuries and illnesses shall be reported to your supervisor, forthwith or as soon as possible prior to the end of the shift. Failure to report any work injury or illness may result in disallowance of any claim and termination of employment.
9. Failure to follow practices relating to your safety or that of fellow employees, or failure to safeguard equipment, tools, or materials properly may lead to your discharge.
10. Gasoline shall not be used for cleaning purposes.
11. All employees shall attend short safety meetings conducted by supervisory personnel at least every ten working days to emphasize safety precautions to be followed.
12. For your protection, all warning signs, such as "Keep Out," "No Smoking," "Authorized Personnel Only," shall be adhered to.
13. The wearing of personal protective equipment shall be worn by everyone.
14. Employees shall not enter manholes, underground vaults, chambers, tanks, pipes, silos, or other similar confined space locations which receive little ventilation until testing has determined that the air in them contains no flammable vapors, the area in question is properly ventilated, and the employees to enter are properly trained.
15. Employees shall not enter any excavation (trench, manhole, bore pit, etc.) five (5) feet or more in depth unless it is properly protected and safe access is provided!
16. Shortcuts shall not be allowed when using safety devices or safeguards.
17. Good housekeeping practices shall be observed in your work area. Pick up after yourself when jobs are finished. Do not leave materials and scrap where they will be hazardous to others.
18. Compressed air or oxygen shall not be used to blow dust or dirt from clothing.
19. Riding on any moving equipment shall not be allowed unless the machine is designed to accommodate the employee safely.

## OFFICE SAFETY

1. Sharp objects, such as knives, pencils, pins, scissors or letter openers, shall not be left on the edge of a desk or in any place that may cause an injury. They shall be carried in a manner to avoid accidents and used only for the purpose intended.
2. Use care when handling paper to avoid paper cuts.
3. To avoid possible injury, throwing articles such as cards, paper clips, pencils, etc., is strictly PROHIBITED.

4. Do not attempt to lift or move bulky or heavy items alone or without the assistance of proper equipment or additional personnel.
5. Wastebaskets shall not be used for disposal of sharp objects, glass or other articles, which may cause injury. Such articles should be placed in special containers provided by each division, or wrapped, marked and placed beside wastebaskets for disposal.
6. Report any sharp edges, splinters, or defective parts on office furniture to avoid injury from the defective furniture.
7. Leaving drawers, cabinet doors and file cabinets open is PROHIBITED.
8. Contents of filing cabinets and bookcases shall be arranged so as not to over balance the cabinet or bookcase; heaviest items on the bottom shelves or bottom drawers. If necessary to maintain stability, cabinets and bookcases may need to be fastened securely to a wall or permanent structure.
9. Caution must be used in operating paper cutters, shredders, trimmers, staplers, and power punches. Keep fingers clear of cutting blades. Leaving the blade of a paper cutter unlatched when not in use is prohibited.
10. Electrical appliances, such as heaters, fans and coffee pots, must be approved by your direct supervisor, or his designated representative, prior to use.
  - a. Electric: fans are not to be handled while in operation or be placed in locations where likely to cause injury. Use of unguarded fan blades is PROHIBITED.
  - b. Heaters are not to be handled while in operation or placed in locations where likely to cause injury or fire.
11. Office equipment must never be adjusted or cleaned while in motion. If a jam occurs, power shall be disconnected prior to making adjustments.
12. All exposed rotating gears: bells, couplings and other moving parts in which clothing, jewelry, fingers, hands, or hair might be caught are to be covered with adequate guards. Such guards are not to be removed.
13. A qualified technician shall perform all office equipment maintenance.
14. Work areas shall be kept in a neat and orderly manner to prevent fires, tripping or other hazards from occurring.
15. Office equipment shall not be placed or stacked on any unapproved device.
16. Extreme caution shall be used at all times when opening and closing doors.

## PERSONAL PROTECTIVE EQUIPMENT

1. All City employees when performing duties shall wear the appropriate clothing suited for their job functions. Supervisory staff will assist employees with further clothing requirements per department. HPD does not require Officers to wear bullet proof vests.
2. All employees shall wear an ANSI approved hard hat, high viz safety vest and safety glasses as well as long pants and sleeved shirts (4 inch sleeve or longer) at a minimum when on all City construction sites as well as any other safety equipment the site supervisor may require.
3. Employees shall wear proper eye or face protection (beyond the required ANSI approved safety glasses) when exposed to flying particles, dust, objects, chemicals, or harmful light rays, etc.
4. Hand protection shall be worn when handling objects or substances which may cut, tear, burn, or irritate the hands or skin. If necessary, similar types of materials may be used as body protection.
5. Every employee exposed to vehicular traffic or construction equipment shall wear approved orange or yellow safety vests or reflective type garments required for night work. Additionally, flaggers must use proper hand signals to direct traffic flow with warning signs posted ahead and they must be trained to flag traffic.
6. Employees shall wear the appropriate foot ware for their job description at all times.
7. Respiratory protection will be required for any area where a suspected health hazard may exist due to the accumulation of harmful fumes, mists, vapors, or dusts. Employees using respirators must be properly trained, medically examined, and fit tested prior to using a respirator.

## **HAZARDOUS MATERIALS**

An employee may encounter hazardous or questionable substances or chemicals during the course of work. Should one find themselves in this situation he/she should immediately report the questionable substance to their supervisor. The employee should be aware that City complies with the Hazard Communication Standard (HCS), and has Safety Data Sheets (SDS).

An SDS provides information the manufacturer of a chemical considers necessary for you, the worker, to determine what chemicals are in a product and what steps to take to protect yourself when using the product. Under the provisions of the Hazard Communication Standard (HCS), you have the opportunity to review the company's HCS program, chemical inventory list and copies of SDS's for chemicals you are working with. More information on SDS, chemical information references and chemical safety can be obtained by asking your supervisor.

## **MATERIAL HANDLING**

1. Proper lifting techniques shall be observed when manually handling any size, shape, or weight of materials. An employee should observe the following rules:
  - a. Get down close to the load (bend your knees - do not stoop).
  - b. Keep a straight back.
  - c. Lift gradually, using your legs, without twisting, or jerking.
  - d. Get help for bulky or heavy loads.
2. Motorized or special handling equipment shall be used to move heavy or bulky objects to prevent back injuries.
3. No employee should carry more than 50lbs. An employee may be required to lift more than 50lbs but should not traverse their work area carrying more than 50lbs.

## **HAND AND POWER TOOLS**

1. Each employee shall inspect their personal tools or company-furnished tools before using them each day to insure that they are in good working condition. Damaged or defective tools must be returned to the yard and tagged for repair.
2. Sharp-edged or pointed tools shall not be carried in pockets unless adequately covered.
3. No tool or equipment shall be used without its guard in place and operable.
4. A hand-line will be used to hoist and lower small tools, never by the cord or hose.
5. Extension cords and hoses must not create a tripping hazard or obstruct safe means of egress by workers and the public. Also, they should not be used where they may be damaged by equipment, materials, or vehicular traffic without proper protection.
6. All portable electrical tools must be grounded, except those labeled "UL" approved - double-insulated tool.

## **LADDERS**

1. No employee may use any ladder which is defective or does not meet applicable standards and requirements.
2. Wooden ladders shall not be painted. They may be treated with linseed oil.
3. Splicing of ladders is prohibited.
4. Work shall be arranged so that employees are able to face ladders and use both hands while climbing.
5. Step ladders must never be used as straight ladders. They shall be fully opened at all times except when in storage. Employees shall never stand on top of step ladders.

6. Straight ladders should be placed so that the base is placed a distance from the wall or upper support equal to 1/4 the effective working length of the ladder (the quarter-length rule)
7. The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.
8. Ladders should not be set up in a walkway, driveway or in front of a door where the swing of the door could cause the ladder to fall.
9. The base of each ladder should be set firm and level on the floor or ground.
10. Straight ladders should be fastened securely to a stable support at the top and the bottom to prevent movement in any direction.
11. Walkways for access to and from ladders, as well as areas at the base and top, should be kept clear of mud, materials, equipment or debris. Ladder rungs or steps should be kept clean.
12. Do not use ladders in high winds.
13. Two piece extension ladders shall not be taken apart and used separately.
14. Employees shall not use ladders unless they have received proper training from the City.

### **CITY TRUCKS, MOTORIZED EQUIPMENT, AND AUTOMOBILES**

1. An employee is prohibited from operating any vehicle without a valid driver's license in their possession and is specifically authorized to operate that vehicle.
2. City vehicles shall not be operated without an up to date vehicle registration and current insurance certificate in the vehicle.
3. Before operating motorized equipment a check will be made of the following:
  - a. Conduct a 360° walk around the motorized equipment and may include City trucks and automobiles.
  - b. Tail lights, head lights, and signal lights.
  - c. Mirrors, windshield wipers, back-up alarms, etc. should be checked to see that each is working and adjusted properly.
  - d. Driver and passengers are wearing their seat belts properly.
4. Any type of motor vehicle that is known to be in a seriously defective condition must not be operated and tagged out of service. All defective items, such as broken or missing parts, excessive wear or faulty conditions must be promptly reported to the supervisor.
5. The driver shall not move the vehicle until all riders comply with safety precautions and all loads are well secured.
6. No worker is allowed to ride outside of the cab of any truck. Employees shall never ride on fenders, tailgates, running boards, or cargo.
7. Employees shall not back up any vehicle or equipment when the view to the rear is obstructed, unless equipped with an operable back-up alarm or a spotter is used to signal that it is safe to do so.
8. The driver shall make sure that any towed trailer is securely attached to the towing device. The safety chain must be secured to both the truck and the equipment being towed. Also, it must be ascertained that the brake and signal lights are properly connected, when required.
9. Trucks shall not be operated in dangerous areas like edges of deep fills, cut banks, or steep slopes because of the possibility of overturning.
10. Vehicles must not be left unattended until after the motor has been shut-off, and gears engaged in low or reverse.
11. No employee shall work under a vehicle being supported by jacks or chain hoists without adequate protective blocking in jack stands installed to prevent injury in case the jack or hoist failed.
12. City employees will not **"TEXT"** while driving any City vehicles.
13. Employees must also adhere to all additional vehicle use guidelines that are dictated by their department's standard operating procedures.

## **HOUSEKEEPING**

1. It is the responsibility of each employee, supervisor to practice good housekeeping at all times.
2. Tools and material must not be left where they may create a hazard for others, most importantly the general public.
3. Scrap material, debris, and rubbish can easily create an accident hazard. If an excess of trash exists in any work area, employees should advise the supervisor, who will arrange for its prompt removal.
4. Soiled clothes, food scraps, and soft drink cans or bottles must not be allowed to accumulate.

## **FIRST AID**

Seriously injured persons should not be moved, except from a dangerous area, and then with great care and precaution. The supervisor should be notified of such injury immediately so that professional aid can be requested via two-way radio or telephone to insure prompt medical assistance.

Before outside medical assistance arrives, there are several conditions which require immediate treatment.

\*\*\*Call (911) immediately for all serious injuries and illnesses\*\*\*

1. Serious spurting (arterial) bleeding - control at once! Hold the wound tightly with your hands, protecting the wound with sterile gauze or a clean cloth. Protect yourself with gloves or other adequate barriers.
2. Stoppage of breathing - start rescue breathing, only if trained.
3. Stoppage of heartbeat - begin CPR, only if trained.
4. Electric shock - shut off the electricity. Give artificial respiration or CPR if necessary.
5. Heat Burns - For first-degree burns and second-degree burns with no open blisters, flush with lots of cool running water. Apply moist dressings, and bandage loosely. For second-degree burns with open blisters and third-degree burns, apply dry dressings and bandage loosely. Do not use water, as it increases the risk of shock.
6. If you feel someone is suffering from Hypothermia you should get them out of the elements and warm them slowly.
7. Employees should reference their department's first aid requirements and standard operating procedures for further instruction.

## **PROCEDURES TO FOLLOW WHEN AN ACCIDENT OCCURS**

### **EVALUATE THE INJURY**

- Examine the injury and determine if further care beyond job site first aid is required. If there is any doubt in your mind, err on the side of caution and send the employee in for an examination by a physician of their choice. If the employee is reluctant to go in, do not allow their opinion to influence your decision. Injured employees will not be allowed to return to work until they have a doctor's clearance.
- Be sure to call the Human Resource Director when sending an employee for medical services. The employee should complete the Occupational Accident and Injury Form.

### **RETURN TO WORK**

Once the employee is treated he/she will probably fall in one of three categories:

- The employee is treated and cleared to return to work the same day or following day (first aid or medical only). No further action.
- The employee is to remain at home pending further treatment or examination (lost time) before they can return to work. The attending physician will update the Human Resource Director on the employee's status and the director will contact the appropriate supervisor.

- The employee is released for work with restrictions or light duty (medical only). If the employee returns to work with restrictions, review the doctor’s report and call the Human Resource Director.

Based on the doctor’s recommendations and work available a decision will be made on the employee’s status. In all cases keep the copy of the doctor’s examination and turn it in the Human Resource Director promptly.

### **ACCIDENT INVESTIGATION**

Fill out and complete the accident report form and turn it into Human Resources the same day of the accident. Write legibly and include the names and statements of any witnesses. This can become an important legal document so be thorough and proceed accordingly.

### **WORKERS COMPENSATION FORM**

A workers compensation claim form must be filled out by the employee and Human Resources. The employee is required to sign and date the form. A copy is given to the employee; the original must be turned into the Human Resource Department promptly. Once again this is an important legal document should any claims arise as a result of the accident.

### **SERIOUS ACCIDENTS**

In the event of a serious accident requiring 911 emergency services, contact the Human Resource Director, secure the accident scene and don’t discuss the accident with the press or any unauthorized people.

## **HAZARD COMMUNICATION PROGRAM**

### **City Policy**

To protect the health and safety of our employees, the City of Homer has developed this Hazard Communication Program.

- As a City we intend to provide information about hazardous materials and substances used in our facilities through a comprehensive hazard communication program.
- This written Hazard Communication Program applies to all operations which may expose employees to hazardous materials and substances in the course of normal work conditions or as the result of a reasonably foreseeable emergency.
- This written Hazard Communication Program is available, upon request, to employees and representatives of OSHA, or other regulatory agencies.
- Unless notified otherwise, the individual Department Heads are designated as the person responsible for implementing this written program.

### **Identification of Hazardous Chemicals used in the Workplace**

- “Hazardous substances” are materials or chemicals which pose physical or health hazards.
- “Exposure” is any situation arising from work conditions where an employee MAY ingest, inhale, absorb or otherwise come in contact with a hazardous material or substance.
- Each supervisor shall maintain at the work place a list (or compilation of SDS) of all of the hazardous materials

or substances to which employees may be exposed. The list must be physically at the work place.

- A master list of all hazardous materials and substances at the work place, as well as a complete set of SDS's, shall be maintained at each Departments main office. It is the responsibility of the supervisors to provide the office with any changes and deletions of materials and/or substances which occur.

## Labels

1. When hazardous materials or substances are received, the recipient shall examine the shipment containers to determine if the labels provide the following information:
  - (a) The identity of the hazardous materials or substances they contain; and
  - (b) Appropriate warnings of the physical and health hazards associated with those materials or substances.
2. When hazardous materials or substances are transferred into portable containers, the "transferor" shall ensure that the portable containers are labeled with the following information:
  - (a) The identity of the hazardous materials or substances they contain
3. Each supervisor shall ensure that the labels on containers of hazardous materials or substances are not removed or defaced, unless the containers are immediately relabeled with the following information:
  - (a) The identity of the hazardous substances they contain, and;
  - (b) Appropriate warnings of the physical and health hazards associated with those substances.
4. Containers without complete labels or with defaced labels will not be used unless relabeled.

## Safety Data Sheets

1. Safety Data Sheets (SDS's) are documents which supply information about a particular hazardous material or substance. Manufacturers are required to provide SDS's when the hazardous material or substance is sold to distributors or purchasers.
2. The supervisors will be responsible for obtaining the master sets of SDS's for their work place and other information on all hazardous material or substance used.
3. Each department shall maintain at each location a completed SDS for each hazardous material or substance used or a statement from the manufacturer that the material or substance is not hazardous. These can be found in the department's main office. It may be necessary for the supervisors to obtain the SDS from the manufacturer or seller of the hazardous material or substance. A hazardous material or substance shall not be used when an SDS for the material or substance is not "in hand", unless there is a statement from the manufacturer that the material or substance is not hazardous.
4. The supervisors shall provide a SDS to an employee, upon request, during his/her work shift. A SDS shall also be available, upon request, to an employee's designated representative, physician and to a representative of OSHA, or other regulatory agency.
5. The supervisor shall be alert to other employers whose work may expose other employees to additional hazardous materials or substances.
6. When it appears exposure will occur, SDS's for the material or substance must be obtained and employees



must be trained as required.

## **Information and Training**

1. When employees are exposed, or could be exposed, to hazardous materials or substances in their work area, they shall be provided information and training by their supervisors based on the data contained in the SDS's for those hazardous chemicals.
2. Training shall be provided before employees are assigned duties which may cause exposure to hazardous materials and/or substances. Training shall also be given when new hazardous materials or substances are introduced into the work area or when an SDS is changed.
3. Information and training may be conducted and documented as a safety meeting, and shall provide at least the following:
  - Content of the Hazard Communication Standard, 29 CFR 1926.59.
  - Identification of the hazardous materials or substances to which employees are exposed.
  - The availability and location of the written Hazard Communication Program and MSDS's.
  - The methods and observations that can be used to detect the presence of a hazardous material or substance in the workplace (training, odor, visual appearance or monitoring).
  - Any physical or health hazards associated with the use of a hazardous material or substance being used in the work area.
  - Proper precautions for handling, including specific procedures that the City has implemented to protect workers from exposure such as personal protective equipment, work practices and emergency procedures.
  - Details of the Hazard Communication Program, including how to read an SDS and labeling system.
  - Emergency procedures for spills, fires, disposal and first aid. (i) The right of employees, their physicians or OSHA to receive information on hazardous materials or substances to which they may be exposed.
  - Hazard Communication training.

It is critically important that employees understand the training. If you have any additional questions, contact your supervisors.

## **Non-Routine Task Training**

When employees are assigned to a non-routine task that may expose them to a hazardous material or substance for which they have not been trained, they shall be trained before beginning the task.

## **Access to Information by other Employees**

When employees of other employers may be exposed to hazardous materials or substances while working on City of Homer projects, the City will provide the employer with a list of the hazardous materials or substances currently being used. The City supervisor shall also give the employer access to our collection of City SDS's as well as suggestions for appropriate protective measures needed for exposure to such materials or substances. Names and addresses of suppliers or manufacturers of the hazardous materials or substances we use shall also be provided so that the employer may obtain SDS's and other information.

When another employer uses hazardous materials or substances while working on one of our projects, that employer shall provide the City of Homer, with a copy of the SDS's for those materials and substances, as needed.



## NOTE TO EMPLOYEES

The City of Homer is asking you to sign the following statement as a condition of your employment with the City of Homer. It is not to deny you any benefits or compensation due you should you become involved in a work incurred injury, rather it is our sincere hope that by requesting each employee to comply with these safety standards we will provide you with a safe place to work. Be sure that you understand the following paragraphs before you sign this letter. See your supervisor if you have any questions.

In the event I am injured while in the course of my work, I will report the injury to my supervisor immediately, before reporting to a doctor or medical facility for medical attention. I also agree to obtain First Aid for every injury, no matter how slight.

I have received and read a copy of the City of Homer Safety Policy; Injury and Illness Prevention Program and Code of Safe Practices.

I understand the company's safety policies and procedures as well as the disciplinary actions that will be taken if I do not comply with these safety standards.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Employee's Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
Month Day Year

\_\_\_\_\_  
Verified By





# Safety Policy

## SUBCONTRACTOR INFORMATION

The City is serious about safety in all ways. The success of our subcontractors is a prime concern of the City and project Safety plays a major role. The City would like to ask that all of our subcontractors take a strong position in creating a lasting Safety culture while working on any City projects.

***Subcontractor Responsibilities Include:***

- All subcontractors shall designate a safety representative in writing and maintain a written injury and illness prevention program which identifies their organization's safety policies.
- If subcontractors are not required to have a written safety plan by AKOSHA then the subcontractor will be required to adopt the City's safety policies for the duration of the project.
- Attend a pre-job safety meeting with the City Project Manager and all other subcontractors.
- Notify the City of Homer immediately of serious accidents, regulatory agency inspections or other emergencies.
- Provide, to the City of Homer, copies of accident reports and regulatory agency citations.
- Provide to the City of Homer, certificates of insurance that have the City shown as additionally insured.
- Enforce all regulatory safe work practices and conditions for which responsible including all of your subcontractors.
- Conduct safety meetings, for respective employees, at least every ten working days.

Suggestions are always welcome by the City of Homer. Safety is everyone's responsibility and requires the full cooperation of all employees, as well as management. State law requires every employer to take affirmative disciplinary action against every safety violator.

Therefore, a City-wide policy has been adopted to take affirmative types of disciplinary action against any worker who knowingly or willingly violates any established safe work practice.

Employees must assume responsibility for assuring that their work activity is performed in a safe manner and that it complies with the company's code of safe practices. Employees should keep a copy of this program readily available during working hours.

***Recordkeeping:***

Records will be up to date and filed in compliance with local, state and federal government regulations. Records include: accident investigations, accident analyses, inspections, action on recommendations, medical examinations, training activities, previous and current employees' exposures to hazardous substances, customer complaints, quality control inspections and safety committee materials.

**NOTE TO SUBCONTRACTORS**

The City is asking you to sign the following statement as an acknowledgement of your orientation to the City safety program. We require this, as it is our sincere hope that by requesting each tradesperson on our projects to comply with these safety standards we will provide you with a safe place to work. Be sure that you understand the following paragraphs before you sign this letter. See your supervisor or a City Supervisor if you have any questions.

In the event I am injured while in the course of my work, I will report the injury to my supervisor at once before reporting to a doctor or medical facility for medical attention. I also agree to obtain First Aid for every injury, no matter how slight and to treat in an appropriate Medical Provider Network.

I have received and read a copy of I have received and read a copy of the City of Homer Safety Policy; Injury and Illness Prevention Program, and Code of Safe Practices.

It has been made very clear that I am required to wear a hard hat, long pants, work boots, a sleeved shirt (4" minimum sleeve), and safety glasses at all times while on the project site. I will also wear safety hearing protection where there is exposure to loud noise. I agree to wear the above listed personal protective equipment (PPE) and any other PPE required

I understand the City's safety policies and procedures as well as the disciplinary actions that will be taken if I do not comply with these safety standards.

---

Print Name

---

Employee's Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_

Month Day Year

---

Verified By



**CITY OF HOMER  
HOMER, ALASKA**

Aderhold

**RESOLUTION 16-057**

A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING AN  
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE.

WHEREAS, It is the responsibility of the City of Homer to make reasonable accommodations in its services, activities, programs or benefits so they are accessible to people with disabilities; and

WHEREAS, In accordance with Title II of the Americans with Disabilities Act of 1990 (ADA) local governments with 50 or more employees are required to adopt and publish procedures for resolving grievances arising under Title II of the ADA; and

WHEREAS, Grievance procedures set out a system for resolving complaints of disability discrimination in a prompt and fair manner; and

WHEREAS, The ADA Compliance Committee has reviewed the grievance policy to ensure it includes-

- How and where a complaint under Title II may be filed with the City of Homer;
- A statement notifying potential complainants that alternative means of filing will be available to people who require such an alternative;
- A description of time frames and processes to be followed by the complainant and the City of Homer;
- Information on how to appeal an adverse decision;
- A statement of how long complaint files will be retained.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council adopts the City of Homer ADA Grievance Procedure.

PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

45 ATTEST:

46

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49 \_\_\_\_\_  
MELISSA JACOBSEN, CMC, ACTING CITY CLERK

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51 Fiscal Note: N/A





# City of Homer Grievance Procedure Under The Americans with Disabilities Act

This grievance procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 (ADA). It may be used by anyone who wishes to file a complaint alleging violation on the basis of disability in the provision of services, activities, programs or benefits by the City of Homer. The City's Personnel Policy governs employment-related complaints of violation.

The complaint should be in writing and contain information about the alleged violation such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.

The following timeline is established in accordance with Chapter 2 ADA Coordinator, Notice & Grievance Procedure: Administrative Requirements under Title II of the ADA. It is the goal of the City of Homer to discuss and resolve grievances as quickly as possible.

1. The complaint should be submitted by the grievant and/or their designee as soon as possible but no later than 60 calendar days after the alleged violation to:

Melissa Jacobsen,  
ADA Coordinator and Deputy City Clerk  
City of Homer  
491 E. Pioneer Avenue, Homer, AK, 99603

2. The ADA Coordinator or designee will meet with the complainant within 15 calendar days after the receipt of the complaint to discuss the non-compliance and possible resolutions.
3. The ADA Coordinator or designee will respond in writing, and where appropriate, in a format accessible to the complainant, within 15 calendar days. The response will explain the position of the City of Homer and offer options for substantive resolution of the complaint.
4. If the response of the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant and/or their designee may appeal the decision to the City Manager or designee within 15 calendar days after the receipt of the response.

5. The City Manager or designee will meet with the complainant within 15 calendar days of receipt of the appeal to discuss the complaint and resolution.
6. The City Manager or designee will respond in writing, and where appropriate, in a format accessible to the complainant, within 15 calendar days with a final resolution of the complaint.

All written complaints received by the ADA Coordinator or designee, appeals to the City Manager or designee, and responses from these two offices will be retained by the City of Homer for at least three years.

You are under no obligation to use the City of Homer Grievance Procedure before filing a formal complaint with the State Commission on Human Rights, the Department of Justice, or the Equal Employment Opportunity Commission (EEOC). The City of Homer ADA Grievance Procedure is an informal process designed solely for the purpose of promptly and fairly resolving an ADA complaint with the city. You have 180 days to file a complaint with the Department of Justice or EEOC, and 300 days to file with the Alaska Human Rights Commission (AHRC).



# ADA Grievance Form

**Instructions: Please complete and sign the form and submit it within 60 days of any violation to:**

**Melissa Jacobsen**  
**ADA Coordinator and Deputy City Clerk**  
**City of Homer**  
**491 E. Pioneer Avenue**  
**Homer, AK 99603**  
**907-435-3107**  
[mjacobsen@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us)

**1. Type of Grievance (check all that apply):**

- Accommodation Request
- Program/Service
- Facility Accessibility
- Other: \_\_\_\_\_

**2. Reporting Individual:**

Full Name:	
Address:	
City, State, Zip Code:	
Phone	Alternate Phone:
Email:	

**3. Authorized Representative of Reporting Individual (if any):**

Full Name:	
Address:	
City, State, Zip Code:	
Phone	Alternate Phone:
Email:	

**DETAILS OF VIOLATION**

**4. Date/Time of Incident:** \_\_\_\_\_

**5. Department/Facility/Location Involved:**

**6. Describe the violation. You may add an additional page if necessary.**

**7. Have attempts been made to resolve the violation through a City Department? If yes, please describe the efforts that have been made.**

**8. What do you recommend as a solution?**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Attach additional pages as necessary. If you need assistance, require an accessible format, or have questions about this form please contact the City of Homer ADA Coordinator at: [mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us) or (907)435-3107

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

3 Aderhold

4 **RESOLUTION 16-058**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AUTHORIZING PARTICIPATION IN THE ALASKA STATEWIDE  
8 TRANSPORTATION ALTERNATIVES PROGRAM.  
9

10 WHEREAS, The City of Homer's Non-Motorized Transportation and Trail Plan  
11 prioritizes establishing safe, alternative routes for children in Homer to walk or ride their  
12 bikes to school; and  
13

14 WHEREAS, The Soundview Avenue Pedestrian Access and Safety Improvements  
15 project proposed by Homer's Parks and Recreation Advisory Commission and approved by  
16 the Homer City Council would provide pedestrian/bike safety improvements for the safe  
17 passage of children to West Homer Elementary School; and  
18

19 WHEREAS, The Alaska Department of Transportation & Public Facilities has issued a  
20 call for projects under their Alaska Statewide Transportation Alternatives Program (ATAP)  
21 that makes subsidy funds available for this type of project; and  
22

23 WHEREAS, ATAP funds provide for improved, safe and equitable access to essential  
24 services, thereby allowing the project scope to extend the sidewalk all the way to West Homer  
25 Elementary School; and  
26

27 WHEREAS, The City Council approved funds for this project in the 2016 budget that are  
28 available for City matching funds for the ATAP grant; and  
29

30 WHEREAS, The Soundview Avenue Pedestrian Access and Safety Improvements  
31 project is currently in the design phase and would meet an additional ATAP eligibility  
32 requirement of being shovel ready.  
33

34 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes  
35 the participation in the Alaska Statewide Transportation Alternative Program and authorizes  
36 the City Manager to apply for ATAP grant funds to help accomplish Soundview Avenue  
37 pedestrian access and safety improvements, including the extension of the sidewalk to West  
38 Homer Elementary School with a 30% match.  
39

40 BE IT FURTHER RESOLVED that the City Manager is also authorized to negotiate and

41 execute any and all documents required for granting and managing funds on behalf of the  
42 City of Homer.

43

44 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

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CITY OF HOMER

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\_\_\_\_\_  
MARY E. WYTHE, MAYOR

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52 ATTEST:

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\_\_\_\_\_  
MELISSA JACOBSEN, CMC  
ACTING CITY CLERK

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Fiscal Note: N/A

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

3 City Manager/  
4 Port and Harbor Director

5 **RESOLUTION 16-059**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 APPROVING A COOPERATIVE AGREEMENT BETWEEN THE ALASKA  
9 DEPARTMENT OF FISH AND GAME, DIVISION OF SPORT FISH, AND  
10 THE CITY OF HOMER, REGARDING THE FISH CLEANING TABLE  
11 RENOVATION PROJECT AT THE NICK DUDIAK FISHING LAGOON.  
12

13 WHEREAS, The Alaska Department of Fish and Game (ADF&G), Division of Sport Fish,  
14 has funding to renovate/improve the recreational Nick Dudiak Fishing Lagoon, fish cleaning  
15 table facility, located on the Homer Spit; and  
16

17 WHEREAS, ADF&G has approached the City and proposes to use funds to improve the  
18 fish cleaning table facility; and  
19

20 WHEREAS, The Cooperative Agreement establishes the respective roles and  
21 responsibilities of the parties and it provides that the State will secure the funding for the  
22 project if the City agrees to take responsibility for construction management, maintenance,  
23 and operation; and  
24

25 WHEREAS, The Port and Harbor Advisory Commission were notified of the renovation  
26 project; and  
27

28 WHEREAS, The Agreement has been reviewed by the City Administration and it  
29 recommends approval.  
30

31 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the  
32 Cooperative Agreement between the Alaska Department of Fish and Game, Division of Sport  
33 Fish, and the City of Homer, regarding the fish cleaning table renovation project at the Nick  
34 Dudiak Fishing Lagoon.  
35

36 BE IT FURTHER RESOLVED that the City Manager is authorized to execute all  
37 appropriate documents and carry out the responsibilities of the City contained in the  
38 Agreement.

39

40 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

41

42

CITY OF HOMER

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\_\_\_\_\_  
MARY E. WYTHE, MAYOR

46 ATTEST:

47

48

\_\_\_\_\_  
MELISSA JACOBSEN, CMC

50 ACTING CITY CLERK

51

52 Fiscal Note: Staff Time / public scoping and construction management.





# City of Homer

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

Port and Harbor

4311 Freight Dock Road  
Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 16-086

TO: MAYOR BETH WYTHER & HOMER CITY COUNCIL  
CC: KATIE KOESTER, CITY MANAGER  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: MAY 17, 2016  
SUBJECT: NICK DUDIACK FISHING LAGOON CLEANING TABLE IMPROVEMENTS

---

The City of Homer owns and maintains three fish cleaning stations at the harbor, one of which is located and the Nick Dudiak Fishing Lagoon. The other stations located at Ramps 4 and 6 are roofed over and screened facilities. This improvement was made as a way to restrict the birds from accessing the fish scraps that attract them to the tables, and then leaving unsanitary deposits on the fish cleaning tables. The fish cleaning table at the fishing lagoon is not covered, attracting birds to the area where the fry are being penned. Not only is this table unscreened and exposed to the unsanitary bird droppings, but it also raises the level of predation on the fry.

Attached is a cooperative agreement between ADF&G and the City of Homer, who are contributing \$60,000.00 for the purpose of making improvements to the fish cleaning table at the Nick Dudiak Fishing Lagoon facility. Port and Harbor staff will be working with a local contractor to design and construct an enclosure around the fish cleaning tables and carcass trailer, increase the cleaning table capacity, and potentially re-work the slab drainage away from the lagoon. Our plan is to begin the design work promptly after September 5, 2016, Labor Day, with a goal of project completion by October 15, 2016.

