

City Council  
May 9, 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  
Distributed by the City Clerk's Office -5/5/2016-jj





# May

<b>Monday 9<sup>th</sup>:</b>	<b>CITY COUNCIL</b> Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
<b>Tuesday 10<sup>th</sup>:</b>	<b>ECONOMIC DEVELOPMENT ADVISORY COMMISSION</b> Regular Meeting 6:00 p.m.
<b>Wednesday 11<sup>th</sup>:</b>	<b>PUBLIC SAFETY BUILDING REVIEW COMMITTEE</b> Meeting 5:30 p.m.
<b>Thursday 12<sup>th</sup>:</b>	<b>AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE</b> Meeting 4:00 p.m.
<b>Monday 16<sup>th</sup>:</b>	<b>CITY COUNCIL</b> Worksession 5:00 p.m. (Revenues)
<b>Wednesday 18<sup>th</sup>:</b>	<b>PLANNING COMMISSION</b> Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
	<b>PUBLIC SAFETY BUILDING REVIEW COMMITTEE</b> Worksession 5:30 p.m.
<b>Thursday 19<sup>th</sup>:</b>	<b>PARKS AND RECREATION ADVISORYCOMMISSION</b> Regular Meeting 5:30 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 WYTHE, MAYOR – 16  
BRYAN ZAK, COUNCILMEMBER - 16  
DAVID LEWIS, COUNCILMEMBER – 17  
GUS VAN DYKE, COUNCILMEMBER – 16  
CATRIONA REYNOLDS, COUNCILMEMBER – 17  
DONNA ADERHOLD, COUNCILMEMBER – 18  
HEATH SMITH, COUNCILMEMBER – 18

City Manager, Katie Koester  
City Attorney, Holly Wells

<http://cityofhomer-ak.gov/cityclerk> for home page access, Clerk's email address is: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us) Clerk's office phone  
number: direct line 235-3130,  
other number 435-3106





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



**WORKSESSION**  
**4:00 P.M. MONDAY**  
**MAY 9, 2016**  
**COWLES COUNCIL CHAMBERS**

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

### **WORKSESSION AGENDA**

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

Councilmember Lewis has requested excusal.

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

**3. WATER AND SEWER RATES REVIEW**

Pages 7/11

**4. COMMENTS OF THE AUDIENCE**

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

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.



**CITY OF HOMER  
HOMER, ALASKA**

Mayor/City Council

**RESOLUTION 15-074(A-2)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE CITY OF HOMER FEE SCHEDULE UNDER SEWER  
RATES.

WHEREAS, Water and sewer utility services shall be reviewed annually and if amended,  
shall take effect as of January 1, 2016; and

WHEREAS, Based on a review of 2014 actual sewer expenses to actual sewer revenue  
the Homer City Council recommends a 6.5% increase in sewer rates; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the City  
of Homer Fee Schedule, Sewer Fees are amended as follows:

**SEWER FEES:**

Sewer Connection and Extension Permit Fee

Single Family \$255

Multi-Family/Commercial \$330

Customer classification definitions for determining sewer connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the  
building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within  
one building or several building within one complex. Examples of multi-family units includes  
duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple  
structures on one lot (where units are normally rented or occupied for longer than one month at a  
time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal  
rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial – Any user not defined as Residential.

Sewer Rate Schedule.

All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule  
is for monthly sewer services and is in addition to any charges for connecting or disconnecting the  
service, installation of the service or any assessment of the improvements.



**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

**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.	

Customer classification definitions for determining sewer rates:

Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are located in these areas shall be charged additional fees for the cost added to the services (see Table I & II).

Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump station services.

Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,500 gallons per



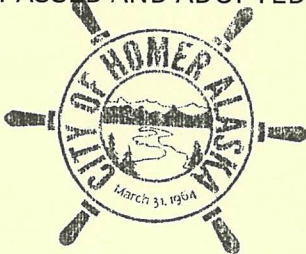
month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$93.95 (\$81.20 +\$5 +\$7.75) per month per customer. Kachemak City shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

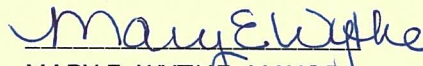
The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$251.75.


PASSED AND ADOPTED by the Homer City Council this 14<sup>th</sup> day of September, 2015.



CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

Fiscal information: N/A, existing budget



## Excerpt from the City of Homer Fee Schedule

### WATER AND SEWER FEES:

Public Works - 235-3170  
City Hall - 235-8121  
Billing - 235-8121 x2240

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Resolution 14-060, Ordinance 13-30(A), Resolution 15-074A-2), 13-048 (S-2)(A-3), Ordinance 11-43, Resolution 11-094(S), Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

A 15% admin. fee for replacement parts for water/sewer services, functions, pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to public.

Establishing service includes a one-time disconnect - \$75

Service calls, inspections, repairs not to exceed one hour - \$25 per employee plus equipment and materials.

Service calls, inspections and repairs during normal operating hours in excess of one hour labor: actual labor costs by City plus equipment and materials.

Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$50 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

### SEWER FEES:

#### Sewer Connection and Extension Permit Fee

Single Family \$255  
Multi-Family/Commercial \$330

Customer classification definitions for determining sewer connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the

building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

#### Sewer Rate Schedule.

All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

#### **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

#### **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.	



Customer classification definitions for determining sewer rates:

Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are located in these areas shall be charged additional fees for the cost added to the services (see Table I & II).

Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump station services.

Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,500 gallons per month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$93.95 (\$81.20 +\$5 +\$7.75) per month per customer. Kachemak City shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$251.75.

#### WATER FEES:

##### Water Connection Fee

Single Family \$300

Multi-Family/Commercial \$375

Customer classification definitions for determining water connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal

rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

#### Water Rate Schedule.

All water utility services shall be billed according to the following schedule. This schedule is for monthly water service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

<b>Rates</b>	<b>Water Table III</b>	
<b>Customer Classification</b>	Monthly Service	Usage Charge/Gallon
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

Customer classification definitions for determining water rates:

**Bulk Water Customers:** The bulk water customers are the resellers of water or water users who purchase water from the water plant directly and are not in the metered water distribution system.

**Non-Bulk Customers:** All customers who receive water from the metered water distribution system.

**Multi-Units:** An additional \$5 monthly charge shall apply to each of the units of a building or lot occupied by more than one household or commercial entity contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, and B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

This fee applies to all multi-unit structures defined in the sewer section of this for apartments, rental units or multi-unit buildings where each unit would have one or more restrooms and are intended to be rented on a monthly basis where there is only one meter installed, excluding a rental building restroom used for shared or public use.

#### Meter Size Deposits.

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
	- 25 -	12/15 - mj

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

\$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy.

## **RESIDENTIAL HOLDING TANK FEES**

(Resolution 02-23)

City of Homer will bill property owner/customer monthly for City service, not pumping contractor charge.

Each property owner/customer will be billed once each month, regardless of number of pumping, 1[one] Customer Charge \$3.98 + 1 [one] General Service Charge \$16.95 + Commodity Charge [\$12.00 per pumping]

Property owner/customer is responsible for payment to pumping contractor.  
City of Homer monthly billing examples based on number of pumping per month:

<b><u>Type of Charge</u></b>	<b><u>No Pumping</u></b>	<b><u>1 mo. Pumping 3 mo. Pumping</u></b>	
Customer Charge	\$3.98	\$3.98	\$3.98
Gen. Svs. Charge	\$16.95	\$16.95	\$16.95
Commodity Charge	\$0	\$12.00	\$36.00
Total Monthly Bill	\$20.93	\$32.93	\$56.93



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



COMMITTEE OF THE WHOLE  
5:00 P.M. MONDAY  
MAY 9, 2016  
COWLES COUNCIL CHAMBERS

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

### COMMITTEE OF THE WHOLE AGENDA

1. **CALL TO ORDER, 5:00 P.M.**
2. **AGENDA APPROVAL** (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)
3. **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. Page  
Memorandum 16-076 from City Manager as backup. Page
4. **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. Page
5. **CONSENT AGENDA**
6. **REGULAR MEETING AGENDA**
7. **COMMENTS OF THE AUDIENCE**
8. **ADJOURNMENT NO LATER THAN 5:50 P.M.**  
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.



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 9, 2016**  
**COWLES COUNCIL CHAMBERS**

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

## **REGULAR MEETING AGENDA**

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

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

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 April 25, 2016. City Clerk. Recommend adoption.

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- 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. Page 57

Memorandum 16-073 from Parks and Recreation Advisory Commission as backup. Page 65

Memorandum 16-074 from Public Arts Committee as backup. Page 71

- 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. Page 77

- 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. Page 85

- 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. Page 103

Memorandum 16-075 from Police Chief as backup. Page 105

- 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.