### **Recommendation:**

Approve the agreement in Resolution 16-059 authorizing the City Manager to sign Cooperative Agreement #CT160001777 with the Alaska Department of Fish and Game accepting \$60,000.00 in funding for the purpose of renovating the fish cleaning table at the Nick Dudiak Fishing Lagoon facility.

Attached: Cooperative Agreement #CT160001777 between ADF&G Division of Sport Fisheries & the City of Homer for the Nick Dudiak Fishing Lagoon Fish Cleaning Table Renovation Project





Alaska Department of Fish and Game  
Division of Administrative Services  
P.O. Box 115526  
Juneau, AK 99811-5526

Cooperative Agreement Number CT 160001777  
Title: City of Homer Nick Dudiak Fishing Lagoon,  
Fish Cleaning Table Renovation Project

Between:

Alaska Department of Fish and Game  
Division of Sport Fisheries

And

The City of Homer

**I. AUTHORITY:**

This agreement is entered into by and between the Alaska Department of Fish and Game, Division of Sport Fish (hereinafter referred to as the "ADF&G" or the "Department") and the City of Homer, (hereinafter referred to as the CITY).

ADF&G enters into this agreement under authority AS 36.30.850(c), and AS 16.05.050 (12).

**II. PURPOSE OF THE AGREEMENT:**

The purpose of this agreement is to renovate/improve the recreational Homer Nick Dudiak fishing lagoon, fish cleaning table facility, located on the Homer spit. ADF&G will contribute funding for the renovation of the recreational facility. The CITY will operate and maintain this sport fishing activity support facility.

**III. TERM OF THE AGREEMENT:**

This agreement begins upon final signature, and will terminate June 30, 2026.

**IV. COVENANTS OF THE CITY OF HOMER:**

1. The CITY agrees to oversee the construction of and or to construct improvements to the existing fish cleaning facility at Homer's Nick Dudiak Fishing Lagoon.
2. The CITY agrees to keep the fish cleaning facility in good clean operating condition and perform maintenance on an as needed basis.
3. The CITY will not charge any user fees for use of this facility.
4. The CITY shall complete the construction of the fish cleaning facility funded by this agreement prior to October 15, 2016.

**V. COVENANTS OF ADF&G:**

1. ADF&G will contribute funds in the amount not to exceed \$60,000.00 for the construction of the improvements to the Nick Dudiak Fish Cleaning station.

**VI. PROJECT DIRECTORS:**

**For the CITY:**

Bryan Hawkins, Harbor Master  
Harbormaster Office  
4311 Freight Dock Road  
Homer, AK 99603  
(907) 235-3160

**For the ADF&G:**

Richard A. Price, Access Program Manager  
1800 Glenn Hwy., Suite #2  
Palmer, AK 99645  
(907) 746-6337

**VII. GENERAL PROVISIONS:**

1. Nothing in this agreement shall obligate any party in the expenditure of funds, or for future payments of money, in excess of appropriations authorized by law.
2. Each party agrees that it will be responsible for its own acts and omissions including those of its officers, agents, and employees for damages to property or injury to persons occasioned by each party's own acts or omissions in connection with the terms of this agreement.
3. Both parties agree to comply with all applicable federal or State laws regulating ethical conduct of public officers and employees.
4. Each party will comply with all applicable laws, regulations, and executive orders relative to Equal Employment Opportunity.
5. Nothing herein is intended to conflict with federal, state, or local laws or regulations. If there are conflicts, this agreement will be amended at the first opportunity to bring it into conformance with conflicting laws or regulations.
6. Policy and position announcements relating specifically to this cooperative program may be made only by mutual consent of the agencies.
7. The effective date of this agreement shall be upon final signature.
8. The termination date of this agreement is the useful life of the facility (10-years); therefore this agreement shall expire on June 30, 2026. However, either party may terminate its participation in this agreement by providing to the other party notice in writing 30 days in advance of the date on which its termination becomes effective.
9. A free exchange of research and assessment data among agencies is encouraged and is necessary to insure the success of these cooperative studies.
10. The CITY and any agents or employees act in an independent capacity and not as officers, employees, or agents of the State in performance under this agreement.
11. This agreement may be amended by mutual written consent of the parties.
12. This agreement is complete and has no other encumbrances, addenda, attachments, or amendments with the following exceptions:

Attachment A: Homer Boat Harbor and project location

**VIII. FINANCIAL CONSIDERATIONS:**

The total amount of this contract shall not exceed \$60,000.00. ADF&G will contribute funds for the construction of improvements to the Nick Dudiak Fishing Lagoon fish cleaning station. Submitted invoices shall detail financial information for the completed portion of the project, and adequately document the expenses incurred.

Reimbursement will be made within 30 days of receipt and approval, by ADF&G, of request for reimbursement.

I. APPROVING SIGNATURES

IN WITNESS WHEREOF, the parties hereto have caused this Cooperative Agreement to be executed as of the date of last signature below.

**CITY OF HOMER**

---

Katie Koester  
City Manager

---

Date

**ALASKA DEPARTMENT OF FISH AND GAME**

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Thomas Brookover  
Director  
Division of Sport Fisheries

---

Date

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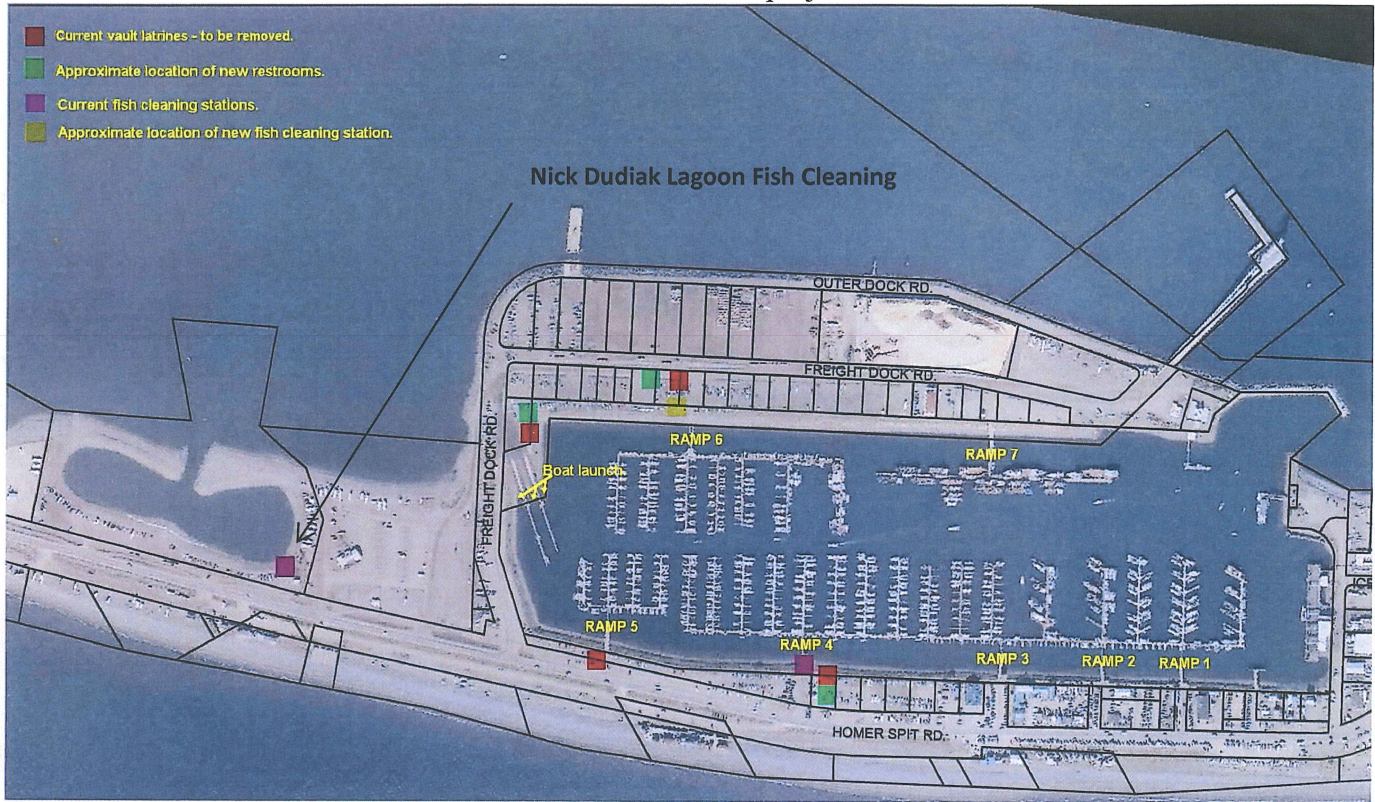
Sunny Haight  
Director  
Division of Administrative Services

---

Date



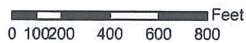
### Attachment A: Homer Boat Harbor and project location



## Homer Spit

Parcel Lines are not exact. Use with Care.  
Aerial image taken August 10th, 2003 c. Aeromap

11/13/03 City of Homer P&Z



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

3 City Manager/  
4 Finance Director

5 **RESOLUTION 16-060**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL ELECTING TO  
8 PARTICIPATE IN THE AMLJIA LOSS CONTROL INCENTIVE  
9 PROGRAM FOR THE CITY OF HOMER FOR THE 2015-2016 POLICY  
10 YEAR.

11  
12 WHEREAS, The City of Homer is a member of the Alaska Municipal League Joint  
13 Insurance Association (hereinafter “AMLJIA”); and

14  
15 WHEREAS, The AMLJIA provides comprehensive risk management assistance and  
16 provides workers’ compensation, liability and property coverage for the City of Homer; and

17  
18 WHEREAS, The AMLJIA developed the Loss Control Incentive Program to help reduce  
19 member losses individually and pool wide; and

20  
21 WHEREAS, The AMLJIA provides all written program materials necessary, and offers  
22 assistance to participants; and

23  
24 WHEREAS, Pool members that participate in the Loss Control Incentive Program and  
25 complete the required activities, will have the opportunity to earn a discount on their  
26 contribution; and

27  
28 WHEREAS, It is the City of Homer’s policy to provide a safe environment for its students,  
29 employees, citizens, and the visiting public; and

30  
31 WHEREAS, The Loss Control Incentive Program will enhance such an environment.

32  
33 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council electing to participate in  
34 the AMLJIA Loss Control Incentive Program for the 2015-2016 policy year.

35  
36 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23<sup>rd</sup> day of May, 2016.

37  
38 CITY OF HOMER

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42 MARY E. WYTHE, MAYOR

43 ATTEST:

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47 MELISSA JACOBSEN, CMC

48 ACTING CITY CLERK

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50 Fiscal Note: Up to \$22,000 estimated in savings distributed to all accounts.



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

3 City Manager

4 **RESOLUTION 16-062**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING A 2016 MILL RATE OF 9.962541 MILLS FOR THE  
8 OCEAN DRIVE LOOP SPECIAL SERVICE DISTRICT.  
9

10 WHEREAS, The City of Homer may by ordinance, establish, alter, and abolish  
11 differential tax zones to provide and levy property taxes for services not provided generally in  
12 the City, or a differential levy than that generally provided in the City; and  
13

14 WHEREAS, The City Council adopted Ordinance 11-49(S) to create the Ocean Drive  
15 Loop Special Service District to provide special services to the properties along the seawall to  
16 include operation, maintenance, repair, reconstruction, improvement, insurance,  
17 administration and other related activities conducted in the course of making and keeping  
18 the seawall operational for its intended erosion control purpose; and  
19

20 WHEREAS, The District is funded by a property tax levied on the properties in the  
21 Special Service District; and  
22

23 WHEREAS, HCC 15.10.020 provides that “The City Council shall annually set the mill  
24 levy pursuant to Section 9.04.040”; and  
25

26 WHEREAS, HCC 9.04.040 states that the City Council must establish a mill rate no later  
27 than June 15 of each year; and  
28

29 WHEREAS, The mill rate established herein is in addition to the general real property  
30 tax mill rate.  
31

32 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes a  
33 2016 mill rate of 9.962541 mills for the Ocean Drive Loop Special Service District and  
34 authorizes the City Manager to so inform the Kenai Peninsula Borough.  
35

36 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.  
37

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CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, CMC  
ACTING CITY CLERK

Fiscal Note: Revenue \$25,000, Acct. 808-375-4518

# VISITORS



**South Peninsula Hospital, Inc.  
Presentation to the City of Homer  
May 23, 2016**



**New or Expanded Services & Providers**

- **Functional Medicine:  
Rob Downey, MD**
- **Katie Ostrom, OB/GYN**
- **Neurology**
- **Podiatry**
- **Ear Nose & Throat**
- **Pacemaker**



**Rob Downey, MD**



**New Services**

## New or Expanded Services & Providers

- **Electronic-ICU** →
- **Dr. Edson Knapp,**  
**Interventional Radiology**
- **New family practice**
- **Addiction Medicine Clinic**
- **Behavioral Health**



New Services

## More News

- **3-D Mammography**
- **Smart Pumps**
- **Medications**
- **Weekend Physical Therapy**
- **Improved TV stations**



Community Benefit

# Thank You Dr. Sayer!



## New or Expanded Systems

- Commitment to Values
- CBA Finalized
- Integrating Electronic Health Records
- Patient Centered Care and Quality Committee
- Wellness Program

### OUR VALUES IN ACTION

At South Peninsula Hospital, we strive every day to live out our organizational values. Here is our promise to you about what you can expect from our care.

<p><b>COMPASSION</b> We provide compassionate patient and resident centered quality care, and a safe and caring environment for all individuals.</p> <p><b>WE PROMISE TO:</b></p> <ul style="list-style-type: none"> <li>• Place patient and resident needs first.</li> <li>• Be cost and price driven.</li> <li>• Be willing to help all individuals.</li> <li>• Take time for you.</li> <li>• Show empathy.</li> <li>• Believe in a caring manner.</li> </ul>	<p><b>RESPECT</b> We show respect for the dignity, beliefs, perceptions and abilities of everyone.</p> <p><b>WE PROMISE TO:</b></p> <ul style="list-style-type: none"> <li>• Respect diversity and individual beliefs.</li> <li>• Be kind and polite.</li> <li>• Be considerate of your needs.</li> <li>• Value and appreciate.</li> <li>• Treat others as you would be treated.</li> <li>• Respect privacy and confidentiality.</li> </ul>	<p><b>TRUST</b> We are open, honest, fair and trustworthy.</p> <p><b>WE PROMISE TO:</b></p> <ul style="list-style-type: none"> <li>• Build trust with what we say and do.</li> <li>• Communicate in an open and timely manner.</li> <li>• Careen to what you say and ensure that we understand.</li> <li>• Be fair and consistent in the actions we take.</li> <li>• Follow up and provide feedback.</li> <li>• Act with integrity.</li> <li>• Responsibly report risks, hazards and errors.</li> <li>• Apologize and admit when we are wrong.</li> </ul>
<p><b>TEAMWORK</b> We work together as a dynamic, collaborative team embracing change and speaking as one.</p> <p><b>WE PROMISE TO:</b></p> <ul style="list-style-type: none"> <li>• Embrace change and engage in process improvement.</li> <li>• Adapt to changing circumstances.</li> <li>• Actively seek input as teamwork and seek out ways to help the work.</li> <li>• Support the team's decisions.</li> <li>• Recognize and acknowledge contributions and achievements.</li> <li>• Listen and accept constructive feedback.</li> </ul>	<p><b>COMMITMENT</b> We are responsible and accountable for supporting the vision, mission, values, strategies and processes of our organization.</p> <p><b>WE PROMISE TO:</b></p> <ul style="list-style-type: none"> <li>• Invest our organization's best interests with a passion and dedication.</li> <li>• Embrace responsible behaviors.</li> <li>• Be respectful and accountable.</li> <li>• Hold others accountable in a fair and consistent manner.</li> <li>• Adhere to the organization's policies and best practices.</li> <li>• Honor and accomplish our work with a sense of urgency.</li> <li>• Be good stewards of resources.</li> </ul>	<p style="font-size: small;">South Peninsula Hospital</p>



New Services

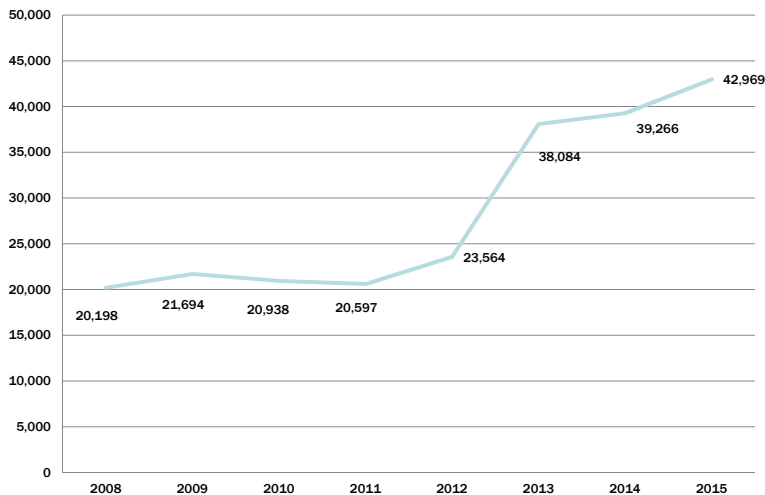
## Community Benefit

- Educational programs
- Charity Care
- Home Health
- SART/SANE
- Health Promotions
- School programs
- Trauma Level IV
- MAPP of SKP



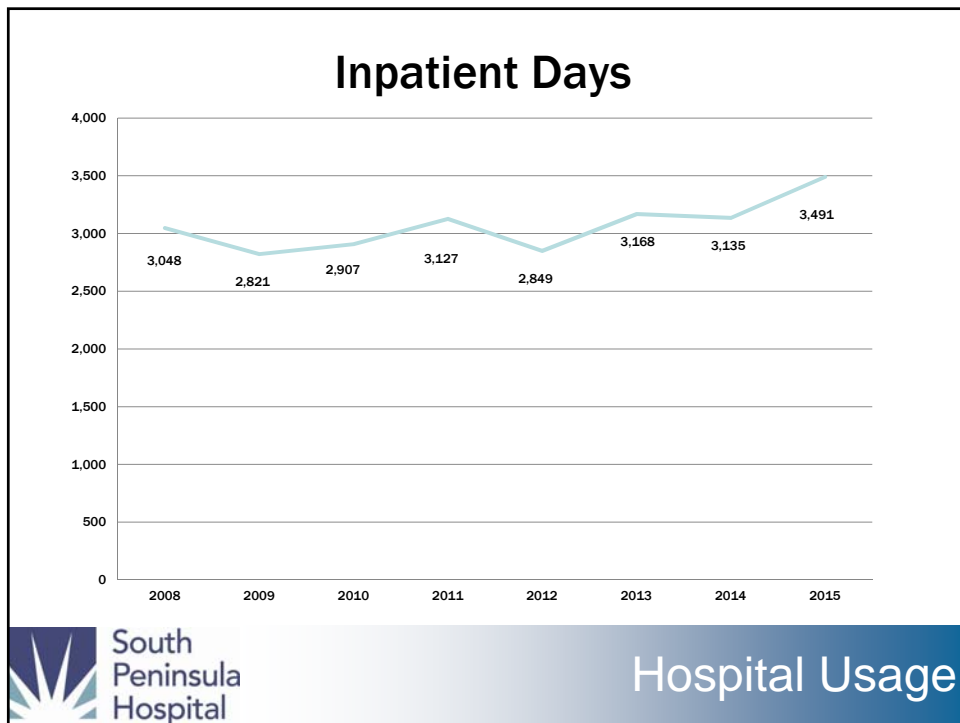
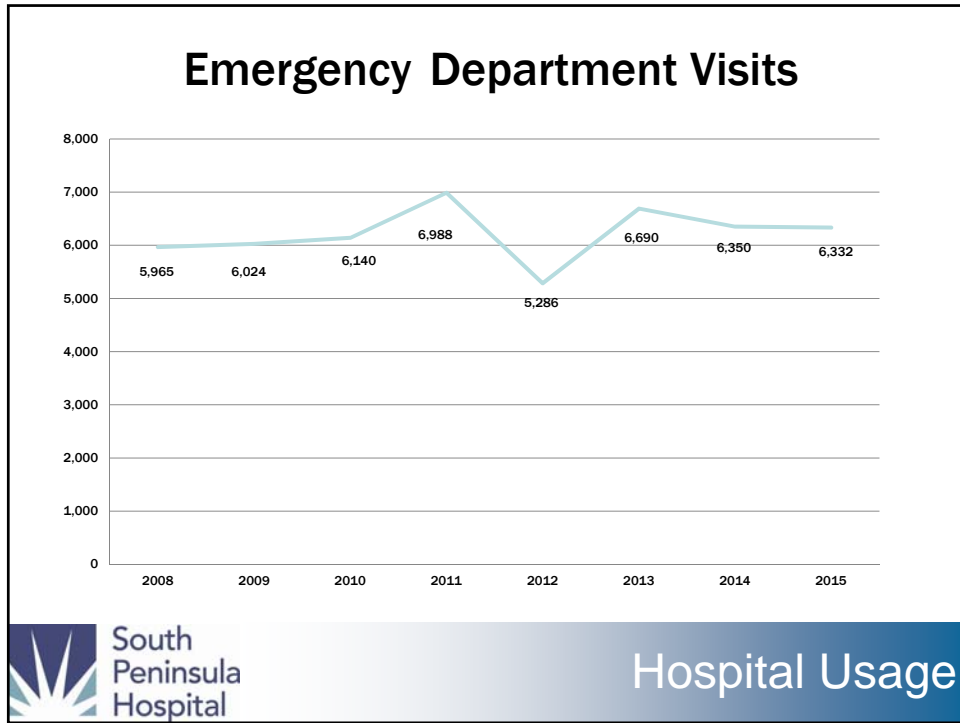
Community Benefit

## Outpatient Ancillary Visits



Hospital Usage





## FY 2016 - Financial Snapshot

<b>Net Operating Revenue *</b>	<b>\$ 46,052,300</b>
<b>Operating Expenses</b>	<b>\$ 47,458,386</b>
<b>Loss from Operations</b>	<b>( \$1,406,086)</b>
<b>EBITDA</b>	<b>\$ 1,228,643</b>
<b>Non-operating revenue</b>	<b>\$ 3,183,322</b>
<b>Net Income</b>	<b>\$ 1,184,358</b>

\* After Medicare, Medicaid and charity discounts



South  
Peninsula  
Hospital

Financial Update

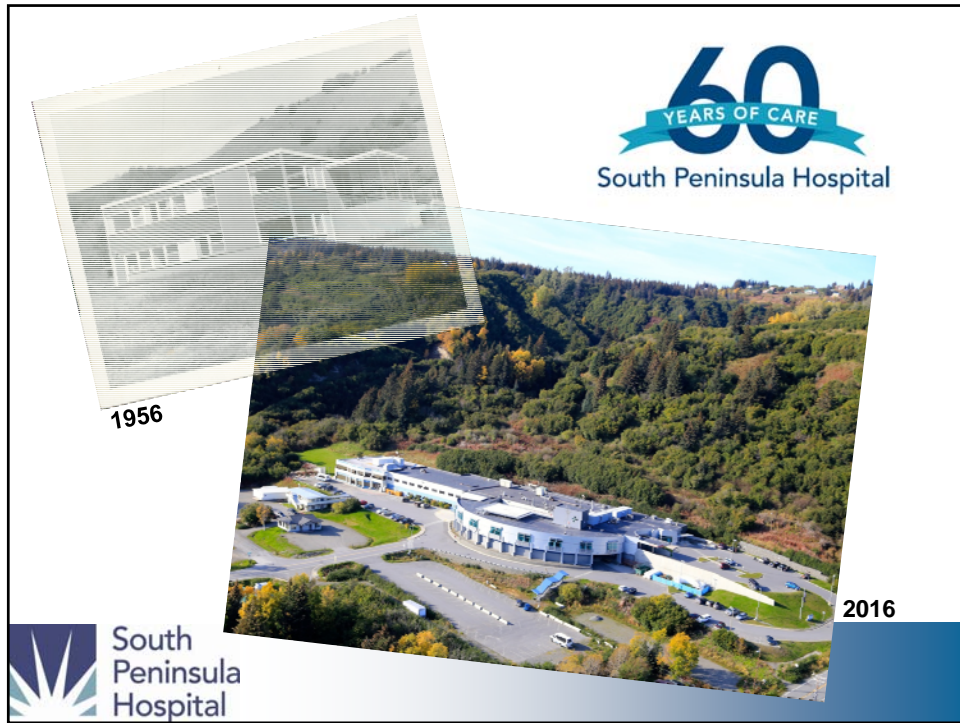
## Strategies

- Long Term Care
- Patient Centered Medical Home
- Responding to community’s changing needs
- KPB Task Force Recommendations
  - Maximize borough-wide efficiencies where possible
  - Regional clinical alignment



South  
Peninsula  
Hospital

Immediate Priorities







# Pioneer Ave.

Do you feel Homer's historic commercial neighborhood and cultural core, **Pioneer Avenue**, could use a little special attention?

We invite you to join our cross-sector collaboration of civic organizations, business, landowners and volunteers to revitalize Pioneer Avenue.

We'd like locals and visitors to discover, explore and frequent our historic downtown. Let's work together to leverage Homer's assets in the arts, recreation and agriculture, and strengthen the physical, social and economic fabric of Pioneer Avenue. Pioneer Avenue could benefit from cohesive elements to connect the historic buildings, new buildings, old buildings and open spaces.

## What are some Ideas?

- Participate in Clean Up, Clean-Out and Spruce Up Day (May 7) to refresh our community, with a special emphasis on Pioneer Avenue. Contact Homer Chamber of Commerce for more information.
- Create a cohesive, heightened "Peonies on Pioneer" brand identity for Pioneer Avenue which so far includes opportunities to
  - \* Participate in "Peonies on Pioneer," a Pioneer Avenue pilot mural project this June.
  - \* Plant peony beds on Pioneer Avenue
  - \* Support contiguous bike and walking trails and signage with this theme.
- Share your ideas!

## We'd love your participation!

Our monthly meeting is the last Wednesday of each month at 1 pm at the Chamber. Email Asia Freeman [asia@bunnellarts.org](mailto:asia@bunnellarts.org) or Karin Marks, [weskar70@gmail.com](mailto:weskar70@gmail.com)

## Join the Current Pioneer Ave Task Force Members

**Karin Marks**, Pioneer Avenue landowner  
& **Rita Jo Shultz**, Alaska Perfect Peony





ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS





CITY OF HOMER  
HOMER, ALASKA

**MAYOR'S PROCLAMATION**

MARY EPPERSON DAY  
JUNE 6, 2016

WHEREAS, The Homer City Council proclaimed June 6, 2010 as Mary Epperson Day and encouraged everyone to recognize June 6<sup>th</sup> as Mary Epperson Day; and

WHEREAS, Mary Epperson has contributed so much of her time and energy to the advancement of the arts in Homer that her name is synonymous with the arts; and

WHEREAS, She has played an integral part in helping to start, guide, and support local organizations, including the Homer Council on the Arts, Kenai Peninsula Orchestra, The Homer Foundation, and Kenai Peninsula College; and

WHEREAS, She has provided support and inspiration to other arts organizations, including Pier One Theatre, Inlet Winds, and Homer Youth String Orchestra Club, consistently supporting artists and their artistic endeavors; and

WHEREAS, By sharing her passion of the arts so generously, Mary is largely responsible for the vibrant Homer arts community; and

WHEREAS, She inspires us all to take on artistic challenges, give freely of ourselves, and to do so with a loving heart and a warm smile; and

NOW, THEREFORE, I, Beth Wythe, Mayor, do hereby proclaim the day of June 6, 2016 as;

***MARY EPPERSON DAY***

in the City of Homer, Alaska.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the official seal of the City of Homer, Alaska, on this 23<sup>rd</sup> day of May, 2016.

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHER, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK



Session 16-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Vice Chair Stroozas at 6:30 p.m. on May 4, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, BRADLEY, ERICKSON, HIGHLAND, STROOZAS, VENUTI

ABSENT: STEAD

STAFF: CITY PLANNER ABBOUD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Vice Chair Stroozas called for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Public Comment**

The public may speak to the Planning Commission regarding matters on the agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).

### **Reconsideration**

### **Adoption of Consent Agenda**

All items on the consent agenda are considered routine and non-controversial by the Planning Commission and are approved in one motion. There will be no separate discussion of these items unless requested by a Planning Commissioner or someone from the public, in which case the item will be moved to the regular agenda and considered in normal sequence.

- A. Approval of Minutes of March 16, 2016 Regular Meeting Minutes
- B. Time Extension: Foothills Sunset View Estate Add. No. 2

Vice Chair Stroozas called for a motion to adopt the consent agenda.

HIGHLAND/BOS SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

- A. Staff Report PL 16-20, City Planner's Report

City Planner Abboud reviewed the staff report.

Commissioner Bos agreed to attend the May 9<sup>th</sup> City Council meeting and Commissioner Stroozas agreed to attend on June 13<sup>th</sup>. Commission Bradley said she could attend on May 23<sup>rd</sup> if there is anything to report.

### **Public Hearings**

Testimony limited to 3 minutes per speaker. The Commission conducts Public Hearings by hearing a staff report, presentation by the applicant, hearing public testimony and then acting on the Public Hearing items. The Commission may question the public. Once the public hearing is closed the Commission cannot hear additional comments on the topic. The applicant is not held to the 3 minute time limit.

- A. Staff Report PL 16-21 CUP 16-02 at 3936 Svedlund Street for more than one building and a combined square footage of more than 8000 square feet

City Planner Abboud reviewed the staff report. He noted letter provided as a laydown item from neighboring property owner John Mitchell.

Barb Smith, applicant, said she is here to answer questions and she invited Troy Jones who will be doing the dirt work for the project to help with questions as well. Her husband couldn't be here tonight. Mrs. Smith explained the work they have done over the last three years has improved the area, having cleaned up and removed some of the cabins. The rest of the old cabins will go and be replaced with new code compliant structures, and there will be fewer buildings on the property than are there now. She pointed out they have areas designated on their drawings showing where the water will be directed to be absorbed. They are also considering installing a French drain on the uphill side to help improve drainage.

Vice Chair Stroozas opened the public hearing.

Michael McGuire, property owner adjacent to this project, commented the work the applicant has done has been great and he is generally supportive of the improvements they propose. He is concerned about the amount water catchment from the rooflines and how the water will be funneled on the property. While it doesn't trigger engineering, as a property owner below, it seems that most the water directed from the roof just sinks. The water catchment concerns him because it seems the water is hitting something and dropping on the properties below. He has talked to the applicant about the French drain that would move water to the east side. There seems to have been a rather large ditch on the north end of the property that turns into a semi shallow swale. He doesn't know what it's doing or where the drainage ends up, but it appears with the fill and lay of the land they are directing water off the property. He isn't comfortable with the water just sitting and leaching downhill eventually, especially with heavy rains and spring melt off. In the work he's doing with his dirt worker on his own property with vegetation and buffer trying to deal with all the water coming off

the hill and piping it someplace that makes sense to everyone is their main concern and focus. He thinks the property owner is willing to work with the neighbors; he would just suggest a little more engineering and water planning.

Maryann Lyda, city resident and neighboring property owner, said she hopes they aren't planning to put the back alleyway through. She doesn't need a speed zone going through there. The land over there by the trees fills up with water every spring and it only takes 2 or 3 days for the water to disappear. There's a lot of water that comes over that hill. ACS had water under their area two years ago and she's had water in her front yard going down that ditch nonstop. Her biggest concern is she doesn't want to see the alley go through.

There were no further public comments and the hearing was closed. Vice Chair Stroozas opened the floor to rebuttal and questions for staff and the applicant.

Troy Jones, president of East Road Services, responded to questions about the drainage and the alley. Mr. Jones said he is very familiar with the subject property and drainage is always a situation in Homer with the slope and water moving down the hill. There won't be any increase in the water on the property, the number of buildings and square footage of roof is decreasing. It is the best practice in the construction business and dirt work to make those settling ponds; it's the same thing that's at the college. Grass is planted in the pond and when water drains into it, it settles back into the soil. He doesn't know when the north ditch was put in, but it's been there quite a while. It's well rooted with alders and grass now, which slows down the movement of the water. He doesn't know if there is a city storm drain in the vicinity that the French drain could dump into, but that might help mitigate some of the water flow.

City Planner Abboud noted the catchment and storm drains on Pioneer aren't sized for anything other than runoff from Pioneer Avenue. The ditch there is a retention structure, and the end of the ditch could be plumbed up to hold a little more. There's no cut, fan, or push that is obvious so he thinks the water goes down and then disperses.

Mr. Jones said he thinks the plan for the alley is to leave it alone and sees no reason to open it up. It isn't creating any issues as its better not to disturb it.