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Memorandum 16-078 from Public Works Director as backup.

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**6. VISITORS**

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

A. Mayor's Proclamation, National Police Week – May 15 - 21, 2015 and Memorial Day May 15, 2016  
Page 139

B. Mayor's Proclamation, National Emergency Medical Services Week – May 15 – 21, 2016  
Page 141

C. Mayor's Proclamation, National Public Works Week – May 15 - 21, 2016  
Page 143

D. Mayor's Proclamation, National Hospital Week – May 8 – 14, 2016  
Page 145

E. Mayor's Recognition, Homer Hockey Association Pee Wee C Team  
Page 147

F. Mayor's Proclamation, Bike Month - May 2016  
Page 149

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

H. Bunnell Street Arts Center, Thank You  
Page 151

I. Borough Report

J. Commissions/Board Reports:

1. Library Advisory Board

2. Homer Advisory Planning Commission

a. Minutes of March 16, 2016  
Page 153

3. Economic Development Advisory Commission

4. Parks and Recreation Advisory Commission

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. Page 157

**8. 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.

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- 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.

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Memorandum 16-070 from City Attorney as backup.

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- 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.

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**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.

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- 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. Page 201

**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. Page 203

9. **ORDINANCE(S)**

10. **CITY MANAGER'S REPORT**

- A. City Manager's Report Page 211

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**

- 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.

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**14. NEW BUSINESS**

**15. 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.

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Memorandum 16-076 from City Manager as backup.

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- 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.

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- 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.

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**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, 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.

PUBLIC COMMENTS  
UPON MATTERS  
ALREADY ON THE AGENDA





# RECONSIDERATION



# CONSENT AGENDA



Session 16-09 a Regular Meeting of the Homer City Council was called to order on April 25, 2016 at 6:00 p.m. by Mayor Mary E. Wythe at the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

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

STAFF: CITY MANAGER KOESTER  
CITY CLERK JOHNSON  
FINANCE DIRECTOR LI  
IT MANAGER POOLOS  
PUBLIC WORKS DIRECTOR MEYER

Councilmember Zak has requested telephonic participation.

Mayor Wythe called for a motion to allow Councilmember Zak to participate by telephone.

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Council met as a Committee of the Whole from 5:00 p.m. to 5:52 p.m. to discuss Ordinance 16-10, Memorandums 16-043, 16-062, and 16-072, Homer Accelerated Water and Sewer Program (HAWSP), and Homer Accelerated Roads and Trails (HART) Funding Availability.

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: **CONSENT AGENDA** - **Memorandum 16-068**, Liquor License for Young's Downtown Restaurant & Inn, Non-objection from Kenai Peninsula Borough.

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

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Ken Castner, city resident, commented on Ordinance 16-10. The Spit trail is rough on bikes and strollers, but no one is paying attention to trails. He questioned the 10% charged to HART for administering the program, along with a 15% contingency fee on the repaving project.

### **RECONSIDERATION**

- A. **Resolution 16-029(S)**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited to Add an Exception to the Southern End of the Vacated Easement Formally Known as Shirlene Circle and the Area West of Bishop's Beach Park Access Between the South End of Mariner Park Beach to the East End of the Seawall From October 1 Through March 31 Solely for the Purpose of Gathering Sand and Coal. Reynolds. *Reconsideration issued by Councilmember Reynolds April 12, 2016.*

Mayor Wythe called for a motion for the reconsideration of Resolution 16-029(S).

REYNOLDS/LEWIS – SO MOVED.

The title is inconsistent with the location description.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

See Pending Business.

### **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 11, 2016. City Clerk. Recommend adoption.

- B. **Memorandum 16-067**, from Mayor Wythe, Re: Appointment of Sarah Richardson to the Economic Development Advisory Commission.
- C. **Memorandum 16-068**, from Deputy City Clerk, Re: Liquor License for Young's Downtown Restaurant and Inn.
- D. **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. Recommended dates: Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.
- E. **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. Recommended dates: Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

Memorandum 16-070 from City Attorney as backup.

- F. **Resolution 16-042**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Kachemak Drive Phase III Water and Sewer Special Assessment District, and Authorizing the City Manager to Proceed With the Preparation and Construction of the Project. City Clerk. Recommend adoption.

Moved to Resolutions, Item B. Smith.