HIGHLAND/ERICKSON MOVED TO APPROVE STAFF REPORT PL 16-21 AND CUP 16-02 AT 3936 SVEDLUND STREET FOR MORE THAN ONE BUILDING AND A COMBINED SQUARE FOOTAGE OF MORE THAN 8000 SQUARE FEET WITH STAFF RECOMMENDATIONS, CONDITIONS, AND FINDINGS.

Commissioner Highland referenced Mr. Mitchell's suggestions in his letter and asked if something should be included to strengthen the drainage requirements. City Planner Abboud said they could add language if they feel it's warranted and can state valid reasoning for it. Mr. Mitchell's recommendations are highly technical and he thinks they could design retention areas that won't require an engineer.

There was some brief discussion regarding the storm water plan. City Planner Abboud commented there is language in code that says you can't create ponding or offsite negligence, noting that

sometimes it's tough to prove as development happens in an area. He thinks what is being recommended is appropriate.

Commissioner Venuti asked Mr. McGuire about about the drainage work on his property and Mr. McGuire gave a brief explanation.

Deputy City Clerk Jacobsen reminded the commission that the public hearing was closed and the time for questioning the audience ended.

HIGHLAND/VENUTI MOVED TO ADD CONDITION 5 THAT THE SITE DRAINAGE BE DIRECTED TO RUN OFF TO THE AREAS DESIGNATED ON THE SITE PLAN ON PAGE 17 OF THE PACKET.

There was brief discussion.

VOTE (Amendment): YES: HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY, BOS

Motion carried.

Commissioner Venuti asked if they need to add a condition specific to Fire Marshall approval. City Planner Abboud said he will have to get something from the Fire Marshall before he can permit it, so it isn't necessary to add a condition.

VOTE (Main motion): YES: BOS, HIGHLAND, ERICKSON, VENUTI, STROOZAS, BRADLEY

Motion carried.

B. Staff Report PL 16-22 Pratt Museum Zoning Map Amendment

Commissioner Bradley stated she has a conflict of interest as an employee of the Pratt Museum.

HIGHLAND/BOS MOVED THAT COMMISSIONER BRADLEY HAS A CONFLICT OF INTEREST.

There was no discussion.

VOTE: YES: ERICKSON, STROOZAS, BOS, HIGHLAND, VENUTI

Commissioner Bradley left the table.

City Planner Abboud reviewed the staff report.

Bill Smith and Patrice Krant, members of the Pratt Museum Board addressed the Commission. Mr. Smith explained that Diane Converse, Museum Director, was ill and could not attend tonight. He explained the museum has been working on a plan to improve the facility for a number of years. They need to consolidate into one district before they can apply for their CUP. Mr. Smith spoke briefly of the stages of the development touching on some information specific to the site plan.

Ms. Krant thanked for the staff for their work and recommendations regarding the rezone. She emphasized the importance of the need of the new and more modern building for the purpose of handling and preserving their collections.

Vice Chair Stead opened the public hearing.

Ralph Broches, city resident and neighboring property owner, commented in support of the zoning changes. His only concern would be if it affected his properties zoning, but it does not appear to do that. He is in favor of the new building and agrees that zoning to Commercial Business District is the most appropriate.

Lou Stewart, city resident and neighboring property owner, has properties on the northern boundary. He commented in support of the zoning change to Central Business District for the museums property. He commented briefly about his concerns on the preliminary drawings relating to opening up a driveway onto Spruceview. On page 33 he noted Spruceview is the third street the north boundary and is the one that would impact his lots.

There were no further comments and the hearing was closed.

There was no rebuttal and no questions for staff. City Planner Abboud noted that a CUP will be forthcoming and that will be the time to address the site design.

BOS/HIGHLAND MOVED THAT THE PLANNING COMMISSION SUPPORTS AMENDING THE ZONING MAP TO CHANGE THE DESIGNATION OF THE SPLIT ZONED LOT AT 3779 BARTLETT STREET TO COMMERCIAL BUSINESS DISTRICT FOR THE ENTIRE LOT.

There was no discussion.

VOTE: YES: STROOZAS, VENUTI, HIGHLAND, BOS, ERICKSON

Motion carried.

Commissioner Bradley returned to the table.

### **Plat Consideration**

### **Pending Business**

### **New Business**

### **Informational Materials**

- A. City Manager's Report – April 25, 2016
- B. Memo from the Port and Harbor Advisory Commission re: marijuana in the Marine Commercial District

### **Comments of the Audience**

### **Comments of Staff**

### **Comments of the Commission**

Commissioner Highland had no comments.

Commissioner Bradley thanked everyone.

Commissioner Erickson commented the worksession was interesting and she looks forward to more planning for the cemetery and talking about what will make it nicer. As one person commented it has really fallen into disrepair over the years and it's not a comforting place to go. It will be nice to give it some definition moving forward, so she appreciates that conversation.

Commissioner Bos echoed those sentiments about the cemetery. Everywhere he's been, towns have been really proud of their cemeteries and he doesn't get that feeling from the public about our cemetery. He commended Mr. Stroozas on his job chairing the meeting tonight.

Commissioner Venuti updated the Commission on some work by the Borough Planning Commission. He said one common topic they address is material extraction sites, known as gravel pits. The Borough permits the sites and enforces the rules that apply but there is little protection for the neighbors. Whenever there is a gravel pit on the agenda the house is full and most walk away disappointed because the decisions are weighted in favor of the applicant. It's ongoing and the commission is trying to come up with more practical rules. It's easy to see the value in that it's a major investment, creates jobs and produces a needed commodity, so it's an interesting process. A solution is local option zoning and there are four of those zones. We are fortunate that we are in a city where we have zones. Another topic is property owners along the river wanting to put in light penetration ramps so people can fish without damaging the environment. It's interesting work and he enjoys it. He also said they have talked about the great job the Planning Department job does, so they got together and got a gift card for the Planning staff and Deputy City Clerk.

Vice Chair Stroozas commented as a Planning Commission they have the opportunity to plan for the cemetery. It isn't a very nice looking place to go and he liked the idea of working toward something like Soldotna's cemetery. He likes the columbarium for people to do cremations and not have an environmental impact. They take up less space and families still have a place to remember their family members. He announced Saturday the Chamber is hosting the annual clean-up day, the Shorebird Festival is the following week, and then the first cruise ship comes in. He wished success to everyone.

Commissioner Erickson commented that she would like to talk about how the Commission can make better weighted decisions regarding CUP applicants and the neighbors.

### **Adjourn**



HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MAY 4, 2016

There being no further business to come before the Commission, the meeting adjourned at 7:58 p.m. The next regular meeting is scheduled for May 18, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

---

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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



# PUBLIC HEARING(S)



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

**Ordinances 16-22 and 16-23**

A **public hearing** is scheduled for **Monday, May 23, 2016** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

**Ordinances 16-22 and 16-23 internet address:**

<http://www.cityofhomer-ak.gov/ordinances>

**Ordinance 16-22**, An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission. City Clerk/Parks and Recreation Advisory Commission.

**Ordinance 16-23**, An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia. Reynolds.



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

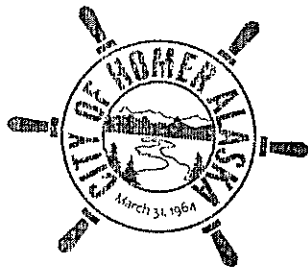
\*\* Copies of proposed Ordinances, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at City Hall if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


Jo Johnson, MMC, City Clerk  
Publish: Homer News: May 19, 2016

## CLERK'S AFFIDAVIT OF POSTING

I, Jo Johnson, qualified City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 16-22**, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission and **Ordinance 16-23**, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia was posted at Homer City Hall and at the Homer Public Library on May 10, 2016 and that the City Clerk posted same on City of Homer Homepage on May 10, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 10<sup>th</sup> day of May, 2016.



  
\_\_\_\_\_  
Jo Johnson, City Clerk

**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-22**

An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code 2.60, Public Arts Committee; Repealing Homer City Code 2.68, Parks and Recreation Advisory Commission; and Amending Homer City Code 18.07.020, Definitions, Homer City Code 18.07.040, Implementation, Homer City Code 18.07.050, Selection, Homer City Code 18.07.070, Exemptions, Homer City Code 18.07.090, Public Art Fund, and Homer City Code 18.07.100, Ownership and Management of Works of Public Art; to Create the City of Homer Parks, Art, Recreation and Culture Advisory Commission, Prescribe its Duties, and Provide for the Transition From the Former Public Arts Committee and Parks and Recreation Advisory Commission to the New Parks, Art, Recreation and Culture Advisory Commission.

Sponsor: City Clerk/Parks and Recreation Advisory Commission

1. Council Regular Meeting May 9, 2016 Introduction
  - a. Memorandum 16-073 from Parks and Recreation Advisory Commission
  - b. Memorandum 16-074 from Public Arts Committee
  - c. Written public comments
  
2. Council Regular Meeting May 23, 2016 Public Hearing and Second Reading
  - a. Memorandum 16-073 from Parks and Recreation Advisory Commission
  - b. Memorandum 16-074 from Public Arts Committee
  - c. Written public comments





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

3 City Clerk/Parks and Recreation  
4 Advisory Commission

5 **ORDINANCE 16-22**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 REPEALING AND REENACTING HOMER CITY CODE 2.60, PUBLIC  
9 ARTS COMMITTEE; REPEALING HOMER CITY CODE 2.68, PARKS  
10 AND RECREATION ADVISORY COMMISSION; AND AMENDING  
11 HOMER CITY CODE 18.07.020, DEFINITIONS, HOMER CITY CODE  
12 18.07.040, IMPLEMENTATION, HOMER CITY CODE 18.07.050,  
13 SELECTION, HOMER CITY CODE 18.07.070, EXEMPTIONS, HOMER  
14 CITY CODE 18.07.090, PUBLIC ART FUND, AND HOMER CITY CODE  
15 18.07.100, OWNERSHIP AND MANAGEMENT OF WORKS OF  
16 PUBLIC ART; TO CREATE THE CITY OF HOMER PARKS, ART,  
17 RECREATION AND CULTURE ADVISORY COMMISSION, PRESCRIBE  
18 ITS DUTIES, AND PROVIDE FOR THE TRANSITION FROM THE  
19 FORMER PUBLIC ARTS COMMITTEE AND PARKS AND  
20 RECREATION ADVISORY COMMISSION TO THE NEW PARKS, ART,  
21 RECREATION AND CULTURE ADVISORY COMMISSION.  
22

23 WHEREAS, The Public Arts Committee and the Parks and Recreation Advisory  
24 Commission have similar responsibilities to advise the City Manager and City Council  
25 regarding cultural, educational, entertainment and recreational activities and facilities to  
26 enhance the health and wellness of the community; and  
27

28 WHEREAS, The overlapping responsibilities of the Public Arts Committee and the  
29 Parks and Recreation Advisory Commission result in duplicative demands on the City staff  
30 and services that support each body; and  
31

32 WHEREAS, The Parks and Recreation Advisory Commission and the Public Arts  
33 Committee recommend creating a combined commission that will have all of the  
34 responsibilities of each body; and  
35

36 WHEREAS, There are many examples of Parks, Art, Recreation, and Culture  
37 Commissions operating successfully across the United States and it would be beneficial to  
38 the City for the responsibilities of the Public Arts Committee and the Parks and Recreation  
39 Advisory Commission to be combined.  
40

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

43 Section 1. The purpose of this ordinance is to create a new Parks, Art, Recreation, and  
44 Culture Advisory Commission to replace and perform the duties of the existing Public Arts

**Added language**. Deleted language ~~stricken through.~~

45 Committee and Parks and Recreation Advisory Commission, and to provide for the transition  
46 from the former Public Arts Committee and Parks and Recreation Advisory Commission to the  
47 new Parks, Art, Recreation, and Culture Advisory Commission.

48

49 Section 2. Homer City Code Chapter 2.60 is repealed and reenacted to read as follows

50

51 2.60.010 Created – Membership.

52 a. There shall be a City of Homer Parks, Art, Recreation and Culture Advisory  
53 Commission, hereinafter referred to as the Commission. The Commission will be composed  
54 of nine voting members, who shall be appointed by the Mayor and confirmed by the City  
55 Council, plus one non-voting member who shall be a Homer area high school student  
56 selected by his or her student body. Up to three voting members of the Commission may be  
57 nonresidents of the City, but City resident applicants shall be preferred for all Commission  
58 member appointments.

59 b. A Chair and Vice-Chair of the Commission shall be elected annually from and by the  
60 voting members of the Commission. The Chair shall preside at meetings of the Commission.  
61 In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

62

63 2.60.020 Terms of members.

64 a. Voting members of the Commission are appointed for three-year terms.

65 b. The non-voting high school student member serving from Homer High School class  
66 shall be appointed for a term that coincides with the school year.

67 c. A Commission member who is absent without excuse from two consecutive regular  
68 meetings shall be subject to removal from the Commission by a majority vote of the members  
69 present.

70

71 2.60.030 Proceedings of Commission.

72 The Commission shall hold one regular meeting in each of the months of February  
73 through June and August through November on the day of the month that the Commission  
74 shall select from time to time, and otherwise at the call of the Chair or a majority of the  
75 Commission. A recording shall be made or minutes shall be kept of each meeting of the  
76 Commission, showing the vote of each member upon every question. The recording or  
77 minutes shall be filed in the office of the City Clerk and shall be a public record open to  
78 inspection by any person.

79

80 2.60.040 Duties and responsibilities of Commission.

81 The Commission shall have the following duties and responsibilities:

82 a. Act in an advisory capacity to the City Manager and the City Council on matters  
83 involving:

84

1. City parks.

85

2. Recreation facilities.

86

3. Public beaches and trails.

87

4. Support of the arts.

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

- 88 5. Acquisition, maintenance and disposition of works of art.
- 89 6. Land use and future development related to parks and recreation facilities.
- 90 7. The administration of the public arts fund established by HCC 18.07.090.

91 Any recommendation by the Commission regarding the matters described above shall be  
92 directed to the City Council through the City Manager, except that the recommendation shall  
93 be sent directly to the Council when the Commission so requests.

94 b. Perform the functions prescribed in HCC Chapter 18.07 related to funding works of  
95 art in public spaces.

96 c. Further the development and awareness of the arts in the City.

97 d. Consider any specific proposal, problem or project as directed by the City Council  
98 and report thereon directly to the Council or as the Council otherwise directs.

99 e. Solicit donations of money and property in support of its duties under this section.

100 Donations of money shall be deposited to the City treasury in a separate fund designated for  
101 parks, art, recreation and culture purposes. Donations of property shall be accepted by deed  
102 or other conveyance subject to the approval of the City Council, and shall be held or disposed  
103 of for parks, art, recreation or cultural purposes as the Council may direct. The Commission  
104 may make recommendations to the Council for the disposition of money or property so  
105 received.

106

---

107 Section 3. Homer City Code Chapter 2.68 is repealed.

---

108

109 Section 4. Homer City Code 18.07.020, Definitions, is amended to read as follows:

---

110

111 18.07.020 Definitions.

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

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

117 1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or  
118 electronic, in any material or combination of materials.

119 2. Painting: all media, including portable and permanently affixed works, such  
120 as murals.

121 3. Graphic arts: printmaking and drawing.

122 4. Mosaics.

123 5. Photography.

124 6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.

125 7. Calligraphy.

126 8. Mixed media: any combination of forms or media, including collage.

127 **“Commission” means the Parks, Art, Recreation and Culture Advisory**  
128 **Commission.**

129 “Construction, remodeling or renovation of municipal buildings and facilities” means  
130 any capital improvement projects paid for wholly or in part by the municipality to build,

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

131 rebuild or improve any decorative or commemorative structure, park or parking facility or  
132 any building.

133 "Total cost of construction, remodeling or renovation" means the total allotted  
134 funding for the subject project at the time of award of contract, exclusive of the costs of land  
135 acquisition, site investigation, and environmental cleanup or remediation.

136  
137 Section 5. Homer City Code 18.07.040, Implementation, is amended to read as  
138 follows:

139  
140 18.07.040 Implementation.

141 a. During the preliminary design review of any project for construction, remodeling or  
142 renovation covered by this chapter any contractor, department or instrumentality of the  
143 municipality charged with the design preparation of this project shall consult with  
144 the **Commission** ~~Public Arts Committee~~ regarding the implementation of HCC 18.07.030(a).

145 b. The **Commission** ~~Public Arts Committee~~ may adopt, and from time to time amend,  
146 regulations setting forth the manner in which the requirements of this chapter shall be  
147 carried out, which shall be effective upon approval by City Council resolution.

148 c. The requirements of HCC 18.07.030(a) shall not be waived except as provided for in  
149 HCC 18.07.070.

150  
151 Section 6. Homer City Code 18.07.050, Selection, is amended to read as follows:

152  
153 18.07.050 Selection.

154 a. Where works of art are to be incorporated in the construction, remodeling or  
155 renovation of a City building or facility or its grounds, such works of art shall be selected and  
156 recommended to the Council for approval by a jury consisting of the architect or project  
157 designer, a representative of the user department, a representative of the **Commission** ~~Public~~  
158 ~~Arts Committee~~ and such additional persons that the **Commission** ~~Public Arts Committee~~  
159 may designate, subject to Council approval.

160 b. Where works of art are to be commissioned or acquired, but not incorporated in the  
161 construction, remodeling or renovation of a City building or facility or its grounds, such works  
162 of art shall be selected and recommended to the Council for approval by a jury of at least  
163 three members consisting of a representative of the user department, one or more members  
164 of the **Commission** ~~Public Arts Committee~~ and such additional persons that  
165 the **Commission** ~~Public Arts Committee~~ may designate, subject to Council approval.

166  
167 Section 7. Homer City Code 18.07.070, Exemptions, is amended to read as follows:

168  
169 18.07.070 Exemptions.

170 The City Council may waive the requirements of this chapter in whole or in part as to  
171 the construction, remodeling or renovation of a City building or facility upon a finding by  
172 the **Commission** ~~Public Arts Committee~~ or City Manager that the inclusion of works of art in  
173 the construction, remodeling or renovation as required by this chapter would not provide any

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

174 aesthetic benefit to the community or to the principal users of the building or facility.

175

176 Section 8. Homer City Code 18.07.090, Public art fund, is amended to read as follows:

177

178 18.07.090 Public art fund.

179 a. A public art fund is established as a separate, interest bearing account in the City  
180 general fund to receive money for the public art program from the following sources:

181 1. Funds for public art fees received from private development.

182 2. Funds donated to the City for public art.

183 3. Other funds appropriated by the Council for public art.

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

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

190 d. The public art fund is administered by the City with the advice of  
191 the **Commission** ~~Public Arts Committee~~.

192 e. The **Commission** ~~Public Arts Committee~~ annually shall prepare a plan for  
193 expenditures from the public art fund for approval by the City Council.

194

195 Section 9. Homer City Code 18.07.100, Ownership and management of works of public  
196 art, is amended to read as follows:

197

198 18.07.100 Ownership and management of works of public art.

199 a. Ownership of all works of art acquired by or on behalf the City shall be vested in the  
200 City.

201 b. The City shall place or construct public art at locations that are open to the public  
202 and where the public art shall be visible to the general public during, at a minimum, normal  
203 business hours.

204 c. The removal from display by the City of public art owned by the City shall follow  
205 established guidelines for de-accessioning and shall be subject to review and  
206 recommendation by the **Commission** ~~Public Arts Committee~~ with final approval by the  
207 Council.

208

209 Section 10. Each person who is a member of the Parks and Recreation Advisory  
210 Commission immediately preceding the effective date of this ordinance shall become a  
211 member of the Parks, Art, Recreation and Culture Advisory Commission on the effective date  
212 of this ordinance, to serve for the remainder of the term for which the person was appointed  
213 to the Parks and Recreation Advisory Commission. Immediately following the effective date  
214 of this ordinance, the Mayor shall appoint, subject to confirmation by the City Council,  
215 additional voting members of the Parks, Art, Recreation and Culture Advisory Commission as  
216 required to fill any vacancy on that Commission. The persons so appointed shall serve for

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

217 terms designated by the Mayor so that the terms of three voting Commission members expire  
218 every year.

219  
220 Section 11. Sections 2 through 9 of this ordinance are of a permanent and general  
221 character and shall be included in the City code. Sections 1 and 10 of this ordinance shall not  
222 be codified.

223  
224 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
225 \_\_\_\_\_ 2016.

226  
227 CITY OF HOMER

228  
229  
230 \_\_\_\_\_  
231 MARY E. WYTHE, MAYOR

232 ATTEST:  
233  
234  
235 \_\_\_\_\_  
236 JO JOHNSON, MMC, CITY CLERK

237  
238  
239  
240 AYES:  
241 NOES:  
242 ABSTAIN:  
243 ABSENT:

244  
245  
246  
247 First Reading:  
248 Public Reading:  
249 Second Reading:  
250 Effective Date:

251  
252  
253  
254 Reviewed and approved as to form:

255  
256 \_\_\_\_\_  
257 Mary K. Koester, City Manager  
258 \_\_\_\_\_  
259 Holly Wells, City Attorney

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

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



# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 16-073

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PARKS AND RECREATION ADVISORY COMMISSION

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: APRIL 26, 2016

SUBJECT: RECOMMENDATION TO COUNCIL TO CREATE A NEW COMMISSION PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC)

---

The Commission was presented the idea of merging the Public Arts Committee and the Parks and Recreation Advisory Commission at their regular meeting on October 15, 2015 and entertained discussion which resulted in posing more questions for staff and decided to postpone the item to the following year.

The item was on the March 17, 2016 regular meeting agenda; the Public Arts Committee members attended as visitors and presented the following in support of consolidating the two Advisory bodies:

- Both can solicit donations and funds for their respective uses.
- Both use the support of staff from the following Departments: City Clerk, Planning, Administration and Public Works.
- Both submit recommendations on proposed artwork that is placed in parks.
- Both have recreational aspects to them.
- Art and Recreation have been combined successfully in many cities.
- Both are valued components of a community and are compatible with each other.
- The Committee has had a steady decline in interested public members to participate within the confines of the committee. There are many times they have been unable to obtain a quorum to conduct the business brought before them.
- The Commission has enjoyed strong support through the various programs that have been established along with a funding mechanism that allow them to leverage volunteers and grant funding to complete many of their projects.
- The financial uncertainty in the coming years adds further stress upon department staff to accomplish more with less.
- The likelihood of less capital projects that would allow some funding for public art.
- Support to grow the City of Homer as an Art Destination as well as a Recreational Destination.

The Commission reviewed and discussed the points made to consolidate the two advisory bodies into one nine member commission at the regular meeting on March 17, 2016.

Commissioner Roedl requested a review of the ordinance creating the new commission before submitting their final recommendation to Council for approval, stating that he wanted to know what he was recommending before it was a done deal. Additional commissioners agreed with Commissioner Roedl.

At the regular meeting on April 21, 2016 the Commission reviewed the Draft Ordinance and discussed the following points regarding the new proposed commission:

- removing the word “Culture” from the new commission title;
- defining what culture meant and how it was to be enacted by the commission;
- designating two seats for arts and culture and how that may pose limitations for the commission;
- reducing the commission to 7 and replace commissioners whose terms will be expiring with those of the Committee;
- expressing concern on obtaining a quorum of five to hold a meeting; and
- reviewing in one year how things are working and recommending amendments to change what is not working.

Following is the excerpt from the minutes of the March 17, 2016 and April 21, 2016 meetings reflecting the motions and discussions of the Commission made at the two meetings

Excerpt from March 17, 2016 Regular Meeting:

*PENDING BUSINESS*

*B. Combining the Public Arts Committee with the Parks and Recreation Commission  
Recommendation to Council*

*Chair Steffy read the title into the record.*

*ROEDL/BRANN – MOVED TO RECOMMEND CITY COUNCIL COMBINE THE PARKS AND RECREATION ADVISORY COMMISSION AND THE PUBLIC ARTS COMMITTEE TO FORM A NEW COMMISSION ENTITLED HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC)*

*The commission discussed the pros and cons to consolidating efforts with the Public Arts Committee. Commissioners discussed the following:*

- Lack of knowledge about the arts and vice a versa*
- How consolidation would affect the meetings regarding agenda items and time management
  - including and incorporating art related topics as required into the agenda**
- Adding additional seats to the commission and how that would detail out
  - Existing members stepping up to fulfill the new commission seats*
  - Actual seating of additional members**
- Continuing the momentum of the PARC steering committee and implementation of recommendations from the needs assessment*
- Responsibilities of the Public Arts Committee*



- *Overseeing the 1% for Art program related to capital projects*
- *Placement of art on or in city owned facilities*
- *Managing the Municipal Art Collection and donations of art to the city*
- *Funding of projects that would be available to the commission that has art and recreational components*
- *Public Art in Parks recommendations and donations*
- *Public Arts Committee has not been able to recruit new members believed in part because they do not have a fixed budget, are not part of a department per se and lack of members make it difficult to obtain a quorum*

*Commissioner Roedl questioned the sense of urgency and requested reviewing the draft ordinance before signing off on it and Chair Steffy explained that there was no urgency but it was brought before the commission last year and the commission postponed discussion and decision. In all fairness to the Public Arts group the Commission should address their request. He further advocated that if there was no opposition to assimilating the committee into the commission he did not see why they could not accommodate the committee and address the issue sooner rather than later since the season is fast approaching and they will not be meeting for a lengthy period over the summer. Chair Steffy agreed it was reasonable to review the ordinance before submitting to council.*

*Staff explained that it will be a multi-step process since there will be changes needed to the bylaws to incorporate aspects of the Public Arts Committee and their administrative guidelines. Commissioner Ashmun expressed the desire to retain existing policies regarding the arts as part of the new commission.*

*Chair Steffy called for the vote.*

*VOTE. YES. HART<sup>1</sup>, STEFFY, BRANN, ROEDL, ASHMUN*

*Motion carried.*

*Excerpt from the April 21, 2016 regular meeting minutes:*

*PENDING BUSINESS*

*A. Combining the Public Arts Committee with the Parks and Recreation Commission  
Recommendation to Council – Draft Ordinance Review*

*Vice Chair Brann requested comments from the Commission.*

---

<sup>1</sup>Commissioner Hart did not voice a vote. Chair Steffy noted that she was not in favor. Commissioner Hart rebutted she was not opposed to the motion but was abstaining. After checking with the City Clerk and Robert's Rules regarding this abstention it is found that abstaining is not permitted on this class of motion. Since Commissioner Hart stated on the record that she was not opposed her vote was included in favor of the motion.

*Commissioner Ashmun referring to a comment submitted by Mr. Jack Wiles believed that the commission has done due diligence regarding the issue he brought up on Arts and Parks by the respective commissioners. She believed that the Commissioners should not consider Mr. Wiles comments.*

*Commissioner Archibald inquired about appointments to the Committee and the Clerk explained that it was reappointment of two members and it would represent better to Council the continued involvement, he further expressed feeling negatively on the idea and that they have a vibrant art community who should want to be involved in that committee.*

*Commissioner Lowney offered rebuttal on defining arts people within set guidelines and that there was a lot to be said to evolving the two into one. She further opined that the art is taking place in the parks and green spaces and that as a commission they should be taking part in those decisions.*

*Ms. Engebretsen proceeded to explain that the policies have been established and explain that committees are formed to address individual project needs and that it may require more refinement on managing their meeting times and content and she is not sure that there will be too many art related issues that will be required to be addressed in the near future and because of that there is not enough to generate interest in belonging to the committee by the community. Commissioner Ashmun added that this is also public art and proceeded to explain the nuances that would make the difference between someone who is an artist or involved in various aspects of art.*

*Further discussion followed hearing comment and opinion from each member of the commission on the aspects of the new commission and how it applies to this commission. Further explanation in that the focus will not be solely on parks and recreation but will have aspects of art and culture which is very much a part of a community.*

*The Commission covered making changes to the Ordinance such as removing the word Culture if the Commissioners were not comfortable with that word. Staff recommended that they make a motion. No motion was made to remove the word culture from the title.*

*Commissioner Archibald requested enlightenment on culture in regards to the commission promoting culture. Commissioner Lowney did her best to explain culture as an evolving part of the commission and focus and as part of their community.*

*Commissioner Hart expressed concern on having two people on the commission that are not interested in parks and recreation initially and she further expressed concerns on the requirement of five as a quorum. She would like to see this issued tabled. Vice Chair Brann inquired if that was a motion. Commissioner Hart responded that it was.*

*HART/- MOVED TO TABLE THE ISSUE UNTIL MAY.*

*Vice Chair Brann requested a second. Motion died for lack of a second to the motion.*

*Commissioner Lowney acknowledged the concerns expressed with adding two more seats at this table. Advocating embracing the enthusiasm and believes that they have added to their community, and the parks and recreation community. Artists tend to think out of the box and that is an added benefit. She added that she doesn't believe that if they did not have an interest*

*in parks and rec they would not have signed up for another term referring to the Committee members. She added her interest and participation as an artist and also parks and recreation on the commission.*

*Staff explained that if the circumstances come up in the future there are options available to make changes via ordinance. The worst case scenario is shown by what is happening to the committee.*

*Commissioner Roedl offered that they should change the membership to seven and if they (art folks) have comments on the work of the commission people can come in and offer comment. He knows that his commission expires in October and suggested that they fill vacating seats with art folks, there have been three people who left since he signed up almost two years ago. Commissioner Ashmun disagreed with that approach saying that her term expires in October too but she does not plan on leaving. There was a suggestion of having committees for art related items.*

**ROEDL/HART - MOVE TO AMEND THE COMMISSION TO SEVEN MEMBERS.**

*Discussion ensued that the seven members is for the new commission, having to choose from the two Public Arts Committee members who are interested, defining seats on the commission, current interests of existing commissioners may already fill that "art" role, having the same makeup in the commission that they have now, strong volunteerism, and support for a nine member commission for at least a year to see how it works.*

**VOTE. YES. ROEDL, HART.**

**VOTE. NO. LOWNEY, ASHMUN, ARCHIBALD, BRANN.**

*Motion failed.*

**LOWNEY/ROEDL - MOVE TO ADOPT THE NINE MEMBER COMMISSION BY INCORPORATING THE CURRENT MEMBERS OF THE PUBLIC ARTS COMMITTEE AND THEN REVISIT THE MEMBERSHIP ISSUE IN ONE YEAR.**

*Concerns were expressed on being able to make changes if the nine member commission was having issues with obtaining quorums, vacancies or non-attendance, etc. There was an inquiring on keeping the quorum at four instead of five members but the Clerk stated it was not permissible in accordance with Robert's Rules, that they needed a majority of the membership for a quorum.*

**ARCHIBALD/LOWNEY – MOVED TO AMEND THE MOTION TO DEFINE TWO SEATS FOR ARTS AND CULTURE.**

*This requirement to define the seats would be included in both the City Code and Bylaws. Further clarification on defining the seats would require only persons who fill those seats to be*

*appointed and that could leave a vacant seat for a longer period of time. Further comments against defining the seats limits the diversity of the commission but on the other side is that they may not have any one from the arts and culture represented. There is no guarantee but they can self-check and future commissioners will self-check. Call for the vote was issued by Commissioner Hart.*

*VOTE. (AMENDMENT) NO. ASHMUN, ROEDL, BRANN, ARCHIBALD, HART, LOWNEY.*

*Motion failed.*

*VOTE. (MAIN) YES. LOWNEY, HART, ARCHIBALD, BRANN, ROEDL, ASHMUN.*

*Motion carried.*

*LOWNEY/HART - MOVED TO RECOMMEND CITY COUNCIL CREATE THE NEW HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION AND TO FURTHER RECOMMEND THAT THE CITY COUNCIL ESTABLISH THE NEW COMMISSION AS OUTLINED BY ORDINANCE 16-XX.*

*There was a brief discussion on including the one year review in the recommendation and staff noted that this can be included in the bylaws to review after one year since this Ordinance creating the new commission is to be written in code and permanent in nature; that type of task could be reflected in the commission Bylaws to outline requirements of the commission.*

*VOTE. YES. LOWNEY, HART, ARCHIBALD, BRANN, ASHMUN, ROEDL*

*Motion carried.*



# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 16-074

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: PUBLIC ARTS COMMITTEE

THRU: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: MARCH 29, 2016

SUBJECT: RECOMMENDATION TO COUNCIL - CONSOLIDATING THE PUBLIC ARTS COMMITTEE WITH THE PARKS AND RECREATION COMMISSION

---

The idea of consolidating the Public Arts Committee (Committee) with the Parks and Recreation Advisory Commission (Commission) was presented at the regular meeting on August 13, 2015 but due to the absence of two committee members a formal motion was postponed to the next regular meeting.