- G. **Resolution 16-043**, A Resolution of the Homer City Council Approving the City of Homer 2016 Land Allocation Plan. Mayor/City Council. Recommend adoption.
- H. **Resolution 16-045**, A Resolution of the City Council of Homer, Alaska, Requesting That the Kenai Peninsula Borough Categorize Snack Food as Prepared Food and Categorize Diapers and Feminine Hygiene Products as Essential Goods for Sales Tax Purposes. Lewis. Recommend adoption.

Moved to Resolutions, Item C. Smith.

- I. **Resolution 16-046**, A Resolution of the City Council of Homer, Alaska, Opposing the Proposed Update to Annex B of the Alaska Federal/State Preparedness Plan for Response to Oil and Hazardous Substance Discharges/Releases (Unified Plan). Aderhold. Recommend adoption.
- J. **Memorandum 16-071**, from Special Projects and Communications Coordinator, Re: Capital Improvement Plan Schedule for 2017 - 2022 & FY 2018 Legislative Requests.

Item F, Resolution 16-042 was moved to Resolutions, Item B. Smith.

Item H, Resolution 16-045 was moved to Resolutions, Item C. Smith.

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

LEWIS/REYNOLDS – SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **VISITORS**

- A. Joy Steward, Homer Foundation

Joy Steward, Executive Director of The Homer Foundation, reported the City of Homer Grants Program is in its 17<sup>th</sup> year with \$750,000 distributed to date. The support is vital for the nonprofit community. This year's \$19,000 allocation from the City allowed a total of \$24,875 (including earned income from the City of Homer and City of Kachemak's endowment funds) for distribution to ten nonprofits. Funding for the nonprofits is important for them to garner additional funding. Last year the ten nonprofits generated nearly \$4.4M in revenues. This includes \$2.3M in new money coming into Homer from State, Federal, and Foundation grants. They also employ 65 full and part-time employees with personnel costs exceeding \$2.2M. The Foundation does not charge fees to the City to administer the endowment fund.

- B. Week of the Young Child, Lisa (Red) Asselin Martin

Homer Early Childhood Coalition Coordinator Red Asselin Martin and Haven House Prevention Coordinator Rachel Romberg reported Alaska has fallen short in child abuse



prevention and neglect. Alaska has six times the national average in reported abuse. Long term exposure to abuse increases poor performance and mental health problems. The Coalition is trying to build a shared understanding about brain development. Between newborn to five years old is an important time for brain development and to establish a neurological foundation. Positive experiences create connections between children and community members. When the experiences are not positive it creates gaps in the brain with no activity in some places. This can happen with neglect, sexual abuse, domestic violence in the home, and adverse experiences. Connections can be made later in life to help heal the brain. There is the power of empathy for children suffering from abuse. The community is urged to connect with families, the legislature, early learning resources, or with a child.

C. Safe & Healthy Kids Fair Committee, Mike Illg and Ginny Espenshade

Community Recreation Coordinator Mike Illg and Youth Court Director Ginny Espenshade announced the Safe & Healthy Kids Fair on April 30<sup>th</sup> from 10:00 a.m. to 2:00 p.m. This is the 24<sup>th</sup> year and 30 different entities are involved. City personnel from the Library are showcasing summer programs, Public Works is sweeping the parking lot to make it safe for the bike rodeo, Community Recreation is operating the bike rodeo with the help of volunteers, HVFD is cooking food, and HPD is operating project drive with the go-cart. This is Elaine Grabowski's last safe kids fair as she will be retiring from the City.

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

A. Mayor's Proclamation - Week of the Young Child, April 24 - 30, 2016

Councilmember Smith read and presented the proclamation to Red Asselin Martin and Rachel Romberg.

B. Mayor's Proclamation – Municipal Clerks Week, May 1 – 7, 2016

Mayor Wythe read and presented the proclamation to City Clerk Jo Johnson.

C. Mayor's Proclamation – Parkinson's Awareness Month, April 2016

Councilmember Reynolds read and presented the proclamation to Jolee Ellis.

D. Mayor's Proclamation – Clean-Up, Clean-Out, Spruce-Up Day, May 7, 2016

Councilmember Aderhold read and presented the proclamation to Jan Knutson, Chamber of Commerce.

E. Borough Report

F. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
  - a. Minutes of March 16, 2016
3. Economic Development Advisory Commission

Economic Development Advisory Commission Chair Karin Marks reported the commission has one open seat. They have many new faces and are working on an action plan to guide them in their tasks. The group is pro-development for new ideas in economic development.