The Committee had been unable to obtain a quorum since the August regular meeting; they were able to have a discussion at a worksession on February 11, 2016 and at a Special Meeting held on March 24, 2016 were able to make a formal motion of support to consolidate the two advisory bodies. Following were several factors considered when looking at consolidating the efforts of the Committee and the Commission:

- Both can solicit donations and funds for their respective uses.
- Both use the support of staff from the following Departments: City Clerk, Planning, Administration and Public Works.
- Both submit recommendations on proposed artwork that is placed in parks.
- Both have recreational aspects to them.
- Art and Recreation have been combined successfully in many cities.
- Both are valued components of a community and are compatible with each other.
- There are many times the Committee has been unable to obtain a quorum to conduct the business brought before them.
- The Commission has enjoyed strong support through the very programs that have been established along with funding mechanisms that allow them to leverage volunteers and grant funding to complete many of their projects.
- The financial uncertainty in the coming years adds further stress upon department staff to accomplish more with less.
- The likelihood of less capital projects that would allow funding for public art projects.
- Community support to grow the City of Homer as an Art Destination as well as a Recreational Destination.
- The possibility to expand grant opportunities with a more diverse commission.

**Recommendation**

Approve the Recommendation to Form a New Commission Entitled Parks, Art, Recreation and Culture Advisory Commission

Excerpt from March 24, 2016 Special Meeting Minutes

**PENDING BUSINESS**

A. Combine the Committee with the Parks and Recreation Advisory Commission  
Postponed from the August 13, 2015 Meeting

Chair Miller introduced the item into the record and requested a motion to formally adopt the recommendation.

HOLLOWELL/PETERSEN – MOVED TO RECOMMEND CITY COUNCIL SUPPORT AND APPROVE THE RECOMMENDATION TO CREATE A NEW COMMISSION ENTITLED HOMER PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC) BY COMBINING THE MISSION, DUTIES AND RESPONSIBILITIES OF THE PUBLIC ARTS COMMITTEE WITH THE PARKS AND RECREATION ADVISORY COMMISSION AND ADDING A MINIMUM OF TWO ADDITIONAL SEATS ON THE NEW COMMISSION WITH THREE YEAR TERMS.

There was no discussion.

VOTE. YES. MILLER, PETERSEN, HOLLOWELL

Motion carried.





**From:** [Michele Miller](#)  
**To:** [Jo Johnson](#)  
**Subject:** For City Council Members, Backup on the Merging of PAC and Parks & Rec Advisory Commission  
**Date:** Monday, May 02, 2016 4:20:19 PM

---

Dear City Council members,

I thought I would, as current Chair of the Public Arts Committee, offer some background on the ordinance that will be before you on May 9:

In August 2015, the Public Art Committee (PAC) discussed combining the PAC with the Parks & Recreation Advisory Commission (P&R). Because of successful grassroots collaborative work behind the PARC Needs Assessment, PAC members thought improved coordination and sharing of resources for the City would be beneficial to all: it would save the City money; it would create a more robust commission, reflective of the quality of life issues that are important to Homer residents; and it would elevate public arts from committee to commission status.

The drivers that initiated this discussion were the City's budget shortfalls and an attempt to save staff time.

PAC members discussed the barriers to success at the PAC:

- The committee meets quarterly, so it has been difficult to sustain momentum. It is difficult to conduct business without a quorum.
- Each year a budget must be justified, with the last budget in 2014 at \$5,000.\*

While committee members over the years have examined grant opportunities for public/private partnerships, including revitalization of Pioneer Avenue, the PAC did not have the capacity to follow through with the community-building necessary to receive such a grant or to achieve the continuing work necessary to successfully complete a revitalization project.

Committee members discussed whether the P&R would be amenable to this suggested change, noting that it already had a comprehensive schedule. The concept was floated, by former PAC member Adele Person, at a P&R meeting in the fall of 2015. Nothing was formally asked of the Commission at that time; just that they think about the concept.

Early in 2016, PAC member Erin Hollowell and I met with City Manager Katie Koester to further discuss the idea. Katie had been aware of the earlier P&R meeting and seemed receptive, if the Parks & Rec Commission was amenable, noting that code would need to be revised.

Erin and I asked to be visitors at the next P&R meeting in February, where we again presented the idea to members in attendance, suggesting that two PAC members could then be reappointed to the newly revamped commission. After we spoke and at that same meeting, the Parks & Rec commission did pass a motion in support of creating a new commission that would include the arts within it.

Subsequent to that meeting, on March 24, the PAC met and approved this Motion: *to recommend that the Homer City Council support and approve the recommendation to create a new commission, entitled **Homer Parks, Art, Recreation and Culture Advisory***

*Commission (PARCAC), by combining the mission, duties and responsibilities of the Public Arts Committee with the Parks and Recreation Advisory Commission and adding a minimum of two additional seats on the new commission with three-year terms.*

Please do contact me directly if you have questions or to air concerns about this consolidation of the PAC and the P&R to one body. My cell number is below.

Best regards,

*Michele*

\*The PAC successfully contracted and produced comprehensive documentation of every piece City's public art, completed in 2015. Newly accessioned public art will be added to this document by the City Clerk's staff.

**Michele Miller**  
**(907) 227-6207**

**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-23**

An Ordinance of the City Council of Homer, Alaska, Repealing Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia.

Sponsor: Reynolds

1. Council Regular Meeting May 9, 2016 Introduction
2. Council Regular Meeting May 23, 2016 Public Hearing and Second Reading



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

Reynolds

3  
4 **ORDINANCE 16-23**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
6 REPEALING HOMER CITY CODE, CHAPTER 6.12, DRUG ABUSE  
7 AND PARAPHERNALIA.  
8

9  
10 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

11  
12 Section 1. Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia, is hereby repealed:

13  
14 6.12.010 Definition.

15  
16 As used in this chapter, the following terms shall have the meanings as defined herein:  
17 “Controlled substance” means a drug, substance, or immediate precursor included in  
18 the schedules set out in AS 11.71.140 through 11.71.190, as amended.

19 “Drug paraphernalia” means all items, equipment, devices, products and materials of  
20 any kind which are used, or intended for use, in planting, propagating, cultivating,  
21 growing, harvesting, manufacturing, compounding, converting, producing,  
22 processing, preparing, testing, analyzing, packaging, repackaging, storing, containing,  
23 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human  
24 body a controlled substance as defined herein. Drug paraphernalia includes, but is not  
25 limited to:

26 1. Kits used or intended for use in planting, propagating, cultivating, growing,  
27 or harvesting of any species of plant which is a controlled substance or from  
28 which a controlled substance can be derived;

29  
30 2. Kits used or intended for use in manufacturing, compounding, converting,  
31 producing, processing, or preparing controlled substances;

32  
33 3. Isomerization devices used or intended for use in increasing the potency of  
34 any species of plant which is a controlled substance;

35  
36 4. Testing equipment used or intended for use in identifying or in analyzing the  
37 strength, effectiveness or purity of controlled substances except for use by or  
38 under the direction of law enforcement agencies or medical research or  
39 treatment facilities;

40  
41 5. Scales and balances used or intended for use in weighing or measuring  
42 controlled substances;

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

43 ~~6. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite,~~  
44 ~~dextrose and lactose, used or intended for use in cutting controlled~~  
45 ~~substances;~~

46  
47 ~~7. Separation gins and sifters used or intended for use in removing twigs and~~  
48 ~~seeds from, or in otherwise cleaning or refining, marijuana;~~

49  
50 ~~8. Blenders, bowls, containers, spoons and mixing devices used or intended for~~  
51 ~~use in compounding controlled substances;~~

52  
53 ~~9. Capsules, balloons, envelopes and other containers used, intended for use,~~  
54 ~~or designed for use in packaging small quantities of controlled substances;~~

55  
56 ~~10. Containers and other objects used or intended for use in storing or~~  
57 ~~concealing controlled substances;~~

58  
59 ~~11. Hypodermic syringes, needles and other objects used or intended for use in~~  
60 ~~injecting controlled substances into the human body;~~

61  
62 ~~12. Objects used or intended for use in injecting, inhaling, or otherwise~~  
63 ~~introducing marijuana, cocaine, hashish, or hashish oil into the human body,~~  
64 ~~such as:~~

65  
66 ~~a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or~~  
67 ~~without screens, permanent screens, hashish heads, or punctured~~  
68 ~~metal bowls;~~

69  
70 ~~b. Water pipes;~~

71  
72 ~~c. Carburetion tubes and devices;~~

73  
74 ~~d. Smoking and carburetion masks;~~

75  
76 ~~e. Roach clips, meaning objects used to hold burning material, such as a~~  
77 ~~marijuana cigarette, that has become too small or too short to be held~~  
78 ~~in the hand;~~

79  
80 ~~f. Miniature cocaine spoons, and cocaine vials;~~

81  
82 ~~g. Chamber pipes;~~

83  
84 ~~h. Carburetor pipes;~~

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

- 85 i. Electric pipes;
- 86
- 87 j. Air driven pipes;
- 88
- 89 k. Chillums;
- 90
- 91 l. Bongs;
- 92
- 93 m. Ice pipes or chillers;
- 94

95 In determining whether an object is drug paraphernalia, a court or other authority  
96 should consider, in addition to all other logically relevant factors, the following:

- 97 i. Statements by the manufacturer, owner or by anyone in control of the object  
98 concerning its use;
  - 99
  - 100
  - 101 ii. Prior convictions, if any, of an owner, or of anyone in control of the object,  
102 under any State or Federal law relating to any controlled substance;
  - 103
  - 104 iii. The proximity of the object, in time and space, to a direct violation of AS  
105 11.71.010 through 11.71.060, as amended;
  - 106
  - 107 iv. The proximity of the object to controlled substance;
  - 108
  - 109 v. The existence of any residue of controlled substances on the object;
  - 110
  - 111 vi. Direct or circumstantial evidence of the intent of an owner, or of anyone in  
112 control of the object, to deliver it to persons who he knows, or should  
113 reasonably know, intend to use the object to facilitate a violation of AS  
114 11.71.010 through 11.71.060, as amended; the innocence of an owner, or of  
115 anyone in control of the object, as to a direct violation of AS 11.71.010 through  
116 11.71.060, as amended, shall not prevent a finding that the object is intended  
117 for use as drug paraphernalia;
  - 118
  - 119 vii. Instructions, oral or written, provided with the object concerning its use;
  - 120
  - 121 viii. Descriptive materials accompanying the object which explain or depict its  
122 use;
  - 123
  - 124 ix. National and local advertising concerning its use;
  - 125
  - 126 x. The manner in which the object is displayed for sale;
- [Bold and underlined added. Deleted language stricken through.]**

- 127 xi. Whether the owner, or anyone in control of the object, is a legitimate  
128 supplier of like or related items to the community, such as a licensed  
129 distributor or dealer of tobacco products;  
130  
131 xii. Direct or circumstantial evidence of the ratio of sales of the object(s) to the  
132 total sales of the business enterprise;  
133  
134 xiii. The existence and scope of legitimate uses for the object in the community;  
135  
136 xiv. Expert testimony concerning its use.

137 ~~“Sell” or “sale” means the commercial transfer of ownership, possession or use of~~  
138 ~~drug paraphernalia in the regular course of a wholesale or retail business for~~  
139 ~~consideration of any type.~~  
140

141  
142 6.12.020 Sale of drug paraphernalia unlawful.

143  
144 It is unlawful for any person to sell, or possess with intent to sell, drug paraphernalia,  
145 knowing that it will be used to plant, propagate, cultivate, grow, harvest,  
146 manufacture, compound, convert, produce, process, prepare, test, analyze, pack,  
147 repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the  
148 human body a controlled substance, except as specifically authorized and permitted  
149 under the provisions of AS Title 17 and by such rules and regulations as are adopted  
150 pursuant thereto.

151  
152 6.12.030 Penalties.

153  
154 a. Any person who violates any provision of this chapter shall be punished under the  
155 general penalty provision of the Homer City Code, or be subject to injunctive relief to  
156 restrain the person from continuing the violation or threat of violation, or both  
157 injunctive relief and a civil penalty. Upon application for injunctive relief and a finding  
158 that a person is violating or threatening to violate any provision of this chapter, the  
159 Superior Court shall grant injunctive relief to restrain the violation.

160  
161 b. Any item sold or possessed with the intent to sell by any person after a court has  
162 adjudicated such an item to constitute drug paraphernalia as defined by HCC 6.12.010  
163 shall be subject to forfeiture of the paraphernalia to the City upon order of the court  
164 entered in any injunction proceedings instituted under the authority of this section or  
165 in a separate forfeiture action instituted by the City.

166  
167  
168

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







# ORDINANCE(S)



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-26**

An Ordinance of the City Council of Homer, Alaska, Amending HCC 1.18.043, Public Disclosure, to Require Elected City Officials to Disclose Each Business in Which an Immediate Family Member is a Partner, Proprietor or Employee.

Sponsor: Smith

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Public Official Financial Disclosure Statement



1 CITY OF HOMER  
2 HOMER, ALASKA

Smith

3  
4 ORDINANCE 16-26

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AMENDING HCC 1.18.043, PUBLIC DISCLOSURE, TO REQUIRE  
8 ELECTED CITY OFFICIALS TO DISCLOSE EACH BUSINESS IN  
9 WHICH AN IMMEDIATE FAMILY MEMBER IS A PARTNER,  
10 PROPRIETOR OR EMPLOYEE.

11  
12 THE CITY OF HOMER ORDAINS:

13  
14 Section 1. HCC 1.18.043, Public disclosure, is amended to read as follows:

15  
16 1.18.043 Public disclosure

17 a. ~~Each City officials~~ and ~~the~~ City Manager must annually file the following a financial  
18 interest disclosure **on forms prepared by the City Clerk:**

19 **1. For each City official and the City Manager the information that is**  
20 **required on** ~~using forms substantially the same as the following selected schedules~~  
21 ~~from the Alaska Public Offices Commission Public Official Financial Disclosure~~  
22 ~~Statement: Schedules B (business interests), C (real property interests/rent to own), E~~  
23 ~~(the portion relating to natural resource leases only), F (government contracts and~~  
24 ~~leases) and G (close economic associations); and. The City Clerk shall provide the~~  
25 ~~forms to each City official. The City Clerk may make such alterations to the forms as~~  
26 ~~may be necessary.~~

27 **2. For each elected City official a list of each business in which an**  
28 **immediate family member is a partner, proprietor or employee to the extent not**  
29 **provided in response to paragraph 1 of this subsection.**

30 b. The financial interest disclosure ~~statement~~ must be filed by November 1st each  
31 year. A newly appointed official must file a statement within 30 days after taking office. Each  
32 candidate for elected City office must file a disclosure statement at the time he or she files a  
33 declaration of candidacy, except an incumbent seeking reelection with a current disclosure  
34 statement on file. Refusal or failure of a candidate to file the required disclosure statement  
35 before the end of the time period for filing declarations of candidacy shall require that the  
36 candidate's declaration of candidacy be rejected and the candidate disqualified.

37 c. The disclosure statement must be true, correct and complete and shall be signed  
38 under oath or affirmation, or certified to be true under penalty of perjury. Not filing a  
39 statement within the stipulated period is a violation of this chapter.

40 d. The disclosure statement shall be filed with the City Clerk and shall be open to  
41 public inspection and copying at the office of the City Clerk. The disclosure statement will not  
42 be sent to the Alaska Public Offices Commission.





**CITY OF HOMER**  
**2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT**  
**GENERAL INFORMATION**

**REQUIRED FILERS:** Mayor and city council members; city board and commission members; candidates for mayor and city council.

**TIME PERIOD:** Include all information about your reportable financial interests and activities for the twelve months preceding the due date for this report.

**REQUIRED INFORMATION:** Homer City Code 1.18.043 requires you to disclose your financial interests using these forms. This includes disclosure of your own financial interests and those held by your spouse and dependent children. Use additional pages if needed.

**HELP:** If you have questions, contact the City Clerk at 907-235-3130.

**THIS REPORT IS A SWORN STATEMENT. YOUR SIGNATURE ON THE LAST PAGE  
CERTIFIES THAT THIS DISCLOSURE IS TRUE, CORRECT and COMPLETE.**

**NAME:** \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_

Street address or post office box, city, zip code

Phone: home / work / cell

Fax

E-mail address

**NAME OF SPOUSE:** \_\_\_\_\_

**NAME(S) OF YOUR DEPENDENT CHILDREN:** \_\_\_\_\_

▶ **IF YOU ARE A CANDIDATE: WHAT OFFICE DO YOU SEEK?**  
**OFFICE:** \_\_\_\_\_

▶ **IF YOU ARE NOT A CANDIDATE: REPORT OFFICE HELD:**  
**OFFICE:** \_\_\_\_\_

**INITIAL STATEMENT:** Required for recently appointed city officials. **Due 30 days from appointment.** Required for candidates for mayor and city council. **Due with the declaration of candidacy.**

**ANNUAL STATEMENT:** Required for incumbent public officials. **Due by November 1.**

**FINAL STATEMENT:** Required for public officials after leaving office. **Due 90 days after leaving office. The final statement covers a reporting period beginning November 1 through the date you leave office.**

**Complete attached Schedules B, C, E, F, and G. Schedules A and D are not required.**

**CITY OF HOMER**  
2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

**SCHEDULE B**  
**BUSINESS INTERESTS**

**Business Interests**

If NONE reportable, check box ►

Report business interests even if they were **NOT** a source of income to you, your spouse, domestic partner, or dependent child during the reporting period. Include non-profit corporations, businesses, associations, professional trade groups and other non-profit organizations.

- List each business in which you, your spouse, or dependent child held an interest or was a stockholder, owner, officer, director, partner, proprietor or employee during the reporting period.
- List ownership interests of more than \$1,000 in a publicly traded corporation.
- List any other ownership interest in a business, including shares in non-publicly traded corporations, sole proprietorships, limited liability companies and include options to buy.

► **Name of filer, spouse, or dependent child:** \_\_\_\_\_

Business name: \_\_\_\_\_

Business address: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

Description of business activity: \_\_\_\_\_

► **Name of filer, spouse, or dependent child:** \_\_\_\_\_

Business name: \_\_\_\_\_

Business address: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

Description of business activity: \_\_\_\_\_

► **Name of filer, spouse, or dependent child:** \_\_\_\_\_

Business name: \_\_\_\_\_

Business address: \_\_\_\_\_

Nature of interest: \_\_\_\_\_

Description of business activity: \_\_\_\_\_



**CITY OF HOMER**  
**2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT**

**SCHEDULE E**  
**NATURAL RESOURCE LEASES**

**Natural Resource Leases**

**If NONE reportable, check box**

List all natural resource leases – including mineral, timber and oil leases – bid, held, or offered during the reporting period. Report this information for yourself, your spouse, and dependent children who held the interest as a sole proprietor; member of a partnership, professional corporation or limited liability company; or through a corporation in which you and/or your family members held a controlling interest.

▶ \_\_\_\_\_  
Leaseholder

\_\_\_\_\_

Nature of lease

\_\_\_\_\_

Indicate: bid, held or offer made

\_\_\_\_\_

Identity of lease and description

▶ \_\_\_\_\_  
Leaseholder

\_\_\_\_\_

Nature of lease

\_\_\_\_\_

Indicate: bid, held or offer made

\_\_\_\_\_

Identity of lease and description

**SCHEDULE F**  
**GOVERNMENT CONTRACTS AND LEASES**

**Contracts and Offers to Contract**

**If NONE reportable, check box**

List all contracts and offers to contract with the state or instrumentality of the state or a municipality during the reporting period. Report this information for yourself, your spouse, and dependent child who held the interest as a sole proprietor; as a member of a partnership, professional corporation, or limited liability company; or through a corporation in which you and/or your family members held a controlling interest.

▶ \_\_\_\_\_  
Name of contractor

\_\_\_\_\_

Contracting agency/department

\_\_\_\_\_

Indicate: bid, held or offer made

\_\_\_\_\_

Contract number and description

▶ \_\_\_\_\_  
Name of contractor

\_\_\_\_\_

Contracting agency/department

\_\_\_\_\_

Indicate: bid, held or offer made

\_\_\_\_\_

Contract number and description

**CITY OF HOMER**  
2015 PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

**SCHEDULE G**  
**CLOSE ECONOMIC ASSOCIATIONS**

**Close Economic Associations**

**If NONE reportable, check box**

City officials must disclose close economic associations with a legislator, another city official, or a lobbyist.

**Close economic association** means a financial relationship that exists between a city official required to disclose a close economic association and some other person or entity, including a relationship where the city official serves as a consultant or advisor to, is a member or representative of, or has a financial interest in an association, partnership, limited liability company, business or corporation.

Name of filer: \_\_\_\_\_

Position and department of filer: \_\_\_\_\_

Name of person with whom association exists: \_\_\_\_\_

Person's status: (municipal official, legislator, lobbyist etc.) \_\_\_\_\_

Description of economic association: \_\_\_\_\_

For city officials with a lobbyist spouse, report the name and address of each employer of the lobbyist and the total monetary value received from each of the lobbyist's employers.

▶ Name and address of employer of lobbyist: \_\_\_\_\_

Amount of monetary value received: \_\_\_\_\_

▶ Name and address of employer of lobbyist: \_\_\_\_\_

Amount of monetary value received: \_\_\_\_\_

**You must report changes in the lobbyist's employer within 48 hours of the change.**  
**You must disclose the formation of a new close economic association within 60 days.**

**CERTIFICATON**

I certify under penalty of perjury that the foregoing is true and that the information in this statement is, to the best of my knowledge, true, correct and complete. A person who makes a false sworn certification which he or she does not believe to be true is guilty of perjury.

SIGNATURE: \_\_\_\_\_

\_\_\_\_\_  
PRINT NAME OF FILER

\_\_\_\_\_  
DATE AND PLACE SIGNED

**Where to file:**  
**MUNICIPAL OFFICIALS and CANDIDATES:** File with Homer City Clerk



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-28**

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$1,000,000 From the Permanent Fund for the Purposes of Funding Improvements to the Fire Hall and Exempting This Expenditure From Homer City Code Chapter 3.12, Which Requires Expenditures for Operation and Maintenance Costs to be Taken From Income From the Income Sub-Fund Unless 60% of City Voters Approve the Expenditure.

Sponsor: Smith

1. Council Regular Meeting May 23, 2016 Introduction
  - a. Fire Station Improvement Project
  - b. Resolution 16-035
  - c. Ordinance 16-16(A)
  - d. HCC 3.12.060 – 3.12.080





**CITY OF HOMER  
HOMER, ALASKA**

Smith

**ORDINANCE 16-28**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING FUNDS IN THE AMOUNT OF \$1,000,000 FROM THE PERMANENT FUND FOR THE PURPOSES OF FUNDING IMPROVEMENTS TO THE FIRE HALL AND EXEMPTING THIS EXPENDITURE FROM HOMER CITY CODE CHAPTER 3.12, WHICH REQUIRES EXPENDITURES FOR OPERATION AND MAINTENANCE COSTS TO BE TAKEN FROM INCOME FROM THE INCOME SUB-FUND UNLESS 60% OF CITY VOTERS APPROVE THE EXPENDITURE.

WHEREAS, City Council has determined the Fire Department can maintain operations in its existing facility with improvements and upgrades to the building, which will extend the life of the facility for up to ten years; and

WHEREAS, The improvements and upgrades needed to maintain operations include interior and exterior painting, replacement of flooring and upgrades to the kitchen and equipment bays, paving the rear parking lot, and expanding the upstairs floor space; and

WHEREAS, City Council adopted Resolution 16-035 approving these necessary improvements and upgrades to the existing Fire Station, separating the Fire Station from the New public safety building project; and

WHEREAS, City Council adopted Ordinance 16-16(A) authorizing transfer of \$80,000 from the Public Safety Building Project to the Fire Station Improvement Project to fund assessment, design and construction; and

WHEREAS, Resolution 16-035 further authorized the Public Safety Building Review Committee to prepare a scope of work and contract for the improvements to the existing Fire Station; and

WHEREAS, After design and assessment, the Public Safety Building Review Committee will have a more accurate cost estimate and know if the full \$1,000,000 is needed; and

WHEREAS, Homer City Code 3.12.060(a) permits only the income from the income sub-fund to be appropriated and expended for general governmental purposes, including but not limited to ordinary operating expenses; and

43 WHEREAS, HCC 3.12.060(b) permits income from the income sub-fund to be used to  
44 loan but not grant funds for City capital projects; and

45  
46 WHEREAS, HCC 3.12.080 requires expenditures that are not authorized by HCC  
47 3.12.060 to be approved by 60% of City voters voting on the question at a regular or special  
48 election; and

49  
50 WHEREAS, Currently the Permanent Fund income sub-fund does not contain  
51 \$1,000,000 but the sub-funds combined contain more than \$1,000,000; and

52  
53 WHEREAS, It is in the City of Homer's best interest to exempt this expenditure from the  
54 requirements of HCC 3.12 and specifically HCC 3.12.060 through HCC 3.12.080 to permit the  
55 expenditure of \$1,000,000 from all monies in either sub-fund in the Permanent Fund without  
56 subjecting the expenditure to voter approval.

57  
58 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

59  
60 Section 1. The City of Homer hereby authorizes amendment of the FY 2016 Operating  
61 Budget to appropriate up to \$1,000,000 from the Permanent Fund to fund improvements to  
62 the Fire Hall.

63

<u>Revenue:</u>		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Permanent Fund	\$1,000,000

64

<u>Expenditure:</u>		
<u>Account</u>	<u>Description</u>	<u>Amount</u>
	Fire Hall Improvements	\$1,000,000

65  
66  
67  
68  
69  
70  
71  
72 Section 2. This expenditure is exempted from the requirements of HCC 3.12 and  
73 specifically HCC 3.12.060 through HCC 3.12.080.

74  
75 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall  
76 not be codified.

77  
78 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_\_ day of  
79 \_\_\_\_\_, 2016.

80  
81  
82  
83  
84

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

ATTEST:

\_\_\_\_\_  
JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Reading:

Second Reading:

Effective Date:

Reviewed and approved as to form:

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

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

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

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





## Fire Station Improvement Project

**Project Description & Benefit:** Built nearly 40 years ago from a pre-existing garage structure, Homer's Fire Station is in need of upgrades to address immediate health threats to our public servants, space constraints that limit response capabilities and maintenance issues necessary for continued building use and productivity for another 10 to 15 years.

The Fire Station does not have a ventilation system to protect staff and volunteer responders from vehicle exhaust which is known to contain potential carcinogens, carbon monoxide and other harmful gasses that contribute to respiratory illness. Currently emissions exposure is mitigated by opening windows and bay doors to passively dilute and remove fumes – an inefficient and costly method (especially in the winter) which still leaves personnel exposed. Installing a vehicle exhaust removal system is a critical upgrade.

Homer's emergency call volume and variety has grown with the population. So have the Fire Department's response capabilities. Unfortunately, the Fire Station has not kept pace over time creating cramped work areas, storage challenges and an insufficient number of bunkrooms (two) for volunteers during overnight duty. Raising the eastern roof line to mirror the building's western roofline would expand the second floor by 1,000 square feet to accommodate additional bunk rooms, storage and office space.

Ongoing building maintenance is required to ensure safe, functional operations and preserve the value of the asset. The following corrective maintenance projects will help extend the Fire Station's life and usefulness another 10 years:

- Replace all floor coverings. With the exception of one office space, flooring dates back to original 1980 construction. It is extremely worn and, in places, a tripping/slipping hazard.
- Repaint the station's exterior and interior walls. This was last done in 1995. Bays additionally require specialized epoxy paint and resistant products to protect against damage from heavy equipment use.
- Replace slab flooring in Bays 2 and 3, including leveling sunken subsurface areas, strengthening it to sustain the heavier weight of current apparatus without cracking, and replacing undersized floor drains which consistently clog and trap rot-producing moisture within the building.
- Improve drainage behind the Fire Station to direct water away from building. Proper drainage extends the life of the building and lowers long-term maintenance costs by preventing seasonal heaving and sinking which cracks the Bays' floors and approach aprons and misaligns the Bays' automatic garage door tracks. With drainage system in place, complete paving behind the building and fix apron pavement cracks and 3-4" heaves at the entrance to the Bays.
- Remodel the Fire Station's kitchen. Emergency response here depends upon a vibrant and committed volunteer corps who routinely risk their lives in service to the community. The kitchen is the social center for volunteer responders, hosting up to 25 at eight community-building meals in conjunction with trainings and up to 15 during emergency events. The kitchen will also serve City employees in case of a major disaster (the Fire Station is the designated disaster destination for City personnel). Except for new appliances purchased in 1995, the kitchen has been untouched and is inefficient. Cabinets and drawers are falling apart, and the design is obsolete for what is essentially a small commercial kitchen.

**Total Project Cost** (Estimate only): \$900,000

Exhaust Ventilation System: \$40,000-\$75,000  
(Possible FY17 \$100,000 Assistance to Firefighters Grant)

2nd Floor Expansion: \$500,000  
(Possible FY17 \$10,000 SAFER grant)

Flooring: \$50,000

Interior/Exterior Painting: \$75,000

Bays 2 & 3 Repairs: \$100,000

Site Drainage & Paving Completion: \$100,000

Kitchen Upgrades: \$35,000





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

3  
4 Mayor

5 **RESOLUTION 16-035**

6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 APPROVING NECESSARY IMPROVEMENTS AND UPGRADES TO  
8 THE EXISTING FIRE STATION, SEPARATING THE FIRE STATION  
9 FROM THE NEW PUBLIC SAFETY BUILDING PROJECT, AND  
10 AUTHORIZING THE PUBLIC SAFETY BUILDING REVIEW  
11 COMMITTEE TO CONTINUE WORK ON THE FIRE STATION  
12 IMPROVEMENT PROJECT.  
13

14 WHEREAS, The City Council has determined the cost of building a new Public Safety  
15 Building to contain both the Police and Fire Stations is cost prohibitive at this time and has  
16 opted for a phased approach to a new Public Safety Building; and  
17

18 WHEREAS, With the adoption of Resolution 16-016(A) the City Council supports the  
19 construction of a reduced size, public safety campus with police station only to take to the  
20 voters at the October 4, 2016 municipal election; and  
21

22 WHEREAS, City Council has determined the Fire Department can maintain operations  
23 in the existing facility with improvements and upgrades to the building, which will extend the  
24 useful life of the facility for up to ten years; and  
25

26 WHEREAS, The improvements and upgrades needed to maintain operations include  
27 interior and exterior painting, replacement of flooring and upgrades to the kitchen and  
28 equipment bays, paving the rear parking lot, and expanding the upstairs floor space; and  
29

30 WHEREAS, As a separate and new project the Fire Station Improvement Project will  
31 follow the City of Homer Procurement Policy, including an open bid process; and  
32

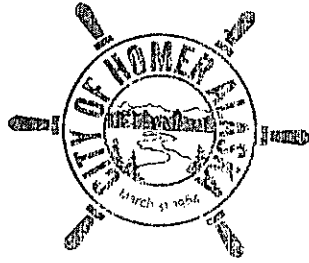
33 WHEREAS, The Public Safety Building Review Committee is authorized to continue  
34 work on the Fire Station improvement project and see it through fruition.  
35

36 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
37 approves the necessary improvements and upgrades to the existing Fire Station and  
38 separating the Fire Station from the new Public Safety Building Project.  
39


40 BE IT FURTHER RESOLVED that the City Council authorizes the Public Safety Building  
41 Review Committee to prepare a scope of work and contract for the improvements to the  
42 existing Fire Station.

43  
44  
45  
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55  
56


PASSED AND ADOPTED by the Homer City Council this 29<sup>th</sup> day of March, 2016.



CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

Fiscal information: N/A



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

3 Mayor

4 **ORDINANCE 16-16(A)**  
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AUTHORIZING THE TRANSFER OF \$80,000 FROM THE PUBLIC  
8 SAFETY BUILDING PROJECT TO THE FIRE STATION  
9 IMPROVEMENT PROJECT TO FUND ASSESSMENT, DESIGN, AND  
10 CONSTRUCTION.  
11

12 WHEREAS, City Council adopted Ordinance 15-18(S-2) on July 27, 2015 authorizing  
13 \$355,000 be allocated to the new Public Safety Building Project to bring it to 35% design; and  
14

15 WHEREAS, The current financial forecast makes it cost prohibitive to build both the  
16 Fire and Police Stations within the Public Safety Building; and  
17

18 WHEREAS, Council has determined the Fire Department can maintain operations in  
19 the existing facility with improvements and upgrades to the building that will extend the  
20 useful life of the building for ten years or more; and  
21

22 WHEREAS, As a separate and new project the Fire Station Improvement Project will  
23 follow the City of Homer Procurement Policy, including an open bid process; and  
24

25 WHEREAS, Council authorizes utilizing a portion of the funds authorized for design of  
26 the Public Safety Building for assessment, design, and construction of the Fire Station  
27 improvements and upgrades.  
28

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

31 Section 1. The City of Homer hereby authorizes the transfer of \$80,000 from the Public  
32 Safety Building Project to the Fire Station Improvement Project to fund assessment, design,  
33 and construction as follows:  
34

35 Transfer From:

36 <u>Account</u>	<u>Description</u>	<u>Amount</u>
37 156-0377	Public Safety Building Project Account	\$80,000

38 Transfer To:

39	<u>Account</u>	<u>Description</u>	<u>Amount</u>
40	156-0378	Fire Station Improvement Project	\$80,000

41

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

44

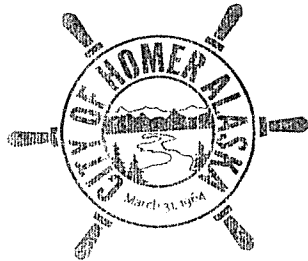
45 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 11<sup>th</sup> day of April, 2016.