4. Parks and Recreation Advisory Commission

Parks and Recreation Advisory Commissioner Deb Lowney reported the commission has been focusing on connectivity – healthy people in a healthy community. The dog bags and dispensers have received positive response and there is a demand for more dispensers and trash receptacles. The community may be able to help with the collection aspect; this will help parks maintenance with the duty. The commission has made final revisions on the Beach Policy and is now updating their portion of the Comprehensive Plan. The rocks and gate on Bishop's Beach are positive additions. Commissioner Lowney announced the Trails Symposium on May 3<sup>rd</sup> at Islands and Ocean Visitor Center from 5:30 p.m. to 7:30 p.m. They are prioritizing trails through input from the community.

5. Port and Harbor Advisory Commission

- a. Memorandum 16-069 from Deputy City Clerk, Re: Port and Harbor Advisory Commission Recommendation to Allow Retail Marijuana on the Spit.

6. Cannabis Advisory Commission

Councilmember Reynolds announced the meeting on April 28<sup>th</sup> at 5:30 p.m.

## **PUBLIC HEARING(S)**

### **A. ERIC LANE LILLIAN WALLI SUBDIVISION ROAD, DRAINAGE AND SEWER SPECIAL ASSESSMENT DISTRICT**

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

- B. Ordinance 16-18(A)**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 3.20, Recreational Facility Matching Grants; and Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of ~~\$900,000~~ **\$225,000** From the Permanent Fund to the Recreational Facility Matching Grant Fund. Lewis. Introduction April 11, 2016, Public Hearing and Second Reading April 25, 2016.

Mayor Wythe opened the public hearing.

Barb Brodowski, city resident, questioned how the funds magically appeared to spend. Just four months after the 2016 budget reductions there are all kinds of money available for recreation along with two resolutions increasing taxes on food. She questioned how the City will approach residents this year for the 2017 budget.

Deb Lowney, city resident, commented SPARC has brought forward an incredible opportunity. Number one on the PARC Needs Assessment was a multi-use year-round community facility. SPARC has received the political support and has secured space for the building. She supports leveraging city dollars for secure funding. Whatever is developed it should be a selective process with strong guidelines and accessible by volunteers, non-profit recreational organizations, and private businesses that provide recreation opportunities and facilities.

Ken Castner, city resident, said there is no better strategy than having partners. It is the only way the city will have a recreation program in the future. Whether the money comes from the Permanent Fund, future funds, or money in the bank, this is something tangible.

Daniel Zatz, Homer resident, commented we need to diversify the economy. We have a chance to build an infrastructure to generate revenue and provide a healthier lifestyle. SPARC can double what money the City puts in. It is a good investment on behalf of the City.

Mayor Wythe closed the public hearing.

Mayor Wythe called for a motion for the adoption of Ordinance 16-18(A) by reading of title only for second and final reading.

LEWIS/VAN DYKE – SO MOVED.

Councilmember Lewis asked that the ordinance be voted down since Ordinance 16-21 is coming up. Later he will be presenting an ordinance for the Parks and Recreation Advisory Commission to review. It will be something sustainable.

Councilmembers expressed the need to put more thought into a recreation ordinance.

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

Motion failed.

## **ORDINANCE(S)**

- A. **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. Recommended dates: Introduction April 25, 2016, Public Hearing and Second Reading May 9, 2016.

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

LEWIS/SMITH - SO MOVED.

Councilmember Smith advocated for the ordinance as it will put the majority of burden on those that want to develop the program. It provides a 2:1 match, capping out at \$189,000. In 2017 the City anticipates \$215,000 in revenue sharing. The facility is a win win for the community because of the economic and health benefits it will provide. Daniel Zatz and Anders Gustafson need to order the building within a few weeks. Without the City's commitment they will have to move on. Leveraging additional funds will help build a multi-use facility.

City Manager Koester told Council the revenue sharing will be received in 2017. Revenue sharing for 2016 was allocated to the public safety building project.

Councilmember Lewis offered support and a recommendation that any projects of this nature go through Parks and Recreation Advisory Commission before the City Council.

Discussion on the City's \$1 match to each \$2 contribution to the fund ensued. Two-thirds of the total cost of the SPARC project is provided by the proposers and donations.

ZAK - MOVED TO AMEND TO A 1:1.5 MATCH.

Motion died for lack of a second.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **CITY MANAGER'S REPORT**

### **A. City Manager's Report**

#### **Tom Klinkner Steps Down as City of Homer Lead Attorney**

After 8 years of service to the City of Homer, Tom Klinkner of Birch Horton Bitner and Cherot will no longer be our lead attorney. Holly Wells, who you know well from her tenure with the City, will take over as the point person for City of Homer issues and be the City Attorney listed on official City documents. She will be working with Katie Davis and Leila Kimbrell to provide quick and thorough advice for BHB municipal clients. Luckily Tom's historical knowledge won't be totally out of reach – he plans on continuing to work part-time for the firm.

#### **How City Manager Navigates Requests for Support and Legislation**

In the short time that I have had the privilege to serve as your City Manager (1 year last week!), I have tried to be very cognizant of my role as advisor and implementer and your role as policy makers. Council has to make the tough decisions, which is appropriate since you have the backing of the electorate (and a division of labor I am forever grateful for). In that vein, I try to bring you legislation that pertains to how the City works. Policy statements, such as the City of Homer's support for another agency's policy should come from a Councilmember. That being said, I am often approached by members of the public to support or oppose something on behalf of the City with very little turnaround time. If the issue is clearly in the interest of the City, such as the letter opposing the Alaska State Hockey Association's proposal to consolidate all state level tournaments included in this packet, and time is of the essence, I will pen a letter and include it for your review in the City Manager's report. If I have time to approach the Mayor, I try to, as a letter from the top elected official is

more meaningful. If a resolution is needed, my goal is to ask the requestor to either contact a Councilmember or I will put them in touch with a Councilmember that may be interested in their cause. This extends to recommendations from Boards and Commissions, unless the recommendation of a Commission is brought to me by a department head (who makes a good argument for the proposal and it is relevant to the business of the City). I will ask commission members to find a Councilmember to sponsor their recommendation and to take up the issue. I am happy to facilitate this and do any necessary research or drafting. I know this is not a new practice, but I thought it would be valuable to communicate to the Council, Commissioners, and public. Because we are government and we have internal best practices to adhere to, please give us sufficient turnaround time (it seems like we have been approached a lot this month). A big thank you goes to all the Boards, Commissions, organizations, and community members who are working to make our community a better place. The City appreciates the opportunity to participate in those efforts and learn from the public where we can do things better.

### **Real Estate RFP Extended**

The City of Homer issued an RFP for real estate agent services that expired April 14. There were no responses so I have extended the deadline to May 5. I am hopeful this extension will give local firms the time they need to prepare a bid and help the City move some property back onto the tax roll.

### **Input from the Borough on Tax Code**

The KPB Finance Director has informally solicited input on items that municipalities would like to see changed in the Borough's sales and property tax code. We have not yet been provided with a list of possible changes that the Borough is considering, so it is difficult to comment. Once the Borough administration has presented the Assembly with the recommendations, I think it is appropriate for Council to weigh in officially on items by resolution, as we discussed at the revenue worksession on the 18<sup>th</sup>. At this stage, I cannot say that the City is opposed or supportive of a particular revision without Council review, except for changing the definition of non-prepared food, which was incorporated into City code last year. With Council approval, I plan to forward to the Borough Finance Director that the City of Homer would like to see the following items *considered* with an official opinion of the Council (by resolution) to follow.

- raising the sales tax cap from \$500-\$1,000
- excise taxes on alcohol, marijuana, and tobacco
- changing the definition of non-prepared food

I anticipate there being additional items the Council would like to comment on once we have seen what the Borough administration is considering. Changes in KPB tax code will be discussed at the May 16 revenue work session with potential resolution(s) before Council on May 23.

### **Pioneer Avenue Revitalization Project**

The City of Homer is participating in a cross-sector task force to revitalize Pioneer Avenue, Homer's historic downtown commercial corridor with over 86 businesses. The goal is to promote Pioneer Avenue as a prominent Homer destination by creating a cohesive 'Peonies on Pioneer' brand identity. Peony farming is a burgeoning industry in Homer (with over 25 local farms) and a symbol of Homer's pioneering spirit cultivating new forms of beauty and industry to help sustain the local economy. Efforts so far include an upcoming mural project and development of peony flower beds. The group is also working on providing benches, contiguous bike and walking trails, trash cans, and wayfinding signage embellished with Alaskan peonies as a consistent theme. Bunnell Street Arts Center has agreed to be a fiscal sponsor and may be asking the City of Homer for letters of support in the future for peony related projects. (See attached letter to Pioneer Avenue businesses.)