46

47

CITY OF HOMER

48



*Mary E. Wythe*  
MARY E. WYTHE, MAYOR

49

50

51 ATTEST:

52

53

*Jo Johnson*  
JO JOHNSON, MMC, CITY CLERK

54

55

56 YES: 6

57 NO: 0

58 ABSTAIN: 0

59 ABSENT: 0

60

61 First Reading: 3/29/16

62 Public Hearing: 4/11/16

63 Second Reading: 4/11/16

64 Effective Date: 4/12/16

65

66 Review and approved as to form:

67

*Mary K. Koester*  
Mary K. Koester, City Manager

69

70 Date: 4.14.16

71

*Thomas F. Klinkner*  
Thomas F. Klinkner, City Attorney

72

Date: 4-15-16

73

Fiscal Note: Fiscal information included in body of Ordinance.

## **HOMER CITY CODE 3.12.060 – 3.12.080**

### **3.12.060 Expenditures from income sub-fund.**

Expenditures from the income sub-fund may be made only as authorized in this section.

- a. The income from the income sub-fund may be appropriated by the City Council and be expended for general governmental purposes, including but not limited to ordinary operating expenses.
- b. The principal of the income sub-fund may be used as a source of loan funds for City capital projects, and not as a grant. To be eligible for such a loan the project must receive a majority of its funding from other sources. Such loans shall be on terms approved by resolution of the City Council, which must provide for the repayment of the loan over a reasonable period of time. [Ord. 13-25 § 5, 2013; Ord. 05-14(S) § 1, 2006].

### **3.12.070 Loans from income sub-fund.**

Repealed by Ord. 13-25. [Ord. 05-14(S) § 1, 2006].

### **3.12.080 Expenditures with voter approval.**

- a. Except as provided in HCC 3.12.060, no expenditure may be made from the permanent fund without the approval of 60 percent of City voters voting on the question at a regular or special election.
- b. Prior to submitting to the voters the question of whether to approve an expenditure from the permanent fund, the City Council shall find that all reasonable options for borrowing have been exhausted, including the option of borrowing from the permanent fund pursuant to HCC 3.12.060(b). [Ord. 13-25 § 7, 2013; Ord. 05-14(S) § 1, 2006].



**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**ORDINANCE 16-30**

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 and Improvements to the Fire Hall; 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 Dedicated to Fund Public Safety Operations and Infrastructure, Including Construction of a Police Station and Renovation of a Fire Hall and Submitting the Question of the Issuance of Such Bonds and Such Sales Tax Rate Increase to the Qualified Voters of the City at the October 4, 2016 Regular City Election.

Sponsor: Mayor/Council

1. Council Regular Meeting May 23, 2016 Introduction



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

3 Mayor/Council

4 **ORDINANCE 16-30**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AUTHORIZING THE CITY TO ISSUE GENERAL OBLIGATION BONDS  
8 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$12,000,000 TO  
9 FINANCE THE ACQUISITION AND CONSTRUCTION OF A POLICE  
10 STATION AND IMPROVEMENTS TO THE FIRE HALL; AMENDING  
11 HCC 9.16.010 TO PROVIDE FOR AN INCREASE IN THE RATE OF  
12 THE CITY SALES TAX FROM 4.5% TO 5.5% FROM APRIL 1  
13 THROUGH SEPTEMBER 30, WITH THE INCREASE DEDICATED TO  
14 FUND PUBLIC SAFETY OPERATIONS AND INFRASTRUCTURE,  
15 INCLUDING CONSTRUCTION OF A POLICE STATION AND  
16 RENOVATION OF A FIRE HALL AND SUBMITTING THE QUESTION  
17 OF THE ISSUANCE OF SUCH BONDS AND SUCH SALES TAX RATE  
18 INCREASE TO THE QUALIFIED VOTERS OF THE CITY AT THE  
19 OCTOBER 4, 2016 REGULAR CITY ELECTION.

20  
21 WHEREAS, The City of Homer (the "City") is in need of a new police station and  
22 renovations to the existing fire hall; and

23  
24 WHEREAS, The City Council views the acquisition and construction of a new police  
25 station and related capital improvements and renovations to the fire hall and related capital  
26 improvements authorized herein as necessary and beneficial to the community, and  
27 determines that to fund such improvements general obligation bonds of the City should be  
28 authorized, issued and sold; and

29  
30 WHEREAS, The City Council also deems it necessary to increase the rate of the City  
31 sales tax to provide funds to pay costs of public safety operations and capital improvements,  
32 including without limitation part of the debt service on such general obligation bonds; and

33  
34 WHEREAS, Under the provisions of AS 29.47.190 the City may incur general obligation  
35 debt only after a bond authorization ordinance is approved by a majority of those voting on  
36 the question at a regular or special election; and

37  
38 WHEREAS, Under the provisions of AS 29.45.700(b) and AS 29.45.670, the City may  
39 increase the rate of its sales tax only after an ordinance authorizing the increase is approved  
40 by a majority of those voting on the question at a regular or special election.

41  
**[Added language bold and underlined. Deleted language stricken through.]**

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

44 Section 1. It is hereby determined to be for a public purpose and in the public interest  
45 of the City to incur general obligation bonded indebtedness in an amount not to exceed  
46 Twelve Million Dollars (\$12,000,000) for the purpose of paying the cost of planning, designing,  
47 and constructing a new police station and related capital improvements and renovating the  
48 fire hall and related capital improvements.  
49

50 Section 2. The City is authorized to borrow the sum of Twelve Million Dollars  
51 (\$12,000,000) to finance the capital improvements described in Section 1, and the borrowing  
52 shall be evidenced by the issuance of general obligation bonds of the City. The full faith and  
53 credit of the City are pledged for payment of the principal of and interest on the bonds, and  
54 ad valorem taxes upon all taxable property in the City shall be levied without limitation as to  
55 rate or amount to pay the principal of and interest on the bonds when due.  
56

57 Section 3. Homer City Code 9.16.010 is amended to read as follows:  
58

59 9.16.010 Levied.

60 a. A consumer's sales tax in the amount of three and three-quarters percent is levied  
61 by the City on all sales, rents and services within the City except as the same may be  
62 otherwise exempted by law.

63 b. An additional consumer's sales tax in the amount of three-quarters percent is  
64 hereby levied by the City of Homer on all sales, rents and services within the City except as  
65 the same may be otherwise exempted by law, for the purpose of funding debt retirement of  
66 the sewer treatment plant improvements, and to the extent revenues from such tax exceed  
67 such debt retirement obligations, for the purpose of funding water and sewer systems.

68 **c. An additional consumer's sales tax in the amount of one percent is hereby**  
69 **levied by the City of Homer on all sales, rents and services within the City from April 1**  
70 **through September 30, except as the same may be otherwise exempted by law, for the**  
71 **purpose of funding public safety operations and infrastructure within the City, including**  
72 **construction of a police station, renovation of the fire hall and, without limitation, debt**  
73 **retirement of capital improvements related to the police station and fire hall.**  
74

75 Section 4. The City shall submit the following proposition to the qualified voters of the  
76 City at the October 4, 2016 regular City election. The proposition must receive an affirmative  
77 vote from a majority of the qualified voters voting on the question to be approved.  
78

79 PROPOSITION NO. \_\_\_  
80 GENERAL OBLIGATION BONDS FOR  
81 A NEW POLICE STATION AND FIRE HALL RENOVATION AND RELATED CAPITAL  
82 IMPROVEMENTS;  
83 1.0% SALES TAX RATE INCREASE TO 5.5%

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



84 Shall the City of Homer incur debt and issue general obligation bonds in an  
85 amount not to exceed Twelve Million Dollars (\$12,000,000) to finance the  
86 planning, design and construction of a police station and related capital  
87 improvements and renovation of the fire hall and related capital  
88 improvements; and shall the rate of City sales tax be increased by one percent  
89 (1.0%) to five and one-half percent (5.5%) from April 1 through September 30,  
90 for the purpose of funding public safety operations and infrastructure within  
91 the City, including construction of a police station, renovation of the fire hall  
92 and, without limitation, debt retirement of capital improvements related to a  
93 police station and the fire hall?

94  
95 The bonds shall be secured by a pledge of the full faith and credit of the City.  
96 (Ordinance 2016-\_\_)

97  
98 Section 5. The proposition, both for paper ballots and machine ballots, shall be  
99 printed on a ballot which may set forth other general obligation bond propositions, and the  
100 following words shall be added as appropriate next to a space provided for marking the ballot  
101 for voting by hand or machine:

102  
103 PROPOSITION NO. \_\_\_\_  
104 OYes  
105 ONo

106  
107 Section 6. Section 2 of this ordinance shall become effective only if the proposition  
108 described in Section 4 is approved by a majority of the qualified voters voting on the  
109 proposition at the October 4, 2016 regular City election. Section 3 of this ordinance shall  
110 become effective January 1, 2017, but only if the proposition described in Section 4 is  
111 approved by a majority of the qualified voters voting on the proposition at the October 4,  
112 2016 regular City election. The remaining sections of this ordinance shall become effective  
113 upon passage.

114  
115 Section 7. Section 3 of this Ordinance is of a permanent and general character and  
116 shall be included in the City Code. The remainder of this ordinance is not of a permanent  
117 nature and as such, shall not be codified.

118  
119 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_ day of  
120 \_\_\_\_\_, 2016.

121  
122  
123  
124  
125

CITY OF HOMER

\_\_\_\_\_  
MARY E. WYTHE, MAYOR

126  
127  
128  
129  
130  
131  
132 ATTEST:

133  
134  
135 \_\_\_\_\_  
136 JO JOHNSON, MMC, CITY CLERK

137  
138  
139 AYES:

140 NOES:

141 ABSTAIN:

142 ABSENT:

143  
144  
145 First Reading:

146 Public Reading:

147 Second Reading:

148 Effective Date:

149  
150  
151 Reviewed and approved as to form:

152  
153  
154 \_\_\_\_\_  
155 Mary K. Koester, City Manager

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

156  
157 Date: \_\_\_\_\_

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

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



Birch Horton Bittner & Cherot  
*a professional corporation*

MEMORANDUM 16-091

TO: KATIE KOESTER  
CITY MANAGER  
CITY OF HOMER

FROM: THOMAS F. KLINKNER

RE: SALES TAX DEDICATED TO FIRE DEPARTMENT OPERATING  
COSTS

FILE NO.: 506,742.221

DATE: MAY 3, 2016

---

**1. Summary and Conclusion**

You have asked whether the City of Homer may authorize a sales tax increase whose proceeds are dedicated to fire department operating costs. I conclude that:

- No statute restricts the dedication of City sales tax proceeds.
- The “dedicated funds clause” in the Alaska Constitution prohibits, with exceptions, the dedication of the proceeds of a state tax or license to a special purpose, but it is uncertain whether it would prohibit by implication a dedication of City sales tax proceeds.
- If a single vote approves both a City sales tax increase and a dedication of its proceeds to a special purpose, the tax increase is unlikely to survive invalidity of the dedication.

**2. Analysis**

**A. No Statute Restricts the Dedication of City Sales Tax Proceeds**

AS 29.35.250(a) authorizes the City to “exercise any power not otherwise prohibited by law.” The City’s power to levy a sales tax is subject to AS 29.45.670, which provides that “[a] new sales and use tax or an increase in the rate of levy of a sales tax approved by ordinance does not take effect until ratified by a majority of the

voters at an election.”<sup>1</sup> However, no statute limits the City’s authority to dedicate sales tax proceeds for a particular purpose.

**B. *It Is Uncertain Whether the “Dedicated Funds Clause” in the Alaska Constitution Prohibits the Dedication of City Sales Tax Proceeds***

The “dedicated funds clause” in the Alaska Constitution prohibits the dedication of “the proceeds of any **state** tax or license” (emphasis added) to any special purpose.<sup>2</sup> The dedicated funds clause does not address explicitly the dedication of the proceeds of a **municipal** tax. The Alaska Supreme has not decided whether the dedicated funds clause should be interpreted to prohibit by implication the dedication of the proceeds of a municipal tax. In the court’s only decision involving a municipal sales tax dedication the court declined to address the issue of the validity of the dedication:

We note that neither party addressed the issue of whether the ordinance [enacting the dedication] itself violates article XI, section 7 of the Alaska Constitution, prohibiting dedicated revenues. Our decision today should not be read as expressing any opinion on that question.<sup>3</sup>

Some aids to interpreting the Alaska Constitution support an argument that the dedicated funds clause was not intended to prohibit the dedication of the proceeds of a municipal tax. The report of the Finance Committee to the Alaska Constitutional Convention explained the purpose of the dedicated funds clause with specific reference to state government:

Even those persons or interests who seek the dedication of revenues for their own projects will admit that the earmarking of taxes or fees for other interests is a fiscal evil. But if allocation is permitted for one interest, the denial of it to another is difficult, and the more special funds are set up the more difficult it becomes to deny other requests until the point is reached

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<sup>1</sup> AS 29.45.700(a) provides that “A city in a borough that levies and collects areawide sales and use taxes may levy sales and use taxes on all sources taxed by the borough in the manner provided for boroughs.” AS 29.45.650(a) authorizes a borough to levy and collect a sales tax on sales, rents, and on services provided in the borough, subject to the voter approval requirement in AS 29.45.670.

<sup>2</sup> Alaska Constitution art. IX, § 7 provides:

The proceeds of any state tax or license shall not be dedicated to any special purpose, except as provided in section 15 of this article or when required by the federal government for state participation in federal programs. This provision shall not prohibit the continuance of any dedication for special purposes existing upon the date of ratification of this section by the people of Alaska.

<sup>3</sup> *City of Fairbanks v. Fairbanks Convention and Visitors Bureau*, 818 P.2d 1153, 1158 n. 7 (1991).

where neither the governor nor the legislature has any real control over the finances of the state. In one Rocky Mountain state the legislature is free to appropriate only 17 percent of the tax collections; the rest are dedicated. In Alaska at present, 27 percent of territorial funds are earmarked, primarily for school construction and roads.<sup>4</sup>

This explanation refers to preserving the governor's and the legislature's control of the state's finances. It makes no reference to local government. Moreover, the Alaska Constitution treats municipal taxation distinctly from state taxation: the former in article X regarding local government, and the latter in article IX regarding the finances of the state. Nevertheless, it remains uncertain whether a court would decide that the dedicated funds clause prohibits by implication a dedication of City tax revenues.

### **3. *The Sales Tax Increase Is Unlikely to Survive Invalidity of the Dedication***

I understand that the City voters will be presented with a single ballot proposition: to authorize a one percent increase in the City's sales tax, and to dedicate the proceeds of the increase to City fire department operating costs. A court decision that the dedication of the proceeds of the sales tax increase was invalid also probably would be fatal to the sales tax increase itself. In deciding whether to reject the sales tax increase along with the dedication of its proceeds, a court would consider (i) whether the tax increase alone could be given legal effect, and (ii) whether the voters intended that it be given effect.<sup>5</sup> The first part of this test would be met easily, because the sales tax increase could be given legal effect without the dedication of its proceeds. However, it would be questionable at best whether the voters would have approved the sales tax increase without the dedication of its proceeds. Indeed, the motivation for combining the sales tax increase and dedication in one ballot proposition is to increase the probability that the voters will approve the increase.<sup>6</sup>

TFK/lcj

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<sup>4</sup> Quoted in V. Fischer, *Alaska's Constitutional Convention*, 145 (1975).

<sup>5</sup> *Alaskans for a Common Language v. Kritz*, 170 P.3d 183, 213 (2007).

<sup>6</sup> See, *Interior Cabaret, Hotel, Restaurant & Retailers Association v. Fairbanks North Star Borough*, 135 P.3d 1000, 1004 (Alaska 2006), in which the court acknowledged that including tax exemptions in a sales tax ballot proposition "may have made the sales tax more palatable to some voters."



# CITY MANAGER'S REPORT







## City of Homer

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

## Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-8121 x2222

(f) 907-235-3148

## City Manager's Report

TO: Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: May 18, 2016  
SUBJECT: City Manager's Report - May 23, 2016

---

### **Staff changes in the CM office**

The executive assistant in the City Manager's office, Misty Worland, is moving to Anchorage. Misty is the voice that answers the phone when you call my office, the one who complies and organizes the monthly statistics and helps me research and respond to requests from Council. She has been a great help and we wish her well on her next adventure.

City Hall has come up with a creative solution to help cover the office that will increase collaboration. Dotti Harness in Planning will be spending M-W in the Office of the City Manager and Th-F in Planning. Planning will hire a temporary to help with clerical and coverage while we figure out the best long term solution for the department. I am looking forward to being more educated and in the know on planning issues with the job share. I want to thank the Planning Department staff for their flexibility and creativity. I suspect this arrangement will take some time to get used to, but I think it will provide good cross training and converge.

### **Final audited numbers for 2015 behind schedule**

Final numbers for 2015 will be later than usual this year due to delays from the State. The audit cannot be finalized until the audit firm we contract with, BDO, receives a statement from the State of Alaska necessary to record City of Homer's PERS liability. This information has not yet been released. The PERS office has indicated that the final audited numbers should be made available approximately mid-June. Once we have final numbers, we will present them to Council along with midyear budget adjustments, hopefully at the July meeting.

### **Sod leveling on Pioneer**

This week and next Public Works will be leveling sod that has grown up along Pioneer Avenue for safety and beautification. Over the years (many!) the grass has grown above the curb so there is sometimes a steep drop off between the grass and the pavement. This is a tripping hazard and is unsightly. Public Works will level those areas out and reseed them, bringing in extra topsoil when needed. Where they are sloping, they will slope the grade so there is no steep drop off. The second item they would like to accomplish is to remove boulders and other items that are within the reach of the snow plow blade. This is only 18-24 inches, even though the Right of Way where these items are is a full 4 feet. At 4 a.m. on a snowy and blustery dark

day, the plow blades can clip a frozen boulder and this is dangerous for our crew, hard on our equipment, and can damage what is in its path. A few dead bushes of mountain ash will also be removed in this process. Public Works has offered to move the boulders for land owners when they come through, but of course they would not do so without first talking with the lot owner. I would like to commend Public Works staff for reaching out to each one of the businesses along Pioneer to let them know about the improvements and what to expect. In turn, businesses have been great about agreeing to move obstructions. It will be nice to see Pioneer Avenue spruced up with the improvements. See the attached pictures.

Enc:

Pictures of sod along Pioneer Ave.

Memorandum 16-088 from Port and Harbor Director, RE: Emergency Expenditure

Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

View of raised sod  
At Wildberry Products  
Before sod removal

Pic taken March 2016



Pic of Wildberry Products  
After sod removal

Still needs seeding



Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016



Pics of raised sod between curb and sidewalk on north side of Pioneer in front of Borough office (206 E. Pioneer)





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Pics of raised sod between  
Curb and sidewalk in front  
of 7th Day Adventist  
Church at 210 E. Pioneer





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Timber encroachment  
behind sidewalk at  
190 E. Pioneer

Edge of ROW is 4'  
behind sidewalk



Raised sod at Alice's to be removed

195 E. Pioneer



Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

178 E. Pioneer Ave.

This wall is well into the ROW but is probably far enough away from sidewalk and tall enough to be seen and not hit. But, it does not allow for snow storage coming off the blade.



Large rocks in the ROW and out to edge of sidewalk and actually overlapping the sidewalk in places. This is in front of the Homer Theater.

I have spoken with the owner who will be in town in August and is very supportive about moving them as necessary.

The green paint marks represent the edge of the ROW / Property line





Pioneer Ave. Encroachment & Maintenance Pics



Pics of rock along the sidewalk in front of the Homer Theater





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Pics of rock adjacent to sidewalk at The Hair Gallery at the intersection of Main and Pioneer.





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Raised sod in front of and  
west of Cups restaurant





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Raised sod to the west of  
Cups Restaurant and east of  
Frame Gallery

Edge of ROW  
At stake



Raised sod in front of  
Northwind

173 W. Pioneer



Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016



Pics of raised sod at lot west of Cups and east of Frame Gallery

Stake in lower pic is edge of ROW / Property Line





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Raised sod west of Cups  
Restaurant



View looking west on north  
side of Pioneer at VBS  
Heating

Stake is edge of ROW



Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Rocks at edge of sidewalk  
At VBS Heating

Intersection of Bartlett  
And Pioneer

Recommend moving rocks  
back 18" to 24"





Pioneer Ave. Encroachment & Maintenance Pics  
May 6, 2016

Raised sod in front of  
Homer Insurance

270 W. Pioneer



Raised sod between  
Espresso Express  
And Pratt House







# City of Homer

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

Port and Harbor

4311 Freight Dock Road  
Homer, AK 99603

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

(p) 907-235-3160

(f) 907-235-3152

## Memorandum 16-088

TO: KATIE KOESTER, CITY MANAGER  
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
DATE: MAY 17, 2016  
SUBJECT: MID-YEAR BUDGET ADJUSTMENT FOR EMERGENCY DEEP WATER DOCK REPAIRS

---

A condition study was conducted on the City of Homer's two mooring buoys at the Deep Water Dock while R&M Consulting was conducting the Deep Water Dock Expansion Study. In this inspection it was found that the buoy to the NW of the dock had connecting hardware that must be replaced before we can allow a ship to use it for mooring.

Replacement of mooring buoys and anchor chain is part of the Cruise Ship Head Tax Grant Program, which also included the new dock fendering, new cleats on the dock, etc. Staff worked with our engineers from R&M Consulting to spec out exactly what is needed to completely upgrade the mooring buoy systems; the new equipment has been ordered but we do not expect it to arrive in Homer until the end of August.

The NW mooring buoy is used during every Homer Port visit by the cruise ships. After communicating with the Ships' Pilots responsible for bringing these ships to the dock, we are left with no choice but to do a stopgap repair to the chain so we can put the buoy back into service for the 2016 season. The dockage fees for a ship over 800' is \$7,459.00 per calendar day and we have nine cruise ships scheduled for the 2016 season.

We cannot have this buoy out of commission for the summer until the new equipment arrives in August; an emergency procurement is necessary for the purposes of repairing this essential piece of Port and Harbor equipment prior to the arrival of the cruise ship Maasdam scheduled for May 31, 2016.

### **Recommendation:**

Backup information regarding the emergency procurement, mid-year budget adjustment to the Port and Harbor's Deep Water Dock Maintenance Account #400-0614-5209 budget for the purpose of an emergency repair to the Deep Water Dock's northwest mooring buoy before May 31, 2016.





# City of Homer

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

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

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

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL  
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK  
DATE: MAY 18, 2016  
SUBJECT: BID REPORT

---

### **INVITATION TO BID TO PURCHASE CITY REAL PROPERTY SEVEN PARCELS**

Sealed bids for the purchase of real property will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **2:00 p.m. Thursday, June 2, 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 bid specifications are available online at <http://www.cityofhomer-ak.gov/rfps>



# CITY ATTORNEY REPORT



# COMMITTEE REPORTS





PENDING BUSINESS



# NEW BUSINESS



# RESOLUTIONS



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

3 Port and Harbor Director/  
4 Port & Harbor Advisory Commission

5  
6 **RESOLUTION 16-054**

7  
8 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
9 AMENDING THE CITY OF HOMER FEE SCHEDULE TO IMPLEMENT  
10 A NEW GRADUATED HARBOR MOORAGE RATE STRUCTURE.

11  
12 WHEREAS, The Port Director/Harbormaster established how harbor moorage fees are  
13 structured and implemented, and are to be included in the City of Homer Fee Schedule; and  
14

15 WHEREAS, The City of Homer Fee Schedule to amend the harbor moorage rate  
16 structure is effective January 1, 2017.

17  
18 WHEREAS, The Port and Harbor Advisory Commission discussed and unanimously  
19 supported the recommendation by the Port Director/Harbormaster to implement a new  
20 graduated harbor moorage rate structure of \$0.05 increase per linear foot, based on the  
21 following equation,

Permanent Moorage Rate	(	\$	)	$\frac{\$43.49 + (\$0.05 \times \text{foot}) \times \text{vessel length per foot}}{\text{foot}}$
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22 and cap the increases at the 86 foot vessel size.

23  
24 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the City of  
25 Homer Fee Schedule to include the graduated harbor moorage rate structure effective  
26 January 1, 2017 as follows:

27  
28 **PORT AND HARBOR DEPARTMENT**

29  
30 Harbor Office - 235-3160

31 Fish Dock - 235-3162

32  
33 (The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and  
34 Resolutions 14-114, 12-037(S), 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104,  
35 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600),  
36 Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, Resolution  
37 08-123, Resolution 15-091)

38  
39 All rates except load and launch ramp fees and parking fees for Ramps 1 - 4, which are  
40 inclusive of sales tax, will have sales tax applied. The resulting figure will be rounded to the  
41 nearest half dollar for billing purposes.

43  
44 **BOAT CHANGE FEE:**  
45 \$25.00 administrative fee  
46  
47 **STALL WAIT LIST:**  
48 A \$30.00 per year charge will be assessed for a listing on a permanent reserved stall  
49 assignment.  
50 Large quantity waste oil disposal (with Harbor Master approval) - \$3.25 gallon  
51  
52 **PARKING FEES:**  
53 Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial  
54 Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be  
55 established and enforced as per Homer city code 10.04.100.  
56  
57 Seasonal permits for day use parking (Ramps 1-4): \$250.00.  
58 Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7)  
59 consecutive 24-hour days.  
60  
61 Long Term Parking annual permit (January 1<sup>st</sup> through December 31<sup>st</sup>): fee \$200.00.  
62  
63 Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer  
64 Harbor: fee \$100.00.  
65  
66 Vehicles over 20' and trailers are not eligible for long term parking permits.  
67  
68 Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.  
69  
70 Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of  
71 Lot 9 only.  
72  
73 Long term parking will be enforced year around.  
74  
75 Parking lot restrictions for long term parking, May 1 through October 1, as depicted on  
76 attached map (Attachment A).  
77  
78 Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations  
79 apply.  
80 Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the  
81 fine credited towards the long term parking annual permit.  
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**ANNUAL HARBOR MOORAGE FEES:**

\$43.49 per linear foot with an increase of \$0.05 per foot based on the following equation, plus \$50.00 administrative charge:

Permanent Moorage Rate	( \$ foot )	$\frac{\$43.49 + (\$0.05 \times \text{foot}) \times \text{vessel length per foot}}{\text{foot}}$
---------------------------	----------------	--

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**The graduated increases shall cap at the 86 foot vessel size.**

Reserved Stall - length of the float stall assigned, or overall length of vessel whichever is greater, plus \$50.00 administrative charge.

Float Plane Fee - daily moorage rate of (2) 24' vessels shall be assessed on a daily basis for float planes or a monthly rate equal to the monthly rate for (2) 24' vessels.

96  
 97  
 98  
 99

**PORT DOCKAGE FEES:**

100 Dockage charges will be assessed based on lineal foot per calendar day or portion thereof as  
 101 follows:

<b>0' to 100'</b>	\$338.00	<b>451' to 475'</b>	\$1,604.00	<b>651' to 675'</b>	\$3,917.00
<b>101' to 200'</b>	\$506.00	<b>476' to 500'</b>	\$1,762.00	<b>676' to 700'</b>	\$4,420.00
<b>201' to 300'</b>	\$788.00	<b>501' to 525'</b>	\$1,996.00	<b>701' to 725'</b>	\$5,119.00
<b>301' to 350'</b>	\$1,005.00	<b>526' to 550'</b>	\$2,154.00	<b>726' to 750'</b>	\$5,858.00
<b>351' to 375'</b>	\$1,098.00	<b>551' to 575'</b>	\$2,334.00	<b>751' to 775'</b>	\$6,644.00
<b>376' to 400'</b>	\$1,206.00	<b>576' to 600'</b>	\$2,582.00	<b>776' to 800'</b>	\$7,459.00
<b>401' to 425'</b>	\$1,337.00	<b>601' to 625'</b>	\$2,957.00		
<b>426' to 450'</b>	\$1,490.00	<b>626' to 650'</b>	\$3,443.00		

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A service charge of \$52 will be assessed to each vessel.

These charges are applicable to the “outer face” and “trestle berth” of Deep Water Dock and to all berthing locations on Pioneer Dock. The “inside berth” (berth No.2) of Deep Water Dock will have a 4-hour minimum dockage charge of 1/6 the daily rate, and a half day (up to 12 hours) docking charge of 1/2 the daily rate, with no service charge applicable.

**WHARFAGE:**

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2,000 lbs. or per 40 cu. ft.

128		
129	COMMODITY	WHARFAGE RATE
130	Freight N.O.S.	\$7.96
131	(Not Otherwise Specified)	
132	Freight at barge ramp	\$5.14
133	Poles, logs, cants or cut	\$3.95/thousand board ft.
134	finished lumber per M.M.	
135	(Note: Industry standard conversion formulas shall be used in converting pounds to board	
136	feet measure.)	
137		
138	Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the	
139	wharfage rate applicable to outbound (export) shipment. However if these cargoes are not	
140	exported over Deep Water Dock with full payment of outbound wharfage within 60 days of	
141	unloading at the barge beaching site, then the additional 50% of wharfage will be owed and	
142	paid for inbound products.	
143		
144	Petroleum products	\$0.84/barrel
145	(inbound and outbound)	\$0.02 per gallon
146	Wood Chips (all grades)	\$ as per contract
147		
148	Seafood/fish product	Setting a tariff of \$4.76 per ton of seafood/fish
149		product across the dock, regardless of species.
150		
151	Livestock: Horses, mules,	\$10.12 per head
152	cattle, hogs, sheep, goats,	
153	all other livestock	
154		
155	Fowl: Any kind, crated	\$10.12 per crate
156		
157	Boats: Up to and including twenty (20) feet LOA	\$15.66 each
158	Over twenty (20) feet LOA	\$1.60 per lineal ft.
159	(Fishing boats, pleasure craft, skiffs, dinghies and other boats moved over the docks.)	
160		
161	Demurrage:	0.09/sq. ft.
162		
163	UPLANDS STORAGE:	
164	Land for Gear Storage:	
165	First come-first served basis; approved by Harbormaster; primarily for fishing related gear.	
166	Open areas, fishing gear	0.12/ sq. ft.
167	Open areas, non-fishing gear	0.17/ sq. ft.
168	Boat Trailers:	
169	Short term storage, up to 7 days - space available basis - no fee.	
170	Long term storage, 8 days or more - not available May 1 to Oct 1	
171	Up to 30 feet	\$ 75.00/month Oct 1 to May 1

172 Over 30 feet \$100.00/month Oct 1 to May 1

173 TIDAL GRIDS:

174 The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet  
175 in length. The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that  
176 remain on either grid after their scheduled tide may be assessed a 50% surcharge for each  
177 unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a  
178 60' boat if a boat of less length is allowed to use this grid.

179

180 The rate per foot per tide is \$1.05 for vessels 0' - 59'

181 The rate per foot per tide is \$2.55 for vessels 60' - 80'

182 The rate per foot per tide is \$3.25 for vessels 81' - 100'

183 The rate per foot per tide is \$3.82 for vessels 101' - 120'

184 The rate per foot per tide is \$4.24 for vessels 121' - 140'

185

186 WATER:

187 Potable water furnished to vessels at the Deep Water Dock and Main Dock:

188 Quantity charge - \$38.81 per one thousand gallons (minimum five thousand gallons).

189 Scheduled deliveries will have a minimum charge of one hundred and two (\$102.00) dollars  
190 for combined connection and disconnection.

191 Unscheduled deliveries will have a minimum charge of one hundred thirty nine dollars and  
192 thirty two cents (\$139.32) for combined connection and disconnection.

193

194 ELECTRICITY (per kilowatt):

195 Reserved stalls having a meter base at the berth shall be charged a meter availability fee.

196 The meter availability fee - \$23.95 per month

197 Connect/disconnect fee - \$28.80

198

199 Metered transient vessels will be charged a meter availability fee of \$28.80 per month with a  
200 one month minimum charge to be applied for shorter connection periods.

201 Connect/Disconnect fee 28.80. Unless other arrangements have been made in writing with  
202 the Harbormaster, transient vessels shall be charged the following rates (where metered  
203 power is unavailable).