### **The Legislature...**

The Legislature was scheduled to adjourn at midnight on Sunday the 17<sup>th</sup> of April. As of the drafting of this report, they are well past that deadline and not closer to progress on closing the fiscal gap. However, a number of pieces of legislation that would be devastating to municipalities have been stalled – for this year at least, so thank you to everyone for their effort on that front. SB 210 changing revenue sharing to municipal assistance and adjusting the formula passed. Due to the late passage of the bill and the time it takes to verify population numbers, payments for State fiscal year 2016 won't be seen by municipalities until June of 2016 and SFY2017 payments July of 2017.

<b>SB210 Est. Payments</b>	<b>FY16 (actual)</b>	<b>FY17 (est.)</b>	<b>FY18 (est.)</b>	<b>FY19 (est.)</b>
Statewide Distribution	\$57.3MM	\$38.2MM	\$30MM	\$30MM
City of Homer Allocation	\$322,641	\$215,640	\$145,663	\$145,663

City Manager Koester announced the Parks, Recreation and Trails Symposium on Tuesday, May 3<sup>rd</sup> 5:30 p.m. to 7:30 p.m. at Islands and Ocean Visitor Center.

### **B. Bid Report**

### **CITY ATTORNEY REPORT**

### **COMMITTEE REPORT**

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

Public Safety Building Review Committee Chairman Ken Castner reported on Wednesday, April 27<sup>th</sup> there is a Worksession at the HERC with the architect and construction manager to begin the charrette process. People will meet at the HERC at 8:00 a.m. to go over areas that can be used for public safety needs. They will return to the Conference Room around noon and adjourn no later than 3:00 p.m. There are cost controls throughout the project to stay within the \$12M budget established by City Council. Additionally, the committee is developing plans for the fire station. They may use the term contractor for the design and put the project out for bid. In the upcoming six weeks the committee has meetings and will provide detailed designs of the police facility to prepare for a bond proposition. He is optimistic they will come within the \$12M budget.

D. Americans with Disabilities Act Compliance Committee

Councilmember Donna Aderhold reported the committee met last week and reviewed the draft ADA grievance procedure and form. The grievance procedure will come before Council after the committee has approved it. Next, the committee will develop a transition plan for the City of Homer to comply with ADA. The transition plan starts with a self-evaluation, comprehensive checklist, and a variety of things related to employment practices. For those areas that are not in compliance, there will be a building transition plan. The plan will require a lot of cooperation from each department within the City.

**PENDING BUSINESS**

- A. **Ordinance 16-10**, An Ordinance of the City Council of Homer, Alaska, Amending the 2016 Operating Budget to Allow for the Completion of the 2016 Streets Repaving Project Utilizing Homer Accelerated Roads and Trails (HART) Funds in an Amount Not to Exceed \$638,000. City Manager/Public Works Director. Introduction March 14, 2016, Public Hearing March 29, 2016. Reconsidered April 11, 2016 and Postponed to April 25, 2016.

Memorandums 16-043, 16-062, and 16-072 from Public Works Superintendent as backup.

Motion on the floor from March 29<sup>th</sup>: MOTION FOR THE ADOPTION OF ORDINANCE 16-10 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

City Manager Koester referenced Memorandum 16-072 from Public Works Superintendent Gardner that includes options to downsize the project not to exceed \$374,391 or increase the amount to \$700,000 to complete the entire paving project.

LEWIS/REYNOLDS – MOVED TO AMEND THE AMOUNT TO \$700,000 FOR ALL OCCURRENCES.



Councilmember Smith questioned the administration fee of 15% and inspection fee of 4%. There's no representation for the money collected from HART. Charging an administration fee when it is time to spend it is almost double dipping. When it is time to allocate the hours and expenditures we can do it in house.

City Manager Koester asked that the administrative fee in this ordinance remain and a closer scrutiny of the fee be given to HART at a later date. We will only charge the hours that the person works.

Councilmember Lewis called for a point of order to discuss the amendment on the table.

Councilmember Reynolds opposes the increase as she believes it has to do with contingency for the project.

Councilmember Aderhold supports the increased amount as it is important to keep our roads maintained. For the roads that are presented Public Works has demonstrated a need. We have to trust our Public Works Department to assess projects and determine their need. Those personnel have engineering degrees and professional engineering licenses.

Councilmember Zak suggested a smaller amount this year and go back to the \$700,000 every three years based on an analysis of how many road repairs are needed in the future.