	<u>110 volt</u>	<u>220 volt</u>	<u>208 volt/3-phase</u>
204 Daily (or part thereof)	\$ 10.20	\$ 20.12	\$42.50
205 Monthly	\$152.67	\$341.70	available meter only

206

207  
208 \* Vessels requiring conversion plugs may purchase them from the Harbormaster's office for a  
209 nominal fee.

210

211 208 volt/3-phase electrical power is available at System 5 on a first come first served basis, for  
212 vessels will be charged the following rates:

213 1. There will be an electrical usage charge per kilowatt hour as determined by the  
214 local public utility:



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**BEACHES AND BARGE RAMP:**

The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

The Harbormaster shall charge a fee of \$1.50 per foot based on the overall length of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.

Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstances.

The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be one hundred and two dollars (\$102.00) per hour per person, plus appropriate equipment rental and material costs.

Sandblasting of vessel hull is not permitted on City beaches or barge ramp; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.

**FISH DOCK:**

The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear.

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor Officer on duty.

Every person using a crane on the Fish Dock shall first obtain a license from the City.

Blocking access to cranes     \$150.00/hour

Unattended vessels             \$150.00/hour

Failure to obtain prior approval for a use other than loading and unloading fish, fish products or fishing gear will result in the imposition of a surcharge of thirty (\$30.00) dollars per hour in addition to the regular fee.

ITEM	FEE
Annual access	\$52.00 per year
Card (private license)	(annual renewal fee)

303	Card replacement fee	\$15.00 per occurrence
304	Cold Storage	\$334.75/month
305	(Cold storage rate structure	\$309/per month for two (2) consecutive months
306	is for storage area of eight (8) feet	
307	by ten (10) feet	\$283.25/per month for three (3)
308	consecutive	
309		months
310		\$275.50/per month for nine (9) month season
311		Minimum one month rental
312		Inspection \$50/per hour
313	Bait Storage Fee (4x4x4)	
314	Per Day	\$5.15
315	Per Week	\$25.75
316	Per Month	\$77.25
317		
318	Ice Plant Bin Storage	\$200/per month, minimum two (2) months
319	(Roofed over, open sided	
320	storage bins at west end of	
321	of ice plant building sixteen (16) feet	
322	by twelve (12) feet)	
323		
324	Fish Dock crane	\$90.64/per hour
325	Minimum charge per hour for crane	Fifteen minutes
326	Ice	\$130.90/per ton
327		
328	Seafood Wharfage/Fish product	Setting a tariff of \$4.76 per ton of
329		seafood/fish product across the docks.
330		Regardless of species bait in quantities greater
331		than one ton that is loaded onto a vessel at Fish
332		Dock, shall be charged seafood wharfage.
333		
334	Freight NOS, Nonfish Cargo	\$14.50/per ton for cargo going over the
335		Fish Dock.
336		
337	Fish Waste Disposal Fees/Fish Grinder	\$5.00/Tub
338		\$30.00/Tote
339		
340	Fishing gear is free from wharfage, except as otherwise provided under a lease agreement,	
341	contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be	
342	loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight	
343	NOS rate, unless this is ice that was purchased from the City Ice Plant.	
344		

345 Minimum per hour charge for the cranes and cold storage inspection will be one quarter hour  
346 (fifteen minutes). All additional charges will be in one-quarter hour (fifteen minutes)  
347 increments.

348  
349 MARINE REPAIR FACILITY:

350 User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as  
351 follows:

- 352 (1) Upland Dry Dockage use Fee per Month: \$ 0.17 per square foot/ for vessels paying  
353 annual moorage in Homer harbor 0.20 per square foot for transient daily,  
354 monthly, semiannual moorage vessels  
355 (2) Administration Fee per month of Dry Dockage uplands usage: \$50.00  
356 (3) Beach Landing Fee per calendar day: \$1.50 per foot  
357 (4) Vendor Fee per calendar year: \$150.00  
358 (5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum

359  
360 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

361  
362 CITY OF HOMER

363  
364  
365 \_\_\_\_\_  
366 MARY E. WYTHE, MAYOR

367  
368 ATTEST:

369  
370  
371 \_\_\_\_\_  
372 JO JOHNSON, MMC, CITY CLERK

373  
374 Fiscal Impact: To be determined.

375







## Memorandum 16-084

TO: MAYOR BETH WYTHE & HOMER CITY COUNCIL  
 FROM: PORT & HARBOR ADVISORY COMMISSION  
 THROUGH: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER  
 DATE: MAY 13, 2016  
 SUBJECT: NEW MOORAGE RATE STRUCTURE

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### Background

As you know, the Port and Harbor Advisory Commission and Port and Harbor staff has been hard at work since 2011 on the subject of harbor moorage rate increases and fee structure changes with the goal of making Homer Harbor’s moorage rates sustainable and equitable. The commission’s first goal of rate increases and sustainability was completed by amending the Terminal Tariff with Resolution 14-115, annually increasing moorage rates to be consistent with the Consumer Price Index, and Resolution 15-072, have moorage fees increased 3.2% per year for ten consecutive years, both taking effect January 1, 2016.

The secondary goal regarding equitability and the application of the fee structure to harbor users was first studied in 2014 and a square foot model was discussed, but after much input from large vessel owners that a square foot model was unfair, they ultimately decided against it. The commission then began looking into a graduated liner method for applying the rates to harbor users. Resolution 15-073 was adopted by City Council on August 15, 2015, allowing the Port and Harbor to contact with Northern Economics to assist the Port and Harbor Commission and staff in developing a graduated moorage rate structure, accompanied by a linear method version for comparison.

Northern Economics prepared a final study on January 12, 2016 and presented their findings to staff and the commission at their regular meeting on January 27, 2016. They recommended two rate structures and different approaches to applying each option. The first recommended alternative, Alternative A, was a progressive graduated rate structure with tiers set at a constant interval of 5 feet and a rate increase between tiers starting at 1.0 percent and decreasing to 0.1 percent with larger vessel sizes. The second recommended alternative, Alternative B, was a progressive continuous rate structure in which the annual moorage rate is calculated using the following equation:

$$\text{Permanent Moorage Rate} \left( \frac{\$}{\text{foot}} \right) = \frac{\$43.49 + (\$0.05 \times \text{foot}) \times \text{vessel length per foot}}{\text{foot}}$$

Two more discussions and public hearings were held on this topic and the commission came to a final consensus at their March 23, 2016 meeting and voted a unanimous yes to the following motion:

STOCKBURGER/DONICH MOVED TO ADOPT ALTERNATIVE B AT FIVE CENTS PER FOOT INCREASE AND CAP THE VESSEL SIZE AT 86 FEET.

As stated previously, the current Marina billing software cannot support a different billing method. This software is out of date and falling further and further behind in supplying our needs; Harbor Staff has been working on finding a replacement software program, so far realizing that there is not a program currently on the market that fits our needs and we will have to have a custom program made. Staff is still hoping to resolve this issue before the end of the year so a new rate structure can be implemented by January 1, 2017.

**Recommendation**

Approve Resolution 16-054 amending the City of Homer Fee Schedule and Resolution 16-055 amending the Port of Homer Terminal Tariff No. 600 to change from the standard per linear foot moorage rate structure to a graduated rate structure of \$0.05 increase per linear foot, based on the given equation, and cap the increases at the 86 foot vessel size. This new rate structure shall take effect January 1, 2017. An extension will be requested by Port and Harbor staff if there is a delay in implementing the new Marina billing software.

Attached: Resolution 14-115 Amending Terminal Tariff to Include Annual CPI Moorage Rate Increases  
Resolution 15-072 Amending Terminal Tariff to Include 3.2% Moorage Rate Increases for 10 Years  
Resolution 15-073 Approving the 3.2% Moorage Rate Increase & to Contract with Northern  
Economics for a Harbor Rate Structure Study  
Northern Economics Moorage Rate Structure Study dated January 12, 2016  
Port & Harbor Advisory Commission Meeting Minutes dated March 23, 2016 Re: Pending Business –  
Harbor Rates

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**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 14-115**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE PORT OF HOMER TERMINAL TARIFF NO. 600  
MOORAGE RATES.

WHEREAS, Fees are reviewed annually during the budget cycle; and

WHEREAS, The Port and Harbor Advisory Commission discussed and recommended that the harbor moorage rates should be increased to the Port of Homer Terminal Tariff No. 600, consistent with the Consumer Price Index.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port of Homer Terminal Tariff No. 600 as follows:

RULE: 34.18 - HARBOR MOORAGE RATES (A)

EFF: 01JAN2013

SUBSECTION 200

(a) CALCULATION OF MOORAGE RATES:

Mooring charges shall commence when a vessel is made fast to a wharf, pier, harbor float or other facility, or when a vessel is moored to another vessel so berthed (rafting). Charges shall continue until such vessel is completely free from and has vacated the port and harbor facilities.

A vessel moored at any time between 12:01 A.M. and 10:00 A.M. shall be charged a full day's moorage. The Harbormaster may, in his discretion and with proper and appropriate advance notice, waive a daily rate for a vessel that will occupy mooring space for a minimum time and, provided that the Harbormaster determines the use of the public facilities by others will not be congested or adversely affected.

Mooring charges shall be calculated on the length of the vessel, or in the case of a reserved stall, the length of the float stall assigned, whichever is greater.

Length shall be construed to mean the distance expressed in feet from the most forward point at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel. The length shall include all hull attachments such as bowsprits, dinghies, davits, etc.

PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160  TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	35
		REVISED PAGE NO.	15th

44  
 45 RULE: 34.18 - HARBOR MOORAGE RATES  
 46 (continued)

47  
 48 For billing purposes, when the actual length of the vessel is not immediately available, length  
 49 of the vessel as published in "Lloyd's Register of Shipping" may be used. The City of Homer  
 50 reserves the right to: (1) obtained the length from the vessel's register, or (2) measure the  
 51 vessel.

52  
 53 All vessels in the harbor are subject to these rates, except properly registered seine skiffs or  
 54 work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually  
 55 carried on the deck or super structure of the mother vessel and is regularly used in the  
 56 commercial enterprise of the mother vessel.

57  
 58 (b) ANNUAL MOORAGE FEE:

59 The annual moorage fee for reserved moorage and transient moorage privileges shall be ~~forty~~  
 60 ~~dollars and fifty cents~~ **forty-one dollars and seventy cents (\$40.50 \$41.70)** per lineal foot  
 61 based on the overall length of the vessel (including all hull attachments such as bowsprits,  
 62 davits, dinghies, swimsteps etc.) plus a fifty dollar (\$50.00) administration charge; or for a  
 63 reserved stall, the length of the finger float stall assigned, or the overall length of the vessel,  
 64 whichever is greater plus a fifty dollar (\$50.00) administration charge.

65  
 66 Any reproduction in the moorage fee due to a substituted or amended moorage agreement is  
 67 not applied retroactively and the owner or operator is not entitled to a refund or a pro-rata  
 68 adjustment of the moorage fees already due or paid. Any moorage agreement that expires  
 69 will, after five days, automatically be charged a monthly rate retroactive to the expiration  
 70 date. Unregistered vessels will also, after 5 days, automatically be charged a monthly rate  
 71 retroactively to the date the vessel entered the harbor.

72 (1) All reserved stall assignments are on an annual basis beginning October 1 and  
 73 ending September 30 of the following year. Prepayment of a full year's  
 74 moorage is due on or before October 1 of each year. Payment for reserved  
 75 moorage will only be accepted from the individual assigned the reserved stall.  
 76 The reserved stall payment shall be paid in full at the time the reserved  
 77 stall/moorage agreement is executed to the satisfaction of the Harbormaster.  
 78 Any other arrangements are at the discretion of the Harbormaster and must be

79 made in advance.

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80

81

PORT AND HARBOR OF HOMER 4350 HOMER SPIT ROAD HOMER, ALASKA 99603 PHONE: 907.235.3160  TERMINAL TARIFF NO. 600	FMC NO. 600	PAGE	36
		REVISED PAGE NO.	7th

82

83 RULE: 34.18 - HARBOR MOORAGE RATES

84 (continued)

85

86 (2) A reserved stall assignment granted after October 1 will be charged a fee based  
 87 on the number of months (including the month which it is granted regardless  
 88 of the day of the month) left in the fiscal year ending September 30.

89

90 (c) A semiannual transient rate is available on a prepaid basis only for transient vessels  
 91 mooring in the Small Boat Harbor for a period of six consecutive months. The  
 92 transient semiannual rate is 67% of the annual rate. Vessels that to not renew will  
 93 automatically be charged the monthly rate.

94

95 (d) The monthly transient rate will be 17% of the annual rate. Vessels that are properly  
 96 registered and pay all moorage fees in advance may deduct fifty cents(\$.50) per foot  
 97 per month.

98

99 (e) The daily transient rates are: 3% of the annual rate.  
 100 Vessels that properly register and pay all moorage fees in advance may deduct five  
 101 dollars per day from the daily rate.

102

103 (f) FLOAT PLANE FEES:  
 104 With proper registration and specific permission from the Harbormaster, float planes  
 105 may arrange for short-term moorage in the Small Boat Harbor. This is only allowed  
 106 when ice and weather conditions prevent float planes from landing on Beluga Lake.


107

108 A fee in the amount equal to the daily rate for moorage of two (2) 24' vessels shall be  
 109 assessed on a daily basis for float planes mooring within the confines of the Small  
 110 Boat Harbor. A monthly rate in the amount equal to the monthly rate for two 24'  
 111 vessels shall be assessed for float plane moorage for longer periods, and the moorage  
 112 charge computed for a float plane's stay in the harbor shall be the lowest total charge  
 113 resulting from the application of either the daily or the monthly rate indicated.

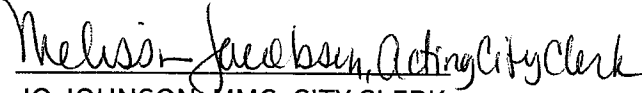
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PASSED AND ADOPTED by the City Council of Homer, Alaska, this 8<sup>th</sup> day of  
December, 2014.

CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



41 WHEREAS, The Commission has determined it necessary to increase rates at 3.2% per  
42 year for the next ten years, plus the annual consumer price index (CPI) to achieve the financial  
43 goal; and  
44

45 WHEREAS, The Commission held an open house on April 22 and a public hearing on  
46 June 24 to receive testimony.  
47

48 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby amends the  
49 Port of Homer Terminal Tariff No. 600 and the City of Homer Fee Schedule for annual  
50 moorage fees to include a 3.2% moorage fee increase per year in addition to the annual CPI  
51 increase effective January 1, 2016 and;  
52

53 BE IT FURTHER RESOLVED that a graduated linear foot rate structure be developed,  
54 along with its implementation schedule in time for its use in assessing moorage rates  
55 effective January 1, 2017.  
56

57 PASSED AND ADOPTED by the Homer City Council on this <sup>24<sup>th</sup></sup>~~10<sup>th</sup>~~ day of August, 2015.  
58

59 CITY OF HOMER  
60

61   
62 MARY E. WYTHE, MAYOR  
63

64  
65 ATTEST:

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67   
68 Melissa Jacobson Acting City Clerk  
69 JO JOHNSON, MMC, CITY CLERK  
70

71 Fiscal Note: N/A  
72





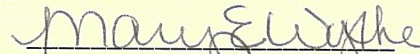


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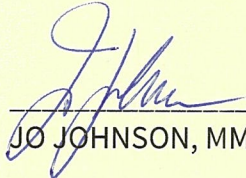
PASSED AND ADOPTED by the Homer City Council on this 10<sup>th</sup> day of August, 2015.



CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

Fiscal Note: \$20,000 funded under account 400.600



# Memorandum

**Date:** January 12, 2016  
**To:** Bryan Hawkins, Port Director, City of Homer  
**From:** Northern Economics, Inc.  
**Re:** Homer Harbor Rate Structure

This memo evaluates alternative rate structures for the Homer Harbor. Homer’s current moorage rate structure is a flat fee charged per linear foot of vessel length or stall length, whichever is greater. The City of Homer is interested in investigating graduated rate structures in which the rate charged per foot would vary by vessel size. The purpose of this study is to provide an objective analysis of alternative rate structures and options for Homer Harbor.

## **Recommendations**

Based on the findings of this rate structure analysis, Northern Economics makes the following recommendations to be considered by the Port and Harbor Commission.

### ***Recommended alternatives***

Northern Economics recommends two rate structure alternatives to be moved forward for further discussion and evaluation by the Port and Harbor Commission. The first recommended alternative, Alternative A, is a progressive graduated rate structure with tiers set at a constant interval of 5 feet and a rate increase between tiers starting at 1.0 percent and decreasing to 0.1 percent with larger vessel sizes. The second recommended alternative, Alternative B, is a progressive continuous rate structure in which the annual moorage rate is calculated using the following equation:

$$\text{Permanent Moorage Rate} \left( \frac{\$}{\text{foot}} \right) = \frac{\$43.19 + \frac{\$0.05}{\text{foot}} \times \text{vessel length (feet)}}{\text{foot}}$$

The recommended alternatives were selected from a list of five rate structure options that exemplify the most common trends found throughout the rate structures sampled for this study.

Two different approaches to applying the recommended alternatives have also been identified. The first approach is a rate structure that starts at a minimum vessel length of 6 feet and progresses consistently out to 200 feet, the maximum vessel length serviced by the harbor, similar to the current flat rate structure. The second approach is to place a cap on the rate structure for vessels that are too large to fit into a stall and instead must side tie to a transit raft. This second approach would result in a progressive rate for vessels up to 86 feet in length and a flat rate for larger vessels that are required to use a transient raft instead of a stall. The second approach is aimed at adjusting the rate structure for the different level of service provided to vessels that use a stall compared to vessels using the transient raft.

**User group differentiation**

Some of the harbors sampled in the rate structure review charge different rates based on the user type, typically differentiating between recreational and commercial users. The harbors that implemented different user-based rate structures typically catered strongly to a single user group, most commonly commercial fishing, unlike Homer’s harbor which accommodates a variety of user groups. Reduced rates for commercial users are often subsidized by other local government departments through transfers and are used as a tool to increase sales tax revenues and job creation within the community or a specific industry. Northern Economics does not recommend that Homer adopt a user-based rate structure at this time since the harbor serves a diverse group of users and does not receive any financial benefits from the city for sales tax revenues its users generate

**Continue to offer discounts for longer reserved moorage**

Homer Harbor currently offers discounts for yearly, semi-annual, and monthly billing cycles for reserved moorage. These discounts help to reduce administrative costs associated with billing and collecting reserved moorage fees and assist in managing cash flows within the harbor. Northern Economics recommends maintaining this practice under the selected rate structure.

**Transition over multiple years**

Northern Economics recommends transitioning to the selected rate structure over multiple years to mitigate steep increases in moorage rates that could potentially shock the market and negatively impact demand. Continued annual increases based on the change in the Anchorage Consumer Price Index (CPI), as well as the 3.2 percent annual increase established by Resolution 15-072, should also be factored into the transition plan. Due to the progressive nature of the recommended alternative rate structures, vessels with longer lengths may require a longer transition period than smaller vessels. Table 1 illustrates an example of a transition plan for the two recommended alternatives. This example uses the average annual increase in CPI between 2010 and 2014, 2.3 percent, as a proxy for future annual CPI-based rate adjustments. The columns for years 1 through 7 show the annual percentage increase in moorage rates during the example transition plans. The shaded cells indicate years in which an additional rate increase is added to the annual CPI and Resolution 15-072 rate adjustment to bring the current flat rate structure in line with the recommended alternatives.

**Table 1. Example Transition Plan: Percent Increase in Moorage Rate by Year**

Alternative	Vessel Length (ft)	% Change From Flat	Res. 15-072 Increase	Average Increase in CPI (%)	Moorage Rate Increase (%) by Year						
					1	2	3	4	5	6	7
Alternative A	18	1.0	3.2	2.3	6.5	5.5	5.5	5.5	5.5	5.5	5.5
	32	3.9	3.2	2.3	7.5	7.5	5.5	5.5	5.5	5.5	5.5
	54	7.5	3.2	2.3	8.0	8.0	8.0	5.5	5.5	5.5	5.5
	86	13.1	3.2	2.3	8.1	8.1	8.1	8.1	8.1	5.5	5.5
	112	16.4	3.2	2.3	8.2	8.2	8.2	8.2	8.2	8.2	5.5
Alternative B	18	1.4	3.2	2.3	6.9	5.5	5.5	5.5	5.5	5.5	5.5
	32	3.0	3.2	2.3	7.0	7.0	5.5	5.5	5.5	5.5	5.5
	54	5.5	3.2	2.3	7.3	7.3	7.3	5.5	5.5	5.5	5.5
	86	9.2	3.2	2.3	7.8	7.8	7.8	7.8	5.5	5.5	5.5
	112	12.2	3.2	2.3	7.9	7.9	7.9	7.9	7.9	5.5	5.5
Current Structure	18	-	3.2	2.3	5.5	5.5	5.5	5.5	5.5	5.5	5.5
	32	-	3.2	2.3	5.5	5.5	5.5	5.5	5.5	5.5	5.5
	54	-	3.2	2.3	5.5	5.5	5.5	5.5	5.5	5.5	5.5
	86	-	3.2	2.3	5.5	5.5	5.5	5.5	5.5	5.5	5.5
	112	-	3.2	2.3	5.5	5.5	5.5	5.5	5.5	5.5	5.5

Table 2 shows the annual moorage fees that would result from the transition plan illustrated in Table 1. The transition plan takes place over six years for Alternative A and five years for Alternative B with a maximum annual increase in annual moorage rates of 8.2 percent when the annual CPI-based adjustments and Resolution 15-072 annual increases are factored in.

**Table 2. Example Transition Plan- Annual Moorage by Year**

Alternative	Vessel Length (ft)	Annual Moorage Fee (\$) by Year							
		Current	1	2	3	4	5	6	7
Alternative A	18	782.82	833.70	879.56	927.93	978.97	1,032.81	1,089.62	1,149.55
	32	1,391.68	1,495.40	1,606.85	1,695.23	1,788.47	1,886.83	1,990.61	2,100.09
	54	2,348.46	2,536.63	2,739.87	2,959.41	3,122.17	3,293.89	3,475.06	3,666.18
	86	3,740.14	4,043.95	4,372.44	4,727.61	5,111.63	5,526.85	5,830.83	6,151.52
	112	4,870.88	5,271.95	5,706.05	6,175.89	6,684.42	7,234.82	7,830.54	8,261.22
Alternative B	18	782.82	836.68	882.69	931.24	982.46	1,036.49	1,093.50	1,153.64
	32	1,391.68	1,489.02	1,593.17	1,680.80	1,773.24	1,870.77	1,973.66	2,082.21
	54	2,348.46	2,520.83	2,705.84	2,904.44	3,064.18	3,232.71	3,410.51	3,598.09
	86	3,740.14	4,031.85	4,346.31	4,685.29	5,050.72	5,328.50	5,621.57	5,930.76
	112	4,870.88	5,257.50	5,674.80	6,125.23	6,611.41	7,136.18	7,528.67	7,942.75
Current Structure	18	782.82	825.88	871.30	919.22	969.78	1,023.11	1,079.39	1,138.75
	32	1,391.68	1,468.22	1,548.97	1,634.17	1,724.05	1,818.87	1,918.91	2,024.45
	54	2,348.46	2,477.63	2,613.89	2,757.66	2,909.33	3,069.34	3,238.16	3,416.26
	86	3,740.14	3,945.85	4,162.87	4,391.83	4,633.38	4,888.21	5,157.07	5,440.70
	112	4,870.88	5,138.78	5,421.41	5,719.59	6,034.17	6,366.05	6,716.18	7,085.57

Once a transition plan is developed, Northern Economics recommends publishing planned rate increases a few year in advance to allow vessel owners to plan ahead and make necessary adjustments to absorb the moorage rate increases.

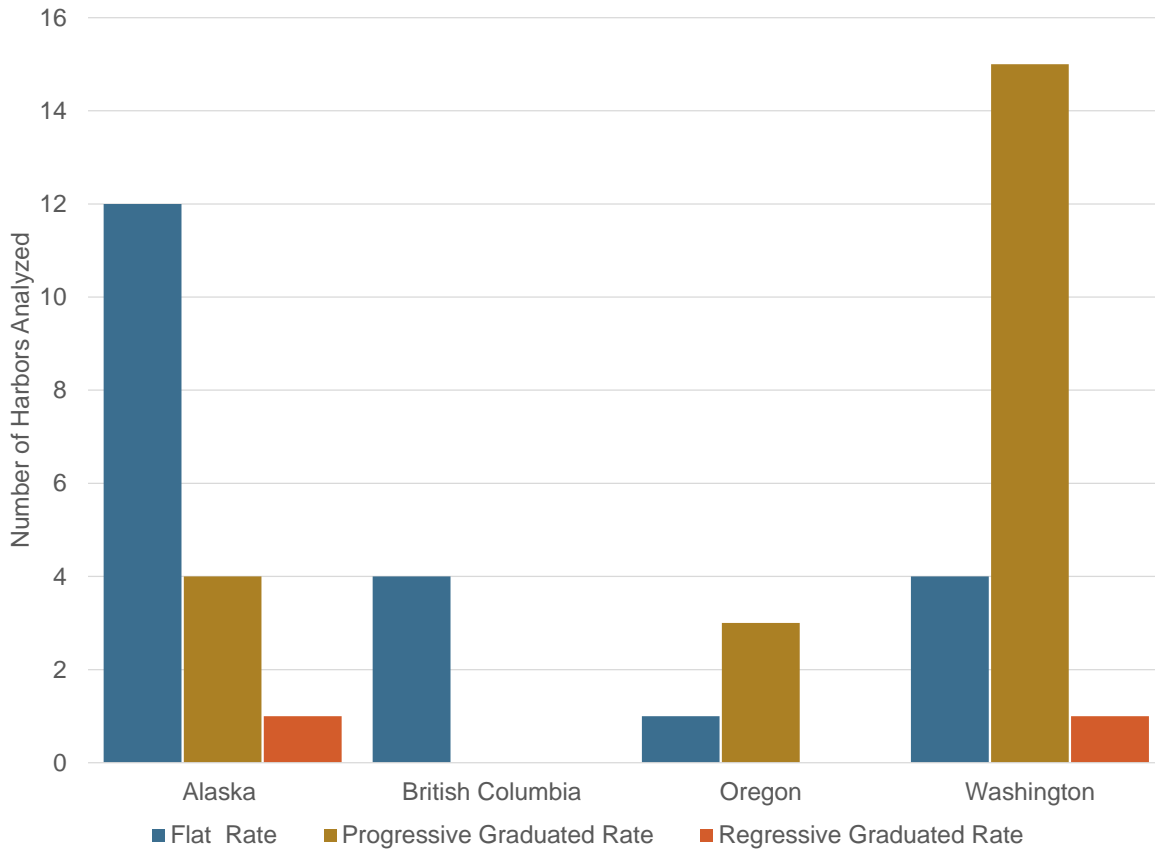
### **Rate Structure Review**

Northern Economics analyzed the permanent moorage rate structures of 45 harbors across Alaska, British Columbia, Washington, and Oregon. Three distinct rate structures were identified within these harbors:

- **Flat Rate:** moorage rate per foot is constant, regardless of vessel or slip size.
- **Progressive Graduated Rates:** moorage rate per foot increases with the vessel or slip size.
- **Regressive Graduated Rates:** moorage rate per foot decreases with the vessel or slip size.

Of the 45 rate structures analyzed, 22 had flat rates and 23 had graduated rates. Of those with graduated rates, 21 were progressive and 2 were regressive. Figure 1 illustrates the distribution of the harbors analyzed by location and rate structure type. While flat rate structures are most common among Alaska harbors, both progressive and regressive rate structures are also being used in the state. Graduated rate structures are prevalent in Oregon and Washington.

**Figure 1. Frequency of Rate Structure Types by Location**



Source: websites and rate sheets collected from harbors

Table 3 lists the harbors analyzed in this study with the details about their graduated rate structures. These data were used as the basis for the five rate structure options and resulting recommended alternatives presented in this report.

**Table 3. Graduated Rate Structures by Port**

Port <sup>a</sup>	State	Graduation	Tier Size (ft)	Rate Change per Tier (%)	Transient Structure
Astoria	OR	Progressive	9	3-10	Graduated
Bainbridge	WA	Progressive	8	6-9	Graduated
Ballard Mill	WA	Progressive	2-8	6-9	Only offer Monthly
Bandon	OR	Progressive	various	\$0.01 <sup>b</sup>	Graduated
Bellingham	WA	Progressive	3-11	2-17	Graduated
Blaine	WA	Progressive	3-14	1-16	Flat Rate
Bremerton	WA	Progressive	4	2-9	Flat Rate
Dana Point	OR	Progressive	5	2-22	Flat Rate
Elliot Bay	WA	Progressive	2-10	2-9	Flat Rate
Everett	WA	Progressive	2-5	5-22	Permanent + Flat Fee
Fishermen's Terminal	WA	Progressive	10	1-9	Graduated
Friday Harbor	WA	Progressive	2-10	1-2	Graduated
Haines	AK	Progressive	40	\$6 <sup>c</sup>	Flat Rate
Kennewick	WA	Regressive	5-20	1-25	Flat Rate
Kodiak	AK	Progressive	20	7-20	1/60 of Annual
Olympia	WA	Progressive	8	4-13	Flat Rate
Petersburg	AK	Progressive	8-12	11-15	Flat Rate
Port Angeles	WA	Progressive	10	6-9	Graduated
Port Townsend	WA	Progressive	2-5	1-8	Flat Rate
Shilshole Bay	WA	Progressive	2-10	1-16	Graduated
Tacoma	WA	Progressive	2	various	Only offer Monthly
Thorne Bay	AK	Regressive	5-13	1-2	Graduated
Unalaska	AK	Progressive	10	7-23	Graduated

Notes:

<sup>a</sup> Harbors with flat rate structures are not included in the table. These harbors included Brentwood Bay (BC), Chenega Bay, Comox (BC), Cordova, Dillingham, Grays Harbor (WA), Juneau, Kalama (WA), Ketchikan, Kingston (WA), Nanaimo (BC), Nome, Poulso (WA), Seward, Sitka, Skagway, Toledo (OR), Valdez, Whittier, and Wrangell.

<sup>b</sup> Rate structure uses a \$0.01 increase between tiers instead of a consistent percent change between tiers

<sup>c</sup> Rate structure uses a \$6 increase between tiers instead of a consistent percent change between tiers

Source: Websites and rate sheets collected from harbors.

Separate rate structures for transient and permanent moorage were common throughout the rate structures sampled, but the structure of transient moorage and premium over the permanent rate varied significantly between ports. In all cases, daily transient moorage rates were higher than the permanent moorage rates. Some harbors apply a separate graduated rate structure for transient moorage, but there were also a number of harbors that use a flat rate structure for transient moorage.

### **Rate Structure Options for Homer**

Within graduated rate structures there are two main variables that can be manipulated to produce a customized rate structure. The first is the size and number of tiers within the graduated scale. These tiers can be set to a single uniform size or vary based on vessel size, slip size, or demand. Often tiers are matched with fleet or infrastructure characteristics, such as slip sizes, popular recreational vessels, or species-specific commercial fishing vessel lengths. The second variable is the extent of change

between tiers. The degree of change between tiers may be constant or vary across tiers. Often the rate change is proportional to the size of the tiers.

Based on the rate structure review, Northern Economics developed five rate structure options that illustrate the most common attributes found in the graduated rate structures sampled. These structure options illustrate how a graduated rate structure could be applied to Homer.

**Option 1:** A progressive graduated rate structure in which the tiers correspond to the slip sizes available in Homer Harbor. The rate increase for each tier ranges from 2 to 5 percent and increases at a decreasing rate.

**Option 2:** A progressive graduated rate structure with smaller tiers set at a constant interval of 5 feet. The rate increase for each tier ranges from 1.0 to 0.1 percent and increases at a decreasing rate.

**Option 3:** A progressive graduated rate structure with fewer tiers set at a constant interval of 20 feet. The rate increase for each tier ranges from 4 to 10 percent and increases at an increasing rate

**Option 4:** A regressive graduated rate structure with tiers set at a constant interval of 10 feet. The rate decrease for each tier ranges from 1 to 4 percent and decreases at an increasing rate.

**Option 5:** A progressive continuous rate structure in which the annual moorage rate is calculated using the following equation:

$$\text{Permanent Moorage Rate} \left( \frac{\$}{\text{foot}} \right) = \frac{\$43.19 + \frac{\$0.05}{\text{foot}} \times \text{vessel length (feet)}}{\text{foot}}$$

To narrow down the five options presented above, Northern Economics considered the pros and cons of each rate structure and how well each option could be adapted to fit Homer Harbor. Table 4 summarizes the pros and cons identified for each rate structure option.

**Table 4. Rate Structure Options Pros and Cons**

Rate Structure	Pros	Cons
<b>Option #1</b>	Tiers are directly tied to the infrastructure used (slip size)	Larger tiers and bigger rate jumps between tiers
<b>Option #2</b>	Smaller tiers and rate increases, facilitating a smoother transition between tiers	Incentivizes vessel owner to try to fit into the lowest tier possible
<b>Option #3</b>	Simple rate structure with few tiers	Large tiers and big rate jumps between tiers
<b>Option #4</b>	Reduces rates for larger vessels	Does not reflect the cost of accommodating larger vs. smaller vessels
<b>Option #5</b>	Logical and justifiable rates charged per foot of vessel length	Very detailed rate sheets needed for successful implementation

**Tier Size**

One of the main differentiating factors between the five rate structure options presented above is tier size. Option 3 has the largest tiers (20 feet), followed by Option 1 (corresponding with slip size, ranging from 2 to 25 feet) and Option 4 (10 foot). Option 2 has the smallest tier size (5 feet). Option 5 employs a continuous rate that effectively has a tier size of 1 foot.



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Transitioning from a flat rate structure to a graduated rate structure that uses fewer but larger tiers may be seen as a drastic change and cause some dissention among customers whose vessels are close to the transition points between tiers. Larger rate increases between tiers may also be seen as biased towards smaller vessel sizes or a specific user group. For these reasons, Northern Economics recommends implementing a rate structure that uses smaller tier sizes.

### ***Regressive vs Progressive***

The majority of the graduated rate structures sampled are progressive, meaning that they employ an increasing rate change between tiers. Progressive rates reflect the logic that larger vessels requiring larger turning basins and exert more force on harbor infrastructure, resulting in decreased utilization of the harbor basin and more wear and tear on facilities than smaller vessels. Larger vessel owners are thus charged a higher rate per foot to account for the increased costs associated with infrastructure designed to accommodate their vessels.

Regressive graduated structures were the least common structure found within the sample. Regressive structures are often used at harbors that want to attract larger vessels to fill available capacity or attract commercial vessels that bring in additional revenue to local governments through other taxes or fees. Homer Harbor currently has a waiting list, attracts a diverse range of harbor users and vessel sizes, and does not receive a financial benefit from the City of Homer's tax revenues. For these reasons Northern Economics does not recommend a regressive rate structure for Homer Harbor.

### **Recommended Alternative Rate Structures for Homer**

Based on the criteria discussed above, Northern Economics recommends Options 2 and 5 as potential alternative rate structures for Homer Harbor. Moving forward, Option 2, a progressive rate structure with smaller tiers and rate increases, will be referred to as Alternative A and Option 5, the continuous progressive rate structure, will be referred to as Alternative B.

Northern Economics developed rate tables for each alternative, shown in Table 5 and Table 6, using the 2016 flat rate of \$43.49 per foot as the starting point for each structure.

Table 5 contains the rate structure for Alternative A, a progressive graduated structure using consistent 5-foot tiers. The rate changes between tiers increases incrementally at a decreasing rate between 1.0 percent and 0.1 percent. Under Alternative A, annual moorage for a 30 foot vessel would be \$1,343.24, which is 53 percent more than the annual moorage for a 20 foot vessel. Compared to the 2016 flat rate structure, the annual moorage under alternative A for a 30 foot vessel would increase by just over 3 percent.

**Table 5. Rate Table, Alternative A**

<b>Vessel Size</b>	<b>% Increase in Tier</b>	<b>Annual Rate (\$/foot)</b>
0-15	-	43.49
16-20	1.00	43.92
21-25	0.98	44.35
26-30	0.95	44.77
31-35	0.93	45.19
36-40	0.90	45.60
41-45	0.88	45.99
46-50	0.85	46.39
51-55	0.83	46.77
56-60	0.80	47.14
61-65	0.78	47.51
66-70	0.75	47.86
71-75	0.73	48.21
76-80	0.70	48.55
81-85	0.68	48.88
86-90	0.65	49.19
91-95	0.63	49.50
96-100	0.60	49.80
101-105	0.58	50.08
106-110	0.55	50.36
111-115	0.53	50.62
116-120	0.50	50.88
121-125	0.48	51.12
126-130	0.45	51.35
131-135	0.42	51.57
136-140	0.40	51.77
141-145	0.37	51.97
146-150	0.35	52.15
151-155	0.32	52.32
156-160	0.30	52.48
161-165	0.27	52.62
166-170	0.25	52.75
171-175	0.22	52.87
176-180	0.20	52.98
181-185	0.17	53.07
186-190	0.15	53.15
191-195	0.12	53.22
196-200	0.10	53.27

Alternative B is a progressive continuous rate structure in which the annual moorage rate per foot increases consistently by \$0.05 per foot. The rate is calculated according to the formula:

$$\text{Permanent Moorage Rate} \left( \frac{\$}{\text{foot}} \right) = \frac{\$43.19 + \frac{\$0.05}{\text{foot}} \times \text{vessel length (feet)}}{\text{foot}}$$

Table 6 displays the calculated annual moorage rates under Alternative B. The rate increase per foot for this alternative was developed to mirror the rates presented in Alternative A.

**Table 6. Rate Table, Alternative B**

Vessel Length (ft)	Annual Rate (\$/ft)	Vessel Length (ft)	Annual Rate (\$/ft)	Vessel Length (ft)	Annual Rate (\$/ft)	Vessel Length (ft)	Annual Rate (\$/ft)	Vessel Length (ft)	Annual Rate (\$/ft)	Vessel Length (ft)	Annual Rate (\$/ft)
6	43.49	40	45.19	74	46.89	108	48.59	142	50.29	176	51.99
7	43.54	41	45.24	75	46.94	109	48.64	143	50.34	177	52.04
8	43.59	42	45.29	76	46.99	110	48.69	144	50.39	178	52.09
9	43.64	43	45.34	77	47.04	111	48.74	145	50.44	179	52.14
10	43.69	44	45.39	78	47.09	112	48.79	146	50.49	180	52.19
11	43.74	45	45.44	79	47.14	113	48.84	147	50.54	181	52.24
12	43.79	46	45.49	80	47.19	114	48.89	148	50.59	182	52.29
13	43.84	47	45.54	81	47.24	115	48.94	149	50.64	183	52.34
14	43.89	48	45.59	82	47.29	116	48.99	150	50.69	184	52.39
15	43.94	49	45.64	83	47.34	117	49.04	151	50.74	185	52.44
16	43.99	50	45.69	84	47.39	118	49.09	152	50.79	186	52.49
17	44.04	51	45.74	85	47.44	119	49.14	153	50.84	187	52.54
18	44.09	52	45.79	86	47.49	120	49.19	154	50.89	188	52.59
19	44.14	53	45.84	87	47.54	121	49.24	155	50.94	189	52.64
20	44.19	54	45.89	88	47.59	122	49.29	156	50.99	190	52.69
21	44.24	55	45.94	89	47.64	123	49.34	157	51.04	191	52.74
22	44.29	56	45.99	90	47.69	124	49.39	158	51.09	192	52.79
23	44.34	57	46.04	91	47.74	125	49.44	159	51.14	193	52.84
24	44.39	58	46.09	92	47.79	126	49.49	160	51.19	194	52.89
25	44.44	59	46.14	93	47.84	127	49.54	161	51.24	195	52.94
26	44.49	60	46.19	94	47.89	128	49.59	162	51.29	196	52.99
27	44.54	61	46.24	95	47.94	129	49.64	163	51.34	197	53.04
28	44.59	62	46.29	96	47.99	130	49.69	164	51.39	198	53.09
29	44.64	63	46.34	97	48.04	131	49.74	165	51.44	199	53.14
30	44.69	64	46.39	98	48.09	132	49.79	166	51.49	200	53.19
31	44.74	65	46.44	99	48.14	133	49.84	167	51.54		
32	44.79	66	46.49	100	48.19	134	49.89	168	51.59		
33	44.84	67	46.54	101	48.24	135	49.94	169	51.64		
34	44.89	68	46.59	102	48.29	136	49.99	170	51.69		
35	44.94	69	46.64	103	48.34	137	50.04	171	51.74		
36	44.99	70	46.69	104	48.39	138	50.09	172	51.79		
37	45.04	71	46.74	105	48.44	139	50.14	173	51.84		
38	45.09	72	46.79	106	48.49	140	50.19	174	51.89		
39	45.14	73	46.84	107	48.54	141	50.24	175	51.94		

## Effect of Rate Structures on Moorage Fees Paid by Vessel Owners

To demonstrate the impact of the alternative rate structures on vessel owners, Table 7 shows the annual moorage payment (not including sales tax and the administrative fee) for vessels ranging from 18 to 80 feet in length under the alternative rate structures and the 2016 flat rate of \$43.49 per foot. The table also shows the percent change in moorage payments relative to the 2016 flat rate.

**Table 7. Annual Moorage Revenue and Change by Alternative and Vessel Length**

Rate Structure	Vessel Length (ft.)						
	18	24	32	42	54	68	80
<b>Annual Moorage Payment (\$)</b>							
Alternative A	790.65	1,064.48	1,446.04	1,931.76	2,525.47	3,254.74	3,883.86
Alternative B	793.62	1,065.36	1,433.28	1,902.18	2,478.06	3,168.12	3,775.20
2016 Flat Rate	782.82	1,043.76	1,391.68	1,826.58	2,348.46	2,957.32	3,479.20
<b>Change From 2016 Flat Rate (%)</b>							
Alternative A	1.0	2.0	3.9	5.8	7.5	10.1	11.6
Alternative B	1.4	2.1	3.0	4.1	5.5	7.1	8.5

Figure 2 compares the 2016 annual flat rate per foot with the two recommended alternative rate structures.

**Figure 2. Comparison of Alternative Rate Structures by Vessel Length**

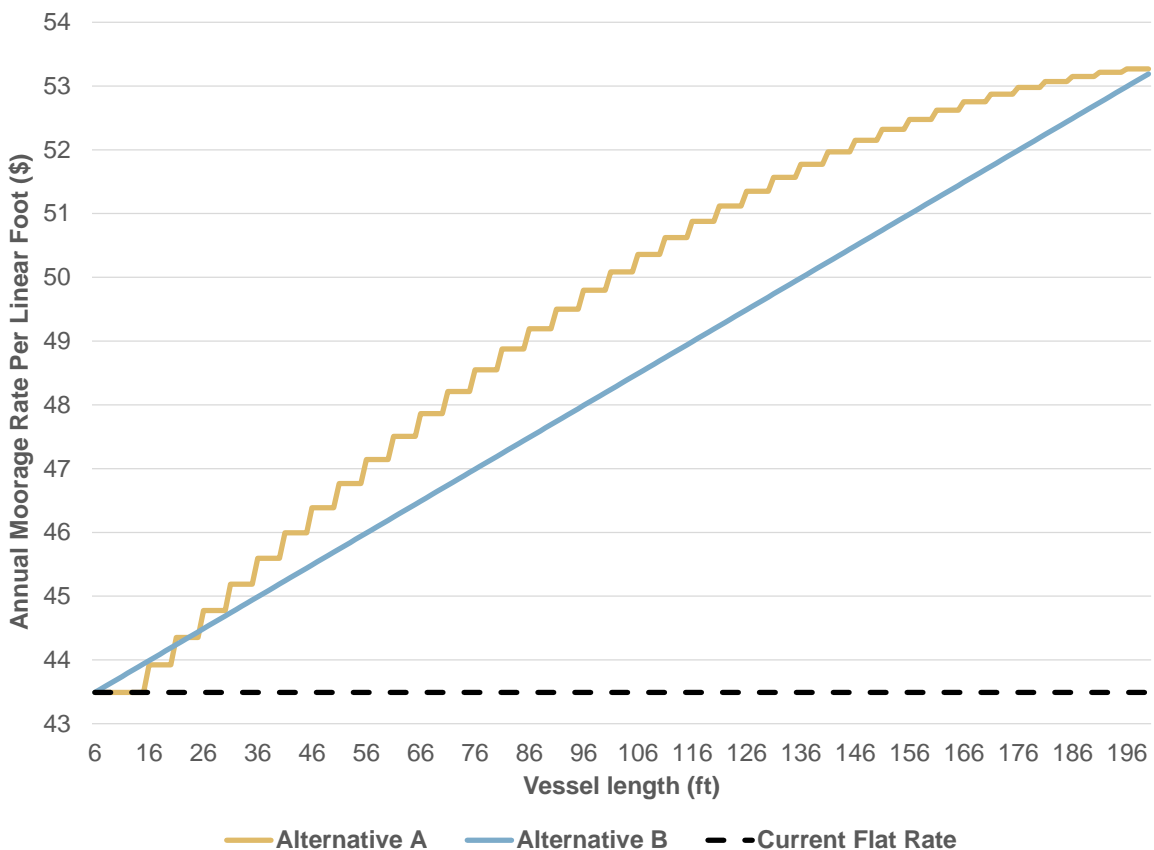
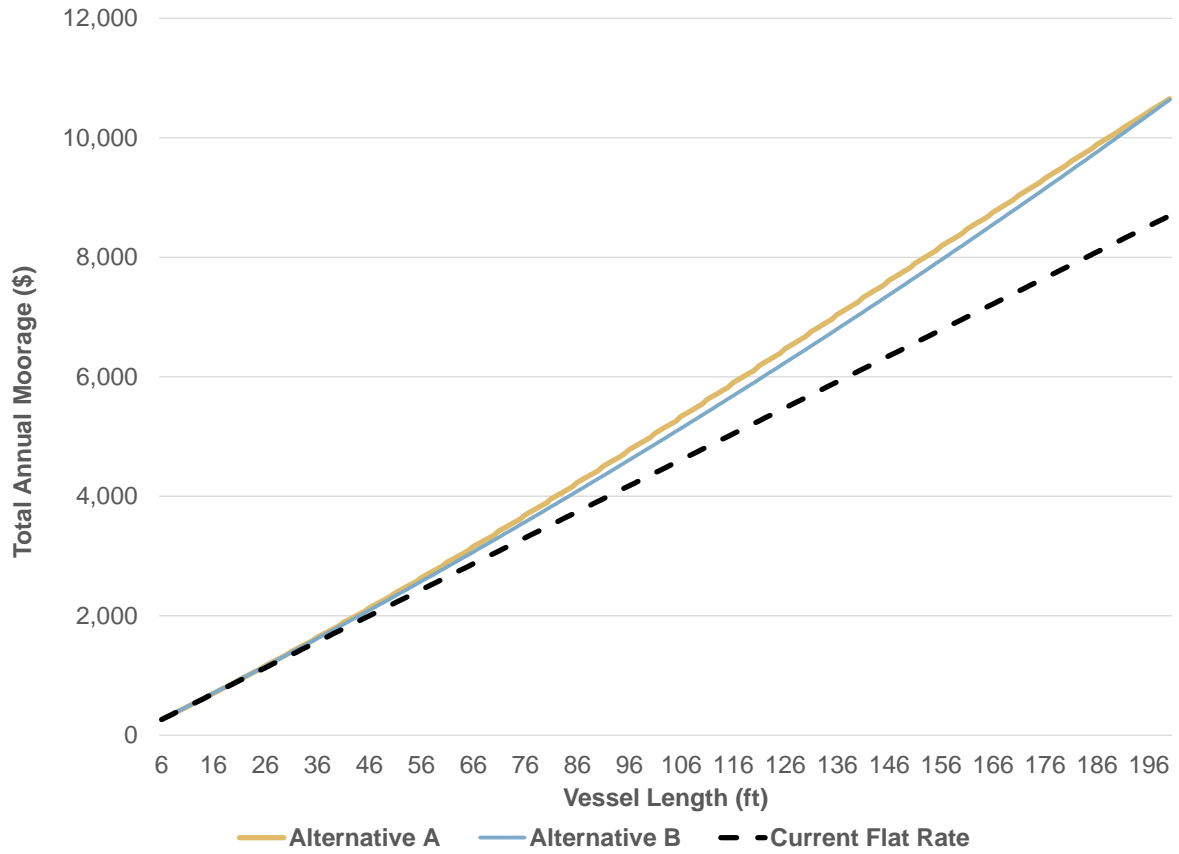


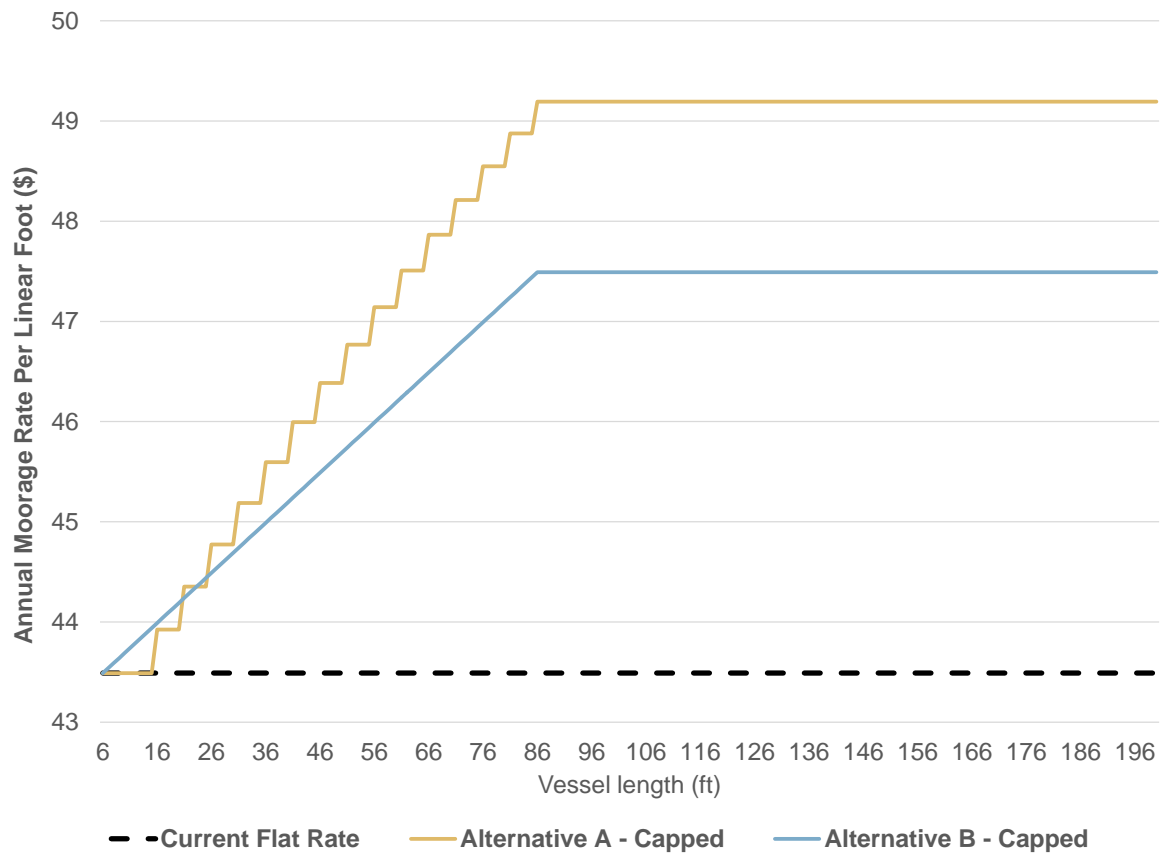
Figure 3 shows the total annual moorage by vessel length for the two recommended alternatives as well as the 2016 flat rate structure. Sales tax and administration fees are not included in the rates.

**Figure 3. Comparison of Annual Moorage under Recommended Alternatives by Vessel Length**



Homer Harbor has 883 stalls ranging from 18 feet to 75 feet and can accommodate vessels up to 86 feet in length. Vessels longer than 86 feet use the harbor by side tying to transit rafts. Due to the lower level of service offered to vessels at the transit rafts, one modification could be to add a cap on the annual rate for vessels over 86 feet in length. Figure 4 shows the two recommended alternatives with the rate cap.

**Figure 4. Annual Moorage Rate under Recommended Alternatives with Cap**



### **Differentiation by User Type**

In addition to length-based rate structures, some harbors charge different rates based on the user type. Four harbors within the sample have class-based divisions, all of which are divided into recreational vessels and commercial vessels. Fishermen’s Terminal in Seattle and Blaine Harbor in Bellingham each apply separate graduated rate structures for commercial and recreational vessels. In both cases, the monthly moorage rate per foot is significantly less, between 13 and 39 percent at Fishermen’s Terminal and between 28 and 35 percent at Blaine Harbor for commercial vessels. The tiers used in the graduated rate structure for commercial vessels are also much larger than those used for recreational vessels. Commercial-specific rate structures are also set to accommodate larger vessels, with the first tiers ending at 80 feet under both rate structures.

The Port of Nanaimo and Comox Valley Harbor in British Columbia also charge separate moorage rates for commercial and recreational vessels. Both of these harbors use separate flat rate structures for each user type. Moorage for commercial vessels is 32 to 35 percent less than the moorage for recreational vessels at both of these harbors.

**Table 8. Commercial Moorage Discounts by Harbor**

<b>Harbor</b>	<b>Rate Structure</b>	<b>Discount for Commercial Relative to Recreational (%)</b>
Blaine	Graduated-Progressive	28-35
Comox	Flat Rate	34
Fishermen's Terminal	Graduated-Progressive	13-39
Nanaimo	Flat Rate	32-35

Source: Websites and rate sheets collected from harbors.

Both Fishermen’s Terminal and Blaine Harbor require proof of active commercial fishing in order to qualify for the commercial rates. Fish tickets, landing permits, or fishing permits from the current or previous season are acceptable as proof of active commercial fishing. Both harbors emphasize that the vessel must be actively participating in commercial fishing activities and require that these documents be submitted every two years for long term tenants.

Blaine Harbor implemented a reduced rate structure for commercial vessels in 2011 in an effort to promote the local fishing and maritime trade community. Commercial users are subsidized through the Economic Development Fund. Blaine Harbor’s goal in offering reduced commercial moorage is to attract vessels from other harbors, increase taxes paid to Whatcom County, and promote job creation within the community. After a review of its active commercial fishing rate structure in 2014, Blaine’s Port Commission approved a two percent increase in commercial rates starting in 2017 in an attempt to reduce the amount of subsidy provided by the Economic Development Fund.

Fishermen’s Terminal has a long history of supporting the commercial fishing industry, and for its first 88 years in operation this facility was exclusively for commercial fishing vessels. Fishermen’s Terminal is part of the larger Port of Seattle system, which includes Sea-Tac Airport, cargo terminals, cruise ship terminals, Bell Harbor Marina, and Shilshole Bay Marina. The facilities within this port system are focused on specific user groups and Fishermen’s Terminal, as the name suggests, caters primarily to commercial fishermen. The reduced rate structure for active commercial vessels, like Blaine Harbor, was implemented to encourage commercial fishing activities within the community. Fishermen’s Terminal does not operate as an enterprise and is not expected to break even, but instead is used as an economic driver that results in increased revenues through other tax structures in King County. While this program is not directly subsidized, the Port of Seattle receives a portion of the revenues collected through King County property taxes and the Port Authority then distributes a portion of the transferred revenues to Fishermen’s Terminal.

In the case of both Blaine Harbor and Fishermen’s Terminal, user-specific rate structures are used as an economic stimulant with the goal of generating additional revenues through other local tax structures. Subsidies or transfers from local governments allow for the ports implementing these rate structures to be compensated for the increased economic activity they are encouraging.

## Annual Moorage Rates Comparison

rev 3/12/2015

RESERVED MOORAGE Based on Homer Harbor Stall Sizes*								
Harbor	Rate Formula	20'	24'	32'	40'	50'	60'	75'
<b>Homer</b>	\$41.70 x length + fee	\$884.00	\$1,050.80	\$1,384.40	\$1,718.00	\$2,135.00	\$2,552.00	\$3,177.50
<b>Kodiak</b>	0-40 ft: \$30.00 x length	\$600.00	\$720.00	\$960.00	\$1,200.00	\$2,050.00	\$2,460.00	\$4,575.00
	40-60 ft: \$41.00 x length							
	61-80 ft: \$61.00 x length							
	81-100 ft: \$71.50 x length							
<b>Seward</b>	\$47.47 x length + fee	\$1,009.40	\$1,259.28	\$1,639.04	\$2,018.80	\$2,553.50	\$3,028.20	\$3,740.25
<b>Valdez</b>	\$34.46 x length	\$689.20	\$827.04	\$1,102.72	\$1,288.80	\$1,378.40	\$2,067.60	\$2,584.50
	Tour Boats: \$69.46 x length	-	-	-	-	-	\$4,167.60	\$5,209.50
<b>Whittier</b>	\$64.20 x length	\$1,284.00	\$1,540.80	\$2,054.40	\$2,568.00	\$3,210.00	\$3,852.00	\$4,815.00

TRANSIENT MOORAGE Based on Varied Boat Sizes								
Harbor	Rate Formula	18'	24'	32'	45'	58'	70'	85'
<b>Homer</b>	\$41.70 x length + admin fee	\$800.60	\$1,050.80	\$1,384.40	\$1,926.50	\$2,468.60	\$2,969.00	\$3,594.50
<b>Kodiak</b>	0-40 ft: \$30.00 x length	\$540.00	\$720.00	\$960.00	\$1,845.00	\$2,378.00	\$4,270.00	\$6,077.50
	40-60 ft: \$41.00 x length							
	61-80 ft: \$61.00 x length							
	81-100 ft: \$71.50 x length							
<b>Seward</b>	\$52.23 x length + fee	\$1,000.14	\$1,373.52	\$1,791.36	\$2,530.35	\$3,209.34	\$3,836.10	\$4,679.55
<b>Valdez</b>	\$39.63 x length	\$713.34	\$951.12	\$1,268.16	\$1,482.40	\$1,783.35	\$2,774.10	\$3,368.55
<b>Whittier</b>	\$64.20 x length***	\$1,155.60	\$1,540.80	\$2,054.40	\$2,889.00	\$3,723.60	\$4,494.00	\$5,457.00

\* Not all harbor have stalls that are comparable. Because of this, costs are estimated on how much it would be if that size of vessel moored in a Homer slip at a different harbor's rate. This ensures accurate comparisons.

\*\*Kodiak's rates are based on a Graduated Linear Method

\*\*\*At this time, no annual transient passes are being given in Whittier



### Daily moorage rates by vessel length (dollars per foot)

26'		36'		44'		56'		60'	
Skagway	\$0.35	Skagway	\$0.35	Skagway	\$0.35	Skagway	\$0.35	Skagway	\$0.35
<b>Wrangell</b> (Prepaid)	\$0.40	<b>Wrangell</b> (Prepaid)	\$0.40	<b>Wrangell</b> (Prepaid)	\$0.40	<b>Wrangell</b> (Prepaid)	\$0.40	<b>Wrangell</b> (Prepaid)	\$0.40
Hoonah	\$0.50	Hoonah	\$0.50	Hoonah	\$0.50	Hoonah	\$0.50	Hoonah	\$0.50
Kodiak	\$0.50	Kodiak	\$0.50	Craig	\$0.50	Craig	\$0.50	Craig	\$0.50
Craig	\$0.50	Craig	\$0.50	Haines	\$0.50	Haines	\$0.50	Haines	\$0.50
Haines	\$0.50	Haines	\$0.50	Petersburg	\$0.50	Petersburg	\$0.50	Petersburg	\$0.50
Petersburg	\$0.50	Petersburg	\$0.50	<b>Bellingham</b> (Nov-Mar)	\$0.50	<b>Bellingham</b> (Nov-Mar)	\$0.50	<b>Bellingham</b> (Nov-Mar)	\$0.50
<b>Bellingham</b> (Nov-Mar)	\$0.50	<b>Bellingham</b> (Nov-Mar)	\$0.50	Juneau	\$0.54	Juneau	\$0.54	Juneau	\$0.54
Juneau	\$0.54	Juneau	\$0.54	Juneau- Auke Bay	\$0.54	Juneau- Auke Bay	\$0.54	Juneau- Auke Bay	\$0.54
Juneau- Auke Bay	\$0.54	Juneau- Auke Bay	\$0.54	<b>Seattle</b> (Active C. Fishing)	\$0.62	<b>Seattle</b> (Active C. Fishing)	\$0.62	<b>Seattle</b> (Active C. Fishing)	\$0.62
<b>Seattle</b> (Active C. Fishing)	\$0.62	<b>Seattle</b> (Active C. Fishing)	\$0.62	<b>Seward</b> (Tenant)	\$0.64	<b>Seward</b> (Tenant)	\$0.64	<b>Seward</b> (Tenant)	\$0.64
<b>Seward</b> (Tenant)	\$0.64	<b>Seward</b> (Tenant)	\$0.64	Ketchikan	\$0.68	Ketchikan	\$0.68	Ketchikan	\$0.68
Ketchikan	\$0.68	Ketchikan	\$0.68	Kodiak	\$0.69	Kodiak	\$0.69	Kodiak	\$0.69
<b>Seward</b> (Transient)	\$0.70	<b>Seward</b> (Transient)	\$0.70	<b>Seward</b> (Transient)	\$0.70	<b>Seward</b> (Transient)	\$0.70	<b>Seward</b> (Transient)	\$0.70
<b>Bellingham</b> (Apr-Oct)	\$0.75	<b>Bellingham</b> (Apr-Oct)	\$0.75	<b>Bellingham</b> (Apr-Oct)	\$0.75	<b>Bellingham</b> (Apr-Oct)	\$0.75	<b>Bellingham</b> (Apr-Oct)	\$0.75
<b>Wrangell</b> (Invoiced)	\$0.80	<b>Wrangell</b> (Invoiced)	\$0.80	<b>Wrangell</b> (Invoiced)	\$0.80	<b>Wrangell</b> (Invoiced)	\$0.80	<b>Wrangell</b> (Invoiced)	\$0.80
<b>Seattle</b> (Recreational)	\$0.80	<b>Seattle</b> (Recreational)	\$0.80	<b>Seattle</b> (Recreational)	\$0.80	<b>Seattle</b> (Recreational)	\$0.80	<b>Seattle</b> (Recreational)	\$0.80
Sitka	\$0.87	Sitka	\$0.87	Sitka	\$0.87	Sitka	\$0.87	Sitka	\$0.87
Homer	\$1.22	Homer	\$1.22	Homer	\$1.22	Homer	\$1.22	Homer	\$1.22

NOTES:

\***Bold** = multiple **daily** rate categories

\*Whittier not included due to lack of **daily** rate data available

### Monthly moorage rates by vessel length (dollars per foot)

26'		36'		44'		56'		60'	
<b>Wrangell Summer Floats</b>	\$0.65	<b>Wrangell Summer Floats</b>	\$0.65	<b>Wrangell Summer Floats</b>	\$0.65	<b>Wrangell Summer Floats</b>	\$0.65	<b>Wrangell Summer Floats</b>	\$0.65
Hoonah	\$2.77	Hoonah	\$2.50	Hoonah	\$2.73	Hoonah	\$2.58	Hoonah	\$3.09
<b>Wrangell</b>	\$3.50	<b>Wrangell</b>	\$3.50	<b>Wrangell</b>	\$3.50	<b>Wrangell</b>	\$3.50	<b>Wrangell</b>	\$3.50
Skagway	\$3.50	Skagway	\$3.50	Skagway	\$3.50	Skagway	\$3.50	Skagway	\$3.50
Craig	\$4.00	Craig	\$4.00	Craig	\$4.00	Craig	\$4.00	Craig	\$4.00
Juneau	\$4.20	Juneau	\$4.20	Juneau	\$4.20	Juneau	\$4.20	Juneau	\$4.20
Haines	\$5.00	Haines	\$5.00	Haines	\$5.00	Haines	\$5.00	Haines	\$5.00
<b>Bellingham</b> (Active C. Fish)	\$5.90	<b>Seattle</b> (Active C. Fishing)	\$5.83	<b>Seattle</b> (Active C. Fishing)	\$5.83	<b>Seattle</b> (Active C. Fishing)	\$5.83	<b>Seattle</b> (Active C. Fishing)	\$5.83
Petersburg	\$6.00	<b>Bellingham</b> (Active C. Fish)	\$5.90	<b>Bellingham</b> (Active C. Fish)	\$5.90	<b>Bellingham</b> (Active C. Fish)	\$5.90	<b>Bellingham</b> (Active C. Fish)	\$5.90
Homer	\$6.39	Petersburg	\$6.00	Petersburg	\$6.00	Petersburg	\$6.00	Petersburg	\$6.00
<b>Bellingham</b> (Recreational)	\$6.92	Homer	\$6.39	Homer	\$6.39	Homer	\$6.39	Homer	\$6.39
Juneau- Auke Bay	\$7.05	Juneau- Auke Bay	\$7.05	Juneau- Auke Bay	\$7.05	Juneau- Auke Bay	\$7.05	Juneau- Auke Bay	\$7.05
Ketchikan	\$7.10	Ketchikan	\$7.10	Ketchikan	\$7.10	Ketchikan	\$7.10	Ketchikan	\$7.10
<b>Seward</b> (Reserved)	\$8.55	<b>Bellingham</b> (Recreational)	\$7.13	<b>Bellingham</b> (Recreational)	\$7.56	<b>Seattle</b> (Commercial)	\$7.82	<b>Seattle</b> (Commercial)	\$7.82
<b>Seattle</b> (Recreational)	\$8.81	<b>Seattle</b> (Commercial)	\$7.82	<b>Seattle</b> (Commercial)	\$7.82	<b>Bellingham</b> (Recreational)	\$7.86	<b>Seward</b> (Reserved)	\$8.55
<b>Seward</b> (Transient)	\$9.40	<b>Seward</b> (Reserved)	\$8.55	<b>Seward</b> (Reserved)	\$8.55	<b>Seward</b> (Reserved)	\$8.55	<b>Bellingham</b> (Recreational)	\$9.16
Sitka	\$14.94	<b>Seattle</b> (Recreational)	\$8.94	<b>Seward</b> (Transient)	\$9.40	<b>Seward</b> (Transient)	\$9.40	<b>Seward</b> (Transient)	\$9.40
<b>Seattle</b> (Active C. Fishing)	<i>min. 30'</i>	<b>Seward</b> (Transient)	\$9.40	<b>Seattle</b> (Recreational)	\$9.73	<b>Seattle</b> (Recreational)	\$9.76	<b>Seattle</b> (Recreational)	\$9.76
<b>Seattle</b> (Commercial)	<i>min. 30'</i>	Sitka	\$14.94	Sitka	\$14.94	Sitka	\$14.94	Sitka	\$14.94

NOTES:

\***Bold** = multiple **monthly** rate categories

\*Whittier and Kodiak not included due to lack of **monthly** rate data available

\*Hoonah monthly rates based on stall length. For this comparison, the most appropriate stall size for the vessels above was chosen, and that monthly rate was divided by the length of the vessel for \$ per foot.

### Annual moorage rates by vessel length (dollars per foot)

26'		36'		44'		56'		60'	
Skagway	\$13.00	Skagway	\$13.00	Skagway	\$13.00	Skagway	\$13.00	Skagway	\$13.00
Craig	\$15.75	Craig	\$15.75	Craig	\$15.75	Craig	\$15.75	Craig	\$15.75
Haines	\$20.00	Haines	\$20.00	Hoonah	\$24.00	Hoonah	\$24.00	Hoonah	\$24.00
Hoonah	\$24.00	Hoonah	\$24.00	<b>Wrangell</b>	\$25.00	<b>Wrangell</b>	\$25.00	<b>Wrangell</b>	\$25.00
<b>Wrangell</b>	\$25.00	<b>Wrangell</b>	\$25.00	Haines	\$26.00	Haines	\$26.00	Haines	\$26.00
<b>Ketchikan</b> (Inside City)	\$26.30	<b>Ketchikan</b> (Inside City)	\$26.30	<b>Ketchikan</b> (Inside City)	\$26.30	<b>Ketchikan</b> (Inside City)	\$26.30	<b>Ketchikan</b> (Inside City)	\$26.30
Kodiak	\$30.00	Kodiak	\$30.00	<b>Ketchikan</b> (Outside City)	\$31.58	<b>Ketchikan</b> (Outside City)	\$31.58	<b>Ketchikan</b> (Outside City)	\$31.58
<b>Ketchikan</b> (Outside City)	\$31.58	<b>Ketchikan</b> (Outside City)	\$31.58	Sitka	\$33.60	Sitka	\$33.60	Sitka	\$33.60
Sitka	\$33.60	Sitka	\$33.60	Petersburg	\$38.00	Homer	\$40.50	Homer	\$40.50
Petersburg	\$34.00	Petersburg	\$34.00	Homer	\$40.50	Kodiak	\$41.00	Kodiak	\$41.00
Homer	\$40.50	Homer	\$40.50	Kodiak	\$41.00	Petersburg	\$44.00	Petersburg	\$44.00
<b>Seward</b> (Tenant)	\$47.47	<b>Seward</b> (Tenant)	\$47.47	<b>Seward</b> (Tenant)	\$47.47	<b>Seward</b> (Tenant)	\$47.47	<b>Seward</b> (Tenant)	\$47.47
Juneau	\$47.88	Juneau	\$47.88	Juneau	\$47.88	Juneau	\$47.88	Juneau	\$47.88
<b>Seward</b> (Transient)	\$52.23	<b>Seward</b> (Transient)	\$52.23	<b>Seward</b> (Transient)	\$52.23	<b>Seward</b> (Transient)	\$52.23	<b>Seward</b> (Transient)	\$52.23
<b>Bellingham</b> (Active C. Fish)	\$69.03	<b>Bellingham</b> (Active C. Fish)	\$69.03	<b>Bellingham</b> (Active C. Fish)	\$69.03	<b>Bellingham</b> (Active C. Fish)	\$69.03	<b>Bellingham</b> (Active C. Fish)	\$69.03
Juneau- Auke Bay	\$80.37	<b>Seattle</b> (Active C. Fishing)	\$69.96	<b>Seattle</b> (Active C. Fishing)	\$69.96	<b>Seattle</b> (Active C. Fishing)	\$69.96	<b>Seattle</b> (Active C. Fishing)	\$69.96
<b>Bellingham</b> (Recreational)	\$80.97	Juneau- Auke Bay	\$80.37	Juneau- Auke Bay	\$80.37	Juneau- Auke Bay	\$80.37	Juneau- Auke Bay	\$80.37
<b>Seattle</b> (Recreational)	\$105.72	<b>Bellingham</b> (Recreational)	\$83.43	<b>Bellingham</b> (Recreational)	\$88.46	<b>Bellingham</b> (Recreational)	\$91.97	<b>Seattle</b> (Commercial)	\$93.84
<b>Seattle</b> (Active C. Fishing)	<i>min. 30'</i>	<b>Seattle</b> (Commercial)	\$93.84	<b>Seattle</b> (Commercial)	\$93.84	<b>Seattle</b> (Commercial)	\$93.84	<b>Bellingham</b> (Recreational)	\$107.18
<b>Seattle</b> (Commercial)	<i>min. 30'</i>	<b>Seattle</b> (Recreational)	\$107.28	<b>Seattle</b> (Recreational)	\$116.76	<b>Seattle</b> (Recreational)	\$117.12	<b>Seattle</b> (Recreational)	\$117.12

NOTES:

\***Bold** = multiple **annual** rate categories

\*Whittier not included due to lack of **annual** rate data available

- Opportunities- Project based cargo, marine maintenance and repair hub, tug/support vessel base, small scale regional freight distribution, winter moorage services
- Threats- Anchorage based distribution center cost savings, Kenai/Nikiski based project docks and services, community perspective-unfriendly to industry, competing with Seward for marine services
- Summary of interviews to date
  - Big carriers aren't interested (no benefit)
  - Retailers like it (could save money)
  - At least two smaller carriers may be interested
  - Besides container cargo there is a market for marine support (moorage maintenance, etc.)
- Infrastructure improvements
  - New trestle, new buoys, berth 2 fenders, uplands yard fencing and security, barge berth alternatives, dock extension and mobile crane alternatives
- Where do we go from here
  - Development options will be outlined in Phase 2
  - Economics point to the need for an anchor tenant

#### **STAFF & COUNCIL REPORT/COMMITTEE REPORTS/ BOROUGH REPORTS**

A. Port and Harbor Director's Report for March 2016

Harbormaster Hawkins reviewed his staff report.

#### **PUBLIC HEARING**

#### **PENDING BUSINESS**

A. Harbor Rates

- i. Memo to Port & Harbor Commission from Port Director Re: Northern Economics Rate Study & Presentation dated 1/20/2016, and Rate Comparison Attachments
- ii. 2016 Northern Economics Rate Study
- iii. 2016 Presentation of Northern Economics Rate Study

The Commission reviewed alternatives A and B in the January 2016 draft schedule from Northern Economics. They acknowledged that there isn't a lot of difference in the alternatives and noted on alternative B the difference between a 75 foot boat and a 20 foot boat is about \$400 per year. They also touched on ideas of the economic benefit of small boats versus large boats and that ultimately, all sizes bring an economic benefit to the harbor and the city.

STOCKBURGER/DONICH MOVED TO ADOPT ALTERNATIVE B AT FIVE CENTS PER FOOT INCREASE AND CAP THE VESSEL SIZE AT 86 FEET.

Commissioner Stockburger commented that the argument is over the idea of perception. He leans toward alternative B because it goes by the foot, similar to the straight rate with a slight increase as boats get longer. Capping it at 86 feet recognizes the big boats in the harbor that are paying big bucks and are rafted out, but have no chance of getting a berth.

Commissioner Hartley agrees and thinks this will allow for flexibility when we build the new harbor.

Commissioner Carroll still agrees with a straight linear rate, its one harbor and everyone should pay the same.

Commissioner Stockburger added that we have a small boat harbor with some big boats in it and it's been hard to find a number that will work with all the vessel sizes. When we have a new harbor this formula can be used, possibly with a different number, when considering moorage and costs for the new harbor.

Commissioner Zimmerman clarified that this will be going up five cents per foot yearly along with the 3.2% plus the CPI that has already been adopted.

VOTE: YES: DONICH, ZIMMERMAN, ULMER, CARROLL, HARTLEY, STOCKBURGER

Motion carried.

B. Head Tax for Passenger Vessels

Harbormaster Hawkins reviewed that the enterprise budget is currently based on moorage. Seeing trends that business is increasing because this is a great place to recreate results in some forward thinking to implement a way to collect something from other user groups to help offset operations costs and spread the burden among a wider community.

Commissioner Zimmerman commented that after listening to the comments last meeting about the additional paperwork that would be included with a head tax, he's now thinking it targets a user group more than it should. He thinks it might be better to find something that's already in place and work to modify it.

Commissioner Donich said at the Homer Charter Association meeting a suggestion was brought up to have the spit designated as a separate district and collect an additional half a percent or so of sales tax to go to the enterprise fund. That would really broaden the reach and everyone who uses the spit would put in to the fund.

Chair Ulmer said she would rather see a toll bridge. She recently heard Cruise Construction cut spending in Homer because of the 7.5%. People can get what they want in Anchorage and ship it down. The tax on this end of the peninsula is driving people away.

Commissioner Stockburger agrees that some kind of service area tax for the spit, not a property tax but a sales tax. He doesn't think 7.5% is keeping people from coming to Homer. If a company has a job here they will come, but comparing the cost of gas to drive to Anchorage is more than \$37.50, which is the sales tax cap.

STOCKBURGER/HARTLEY MOVED TO EXPLORE THE POSSIBILITY OF USING A SERVICE AREA SALES TAX AS A MEANS OF COLLECTING FUNDS AS A MEANS TO COLLECT FROM OTHER USERS IN THE SERVICE AREA.

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

3 Port and Harbor Director/  
4 Port & Harbor Advisory Commission

5 **RESOLUTION 16-055**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE PORT OF HOMER TERMINAL TARIFF NO. 600 TO  
9 IMPLEMENT A NEW GRADUATED HARBOR MOORAGE RATE  
10 STRUCTURE.

11  
12 WHEREAS, The Port Director/Harbormaster established how harbor moorage fees are  
13 structured and implemented, and are to be included in the Port of Homer Terminal Tariff No.  
14 600; and

15  
16 WHEREAS, The Port and Harbor Advisory Commission discussed and unanimously  
17 supported the recommendation by the Port Director/Harbormaster to implement a new  
18 graduated harbor moorage rate structure of \$0.05 increase per linear foot, based on the  
19 following equation,

Permanent Moorage Rate	(	\$	)	$\frac{\$43.49 + (\$0.05 \times \text{foot}) \times \text{vessel length per foot}}{\text{foot}}$
------------------------	---	----	---	--

20 and cap the increases at the 86 foot vessel size.

21  
22 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port of  
23 Homer Terminal Tariff No. 600 to include the graduated harbor moorage rate structure  
24 effective January 1, 2017 as follows:

25  
26 RULE: 34.18 - HARBOR MOORAGE RATES (A)

27 EFF: 01JAN2016

28 SUBSECTION 200

29  
30 (a) CALCULATION OF MOORAGE RATES:

31 Mooring charges shall commence when a vessel is made fast to a wharf, pier, harbor float or  
32 other facility, or when a vessel is moored to another vessel so berthed (rafting). Charges  
33 shall continue until such vessel is completely free from and has vacated the port and harbor  
34 facilities.

35  
36 A vessel moored at any time between 12:01 A.M. and 10:00 A.M. shall be charged a full day's  
37 moorage. The Harbormaster may, in his discretion and with proper and appropriate  
38 advance notice, waive a daily rate for a vessel that will occupy mooring space for a  
39 minimum time and, provided that the Harbormaster determines the use of the public  
40 facilities by others will not be congested or adversely affected.

42 Mooring charges shall be calculated on the length of the vessel, or in the case of a reserved  
43 stall, the length of the float stall assigned, whichever is greater.

44  
45 Length shall be construed to mean the distance expressed in feet from the most forward  
46 point at the stem to the aftermost part of the stern of the vessel, measured parallel to the  
47 base line of the vessel. The length shall include all hull attachments such as bowsprits,  
48 dinghies, davits, etc.

49  
50 For billing purposes, when the actual length of the vessel is not immediately available,  
51 length of the vessel as published in "Lloyd's Register of Shipping" may be used. The City of  
52 Homer reserves the right to: (1) obtain the length from the vessel's register, or (2)  
53 measure the vessel.

54  
55 All vessels in the harbor are subject to these rates, except properly registered seine skiffs or  
56 work skiffs attached to the mother vessel. Work skiff is defined as a boat that is usually  
57 carried on the deck or super structure of the mother vessel and is regularly used in the  
58 commercial enterprise of the mother vessel.

59  
60 (b) ANNUAL MOORAGE FEE:  
61 The annual moorage fee for reserved moorage and transient moorage privileges shall be  
62 **calculated based on a graduated harbor moorage rate structure of \$43.49 per linear**  
63 **foot with an increase of \$0.05 per foot based on the following equation,** plus a fifty  
64 dollar (\$50.00) administration charge **for transient moorage**; or for a reserved stall, the  
65 length of the finger float stall assigned, or the overall length of the vessel, whichever is  
66 greater plus a fifty dollar (\$50.00) administration charge:

Permanent Moorage Rate	(	\$	)	$\frac{\$43.49 + (\$0.05 \times \text{foot}) \times \text{vessel length per foot}}{\text{foot}}$
------------------------	---	----	---	--

67  
68 **The graduated increases shall cap at the 86 foot vessel size. The per-lineal foot is** forty  
69 ~~three dollars and forty nine cents (\$43.49)~~ **per lineal foot** based on the overall length of the  
70 vessel (including all hull attachments such as bowsprits, davits, dinghies, swimsteps etc.)

71  
72 Any reproduction in the moorage fee due to a substituted or amended moorage agreement  
73 is not applied retroactively and the owner or operator is not entitled to a refund or a pro-  
74 rata adjustment of the moorage fees already due or paid. Any moorage agreement that  
75 expires will, after five days, automatically be charged a monthly rate retroactive to the  
76 expiration date. Unregistered vessels will also, after 5 days, automatically be charged a  
77 monthly rate retroactively to the date the vessel entered the harbor.

78 (1) All reserved stall assignments are on an annual basis beginning October 1 and  
79 ending September 30 of the following year. Prepayment of a full year's  
80 moorage is due on or before October 1 of each year. Payment for reserved  
81 moorage will only be accepted from the individual assigned the reserved stall.  
82 The reserved stall payment shall be paid in full at the time the reserved  
83 stall/moorage agreement is executed to the satisfaction of the Harbormaster.

84 Any other arrangements are at the discretion of the Harbormaster and must be  
85 made in advance.

86  
87 (2) A reserved stall assignment granted after October 1 will be charged a fee based  
88 on the number of months (including the month which it is granted regardless  
89 of the day of the month) left in the fiscal year ending September 30.

90 (c) A semiannual transient rate is available on a prepaid basis only for transient vessels  
91 mooring in the Small Boat Harbor for a period of six consecutive months. The transient  
92 semiannual rate is 67% of the annual rate. Vessels that do not renew will automatically be  
93 charged the monthly rate.

94  
95 (d) The monthly transient rate will be 17% of the annual rate. Vessels that are properly  
96 registered and pay all moorage fees in advance may deduct fifty cents (\$.50) per foot per  
97 month.

98  
99 (e) The daily transient rates are: 3% of the annual rate.  
100 Vessels that properly register and pay all moorage fees in advance may deduct five dollars  
101 per day from the daily rate.

102  
103 (f) FLOAT PLANE FEES:  
104 With proper registration and specific permission from the Harbormaster, float planes may  
105 arrange for short-term moorage in the Small Boat Harbor. This is only allowed when ice and  
106 weather conditions prevent float planes from landing on Beluga Lake.

107  
108 A fee in the amount equal to the daily rate for moorage of two (2) 24' vessels shall be  
109 assessed on a daily basis for float planes mooring within the confines of the Small Boat  
110 Harbor. A monthly rate in the amount equal to the monthly rate for two 24' vessels shall be  
111 assessed for float plane moorage for longer periods, and the moorage charge computed for  
112 a float plane's stay in the harbor shall be the lowest total charge resulting from the  
113 application of either the daily or the monthly rate indicated.

114  
115 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

116  
117 CITY OF HOMER

118  
119  
120 \_\_\_\_\_  
121 MARY E. WYTHE, MAYOR

122  
123 ATTEST:  
124  
125  
126 \_\_\_\_\_  
127 JO JOHNSON, MMC, CITY CLERK

128 Fiscal Impact: To be determined.



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

3 City Manager

4 **RESOLUTION 16-061**

5  
6 A RESOLUTION OF THE HOMER CITY COUNCIL ESTABLISHING  
7 THE CITY OF HOMER PROPERTY TAX MILL LEVY RATE AT 4.5 MILLS  
8 FOR 2016.

9  
10 WHEREAS, Homer City Code 9.04.040 states that the City Council must establish a mill  
11 rate no later than June 15 of each year; and

12  
13 WHEREAS, Council set the mill rate at 4.5 mills for 2016 with the adoption of budget  
14 Ordinance 15-41(S)(A); and

15  
16 WHEREAS, The 4.5 mill rate established by Ordinance 15-41(S)(A) will be maintained.

17  
18 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby establishes  
19 the City of Homer property tax mill levy rate at 4.5 mills for 2016 and authorizes the City  
20 Manager to so inform the Kenai Peninsula Borough.

21  
22 PASSED AND ADOPTED by the Homer City Council this 23<sup>rd</sup> day of May, 2016.

23  
24 CITY OF HOMER

25  
26  
27 \_\_\_\_\_  
28 MARY E. WYTHE, MAYOR

29  
30 ATTEST:

31  
32  
33 \_\_\_\_\_  
34 MELISSA JACOBSEN, CMC  
35 ACTING CITY CLERK

36  
37 Fiscal Note: Estimated real property tax revenue \$2,890,000, Account No. 100-0005-4101.  
38



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

3 City Manager/  
4 Finance Director

5 **RESOLUTION 16-063**

6  
7 A RESOLUTION OF THE HOMER CITY COUNCIL MAINTAINING THE  
8 WATER AND SEWER FEES AT THE 2016 RATE AND UPDATING THE  
9 HOMER FEE SCHEDULE ACCORDINGLY.

10  
11 WHEREAS, Water and sewer utility services shall be reviewed annually and amended,  
12 as necessary, to take effect as of July 1, 2016 with the first billing cycle to take effect following  
13 July 1; and

14  
15 WHEREAS, The Homer City Council reviewed the current rate model and  
16 recommended no rate changes for the period of July 1, 2016 through June 30, 2017.

17  
18 NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the  
19 water and sewer fees be maintained at the 2016 rate and the Homer Fee Schedule be updated  
20 as follows:

21  
22 WATER AND SEWER FEES:

23  
24 Public Works - 235-3170  
25 City Hall - 235-8121  
26 Billing - 235-8121 x2240

27  
28 (The following fees have been set by the following legislative enactment HCC Title 14, new fees set  
29 forth in Resolution 14-060, Ordinance 13-30(A), Resolution 15-074(A-2), 13-048 (S-2)(A-3), Ordinance  
30 11-43, Resolution 11-094(S), Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A),  
31 Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125,  
32 Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A),  
33 Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34,  
34 Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with  
35 amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

36  
37 A 15% admin. fee for replacement parts for water/sewer services, functions, pressure reducing valves,  
38 sewer saddles, any Public Works Department stock item for resale to public.

39  
40 Establishing service includes a one-time disconnect - \$75

41 Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment and  
42 materials.

43  
44 Service calls, inspections and repairs during normal operating hours in excess of one hour labor:  
45 actual labor costs by City plus equipment and materials.

46  
47 Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$50  
48 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

49

50 SEWER FEES:

51 Sewer Connection and Extension Permit Fee

52

53 Single Family \$255

54 Multi-Family/Commercial \$330

55

56 Customer classification definitions for determining sewer connection and extension permit fees:

57

58 Single Family Residential – A unit providing housing for one household; with less than 25% of the  
59 building area used for business or commercial purposes.

60

61 Multi-Family Residential- A building or lot occupied by more than one household: contained within  
62 one building or several building within one complex. Examples of multi-family units includes  
63 duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple  
64 structures on one lot (where units are normally rented or occupied for longer than one month at a  
65 time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal  
66 rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

67

68 Commercial - Any user not defined as Residential.

69

70 Sewer Rate Schedule.

71

72 All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule  
73 is for monthly sewer services and is in addition to any charges for connecting or disconnecting the  
74 service, installation of the service or any assessment of the improvements.

75

76

77

78

79

**Rates**

**Table I**

<b>Customer Classification</b>	<b>Sewer</b>	
	Monthly Service	Usage Charge/Gallon
Lift-Station Customer	\$ -	\$0.0232
Non-Lift-Station Customer		\$0.0157
Multi-units (additional per unit)	\$ 5.00	N/A

80  
81

**Rates**

**Table II**

<b>Sewer ONLY Customers</b>	<b>Sewer</b>	
	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0232/Gal	\$81.20
Non-Lift-Station Customer	\$0.0157/Gal	\$54.95
Monthly Service	\$5.00/customer/mo.	\$5.00
Pumping Fee ( <i>If Applicable</i> )	\$7.75/customer/mo.	\$7.75
Assumption: Avg. Sewer Usage	3500 Gal/Mo.	

82 Customer classification definitions for determining sewer rates:

83

84 Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping  
 85 wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are  
 86 located in these areas shall be charged additional fees for the cost added to the services (see Table I &  
 87 II).

88

89 Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump  
 90 station services.

91

92 Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be  
 93 charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,500 gallons per  
 94 month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement

95 District (LID) members have contributed to the initial cost of the sewer treatment plant and the  
96 collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer  
97 shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$93.95 (\$81.20 +\$5 +\$7.75)  
98 per month per customer. Kachemak City shall be responsible for payment to the City of Homer.  
99

100 Domestic sewer service customers who use large quantities of City water in addition to their domestic  
101 use shall be allowed, with the Public Works Director's approval, to install an additional water meter on  
102 the domestic water use line for the purpose of metering and charging for domestic sewer system use.  
103 Sewer system use will be billed monthly.  
104

105 The City will allow, upon approval by Public Works and a permit from the Public Works Department, a  
106 second water usage meter – called a seasonal sewer meter – for each customer that desires to  
107 measure the flow of City water that is not discharged to the sewer system during the summer growing  
108 season, June 15 through September 15. Rates noted above do not apply.  
109

110 Seasonal Sewer Meter Fee is \$251.75.  
111

112 WATER FEES:

113 Water Connection Fee  
114

115 Single Family \$300

116 Multi-Family/Commercial \$375  
117

118 Customer classification definitions for determining water connection and extension permit fees:  
119

120 Single Family Residential – A unit providing housing for one household; with less than 25% of the  
121 building area used for business or commercial purposes.  
122

123 Multi-Family Residential- A building or lot occupied by more than one household: contained within  
124 one building or several building within one complex. Examples of multi-family units includes  
125 duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple  
126 structures on one lot (where units are normally rented or occupied for longer than one month at a  
127 time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal  
128 rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)  
129

130 Commercial - Any user not defined as Residential.  
131

132 Water Rate Schedule.

133

134 All water utility services shall be billed according to the following schedule. This schedule is for  
 135 monthly water service and is in addition to any charges for connecting or disconnecting the service,  
 136 installation of the service or any assessment of the improvements.

137

Rates	Water	
	Monthly Service	Table III Usage Charge/Gallon
Customer Classification		
Lift-Station Customer	\$ 19.00	\$0.0109
Non-Lift-Station Customer	\$ 19.00	\$0.0109
Multi-units (additional per unit)	\$ 5.00	
Bulk Water	\$ 19.00	\$0.0149

138

139 Customer classification definitions for determining water rates:

140

141 Bulk Water Customers: The bulk water customers are the resellers of water or water users who  
 142 purchase water from the water plant directly and are not in the metered water distribution system.

143

144 Non-Bulk Customers: All customers who receive water from the metered water distribution system.

145

146 Multi-Units: An additional \$5 monthly charge shall apply to each of the units of a building or lot  
 147 occupied by more than one household or commercial entity contained within one building or several  
 148 buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up,  
 149 apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are  
 150 normally rented or occupied for longer than one month at a time). Examples of units not considered  
 151 as multi-family include hotels, motels, and B&B's seasonal rooms/cabins (where units are routinely  
 152 rented or occupied for less than one month at a time.)

153

154 This fee applies to all multi-unit structures defined in the sewer section of this for apartments, rental  
 155 units or multi-unit buildings where each unit would have one or more restrooms and are intended to  
 156 be rented on a monthly basis where there is only one meter installed, excluding a rental building  
 157 restroom used for shared or public use.

158

159

160

161

162

163 Meter Size Deposits.

164

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00
4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

165  
166 \$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned  
167 when the meter is returned undamaged. This deposit may be waived upon the recommendation of  
168 the Public Works Superintendent.

169  
170 If a bulk water customer purchases a meter from the City for measuring the quantity of water  
171 purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the  
172 bulk water customer to maintain that meter so the City can accurately determine the amount of water  
173 being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its  
174 expense, to repair it or purchase a replacement meter from the City. The City may at any time test the  
175 meter for accuracy.

176  
177 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 23<sup>rd</sup> day of May, 2016.

178  
179 CITY OF HOMER

180  
181  
182  
183 \_\_\_\_\_  
184 MARY E. WYTHE, MAYOR

185  
186  
187  
188 \_\_\_\_\_  
189 JO JOHNSON, MMC, CITY CLERK

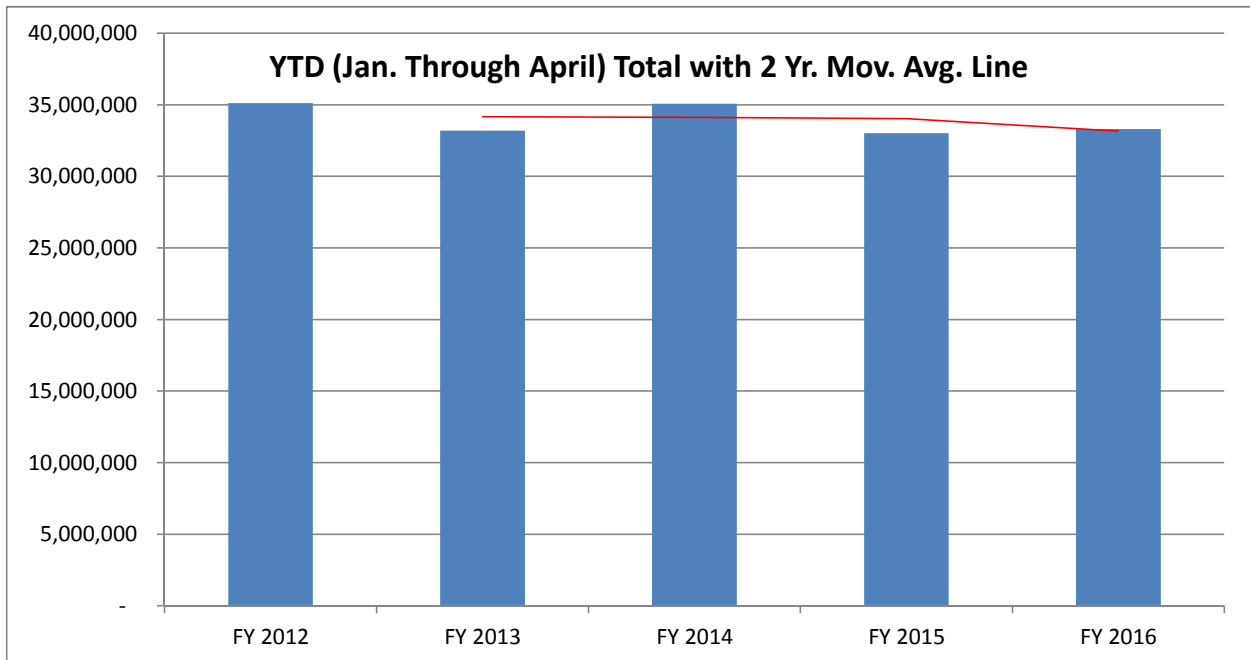
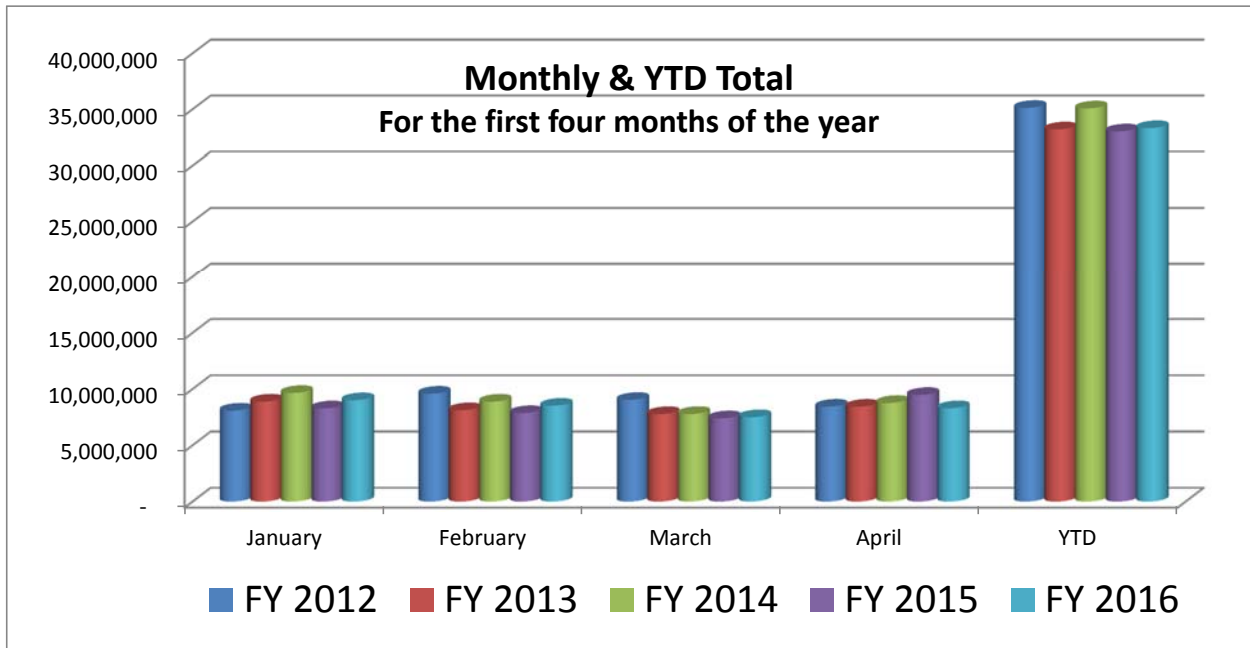
190 Fiscal Note: Revenue amounts defined in CY2016 budget.

191



# Water Consumption (Gallons)

Yr.\Mo.	<u>January</u>	<u>February</u>	<u>March</u>	<u>April</u>	<u>YTD</u>
<b>FY 2012</b>	8,077,200	9,584,200	9,027,400	8,431,100	<b>35,119,900</b>
<b>FY 2013</b>	8,880,000	8,114,400	7,770,300	8,429,500	<b>33,194,200</b>
<b>FY 2014</b>	9,648,900	8,878,200	7,779,801	8,763,906	<b>35,070,807</b>
<b>FY 2015</b>	8,280,300	7,862,200	7,399,200	9,471,700	<b>33,013,400</b>
<b>FY 2016</b>	9,005,200	8,511,100	7,498,300	8,293,400	<b>33,308,000</b>





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