VOTE: YES. ADERHOLD, LEWIS

VOTE: NO. REYNOLDS, ZAK, SMITH, VAN DYKE

Motion failed.

ZAK/VAN DYKE – MOVED TO APPROVE \$374,391 WHICH INCLUDES A 5% OVERALL CONTINGENCY.

Councilmember Reynolds would like to see all road projects move ahead.

VOTE: YES. VAN DYKE, ZAK, SMITH

VOTE: NO. REYNOLDS, ADERHOLD, LEWIS

Mayor Wythe broke the tie with a NO vote.

Motion failed.

SMITH/ZAK – MOVED TO REMOVE THE ADMINISTRATIVE FEE OF 15%.

Councilmember Smith commented there is no representation of HART if we collect first and then charge again when the money is spent.

Councilmember Aderhold prefers to look at the administrative fees when the monies come to the City. An administrative fee with a specific project makes a lot more sense.

Finance Director Li was asked to join the conversation. He agreed that administrative fees pay for accounting, staff, and tax collecting. Administrative fees are used to pay for the person managing the project while it is underway.

Mayor Wythe called for a recess at 7:41 p.m. and reconvened the meeting at 7:48 p.m.

Mayor Wythe clarified overhead allocations are distributed between various funds for accounting purposes. HART contributes 4% for roads and 1% for trails towards general administrative expenses. Those include Council expenses, City Clerk, City Manager, Economic Development Advisory Commission, personnel issues, IT, Finance Department, City Hall complex use fees, janitorial services, and Public Works administration. All of those components go into calculating the overhead distribution. The overhead operation is allocated to the general fund, the water fund, the sewer fund, Port and Harbor, roads and trails, and HAWSP to create 100%. That is the total expense of all these divisions of the City that provide services everywhere. They are not funds available to pay for the project administration. People will be allocated to manage the project and their expenses will be allocated to the project.

City Manager Koester further explained a person's salary can be billed to a project. It is not a concrete tangible number that can be budgeted.

Finance Director Li told Council we don't charge labor costs to a project. It is charged through the administration fee. The project manager is not part of the general fund budget; if he works on a project it gets charged to the project.

VOTE: YES. SMITH

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

Motion failed.

ADERHOLD/REYNOLDS - MOVED TO AMEND WHEREVER IT READS \$638,000 TO \$668,500.

There was no discussion.

VOTE: YES. LEWIS, ADERHOLD

VOTE: NO. ZAK, VAN DYKE, SMITH, REYNOLDS

Motion failed.

ADERHOLD/ZAK - MOVED TO POSTPONE TO OUR NEXT MEETING.

There was no discussion.

VOTE: YES. ZAK ADERHOLD

VOTE: NO. SMITH, REYNOLDS, LEWIS, VAN DYKE

Motion failed.

VOTE: (main motion) YES. LEWIS, ADERHOLD, REYNOLDS, ZAK, VAN DYKE

VOTE: NO. SMITH

Motion carried.

- B. ***If Reconsidered: Resolution 16-029(S)***, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited to Add an Exception to the Southern End of the Vacated Easement Formally Known as Shirlene Circle and the Area West of Bishop's Beach Park Access Between the South End of Mariner Park Beach to the East End of the Seawall From October 1 Through March 31 Solely for the Purpose of Gathering Sand and Coal. Reynolds.

**Resolution 16-029(S-2)**, A Resolution of the City Council of Homer, Alaska, Amending the Beach Policy for Operating, Stopping or Parking of Motor Vehicles in Beach Areas Prohibited, to Prohibit Vehicles on the Beach at the Bottom of Airport Access Road, to Add An Exception Allow Vehicles From ~~To~~ the Southern End of the Vacated Easement Formally Known as Shirlene Circle to the East, to Prohibit Motor Vehicles to the East of Bishop's Beach Park Access, to Prohibit Motor Vehicles South of Mariner Park, and to Allow Motor Vehicles and the Area West of Bishop's Beach Park

~~Access~~ Between the South End of Mariner Park Beach to the East End of the Seawall From October ~~31~~ 1 Through March ~~1~~ 31 Solely for the Purpose of Gathering Sand and Coal. Reynolds.

Motion on the floor from April 11: MOTION FOR THE ADOPTION OF RESOLUTION 16-029(S) BY READING OF TITLE ONLY.

Mayor Wythe called for a motion to substitute Resolution 16-029(S-2) for 16-029(S).

LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: (substitute) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

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

Motion carried.

- C. **Resolution 16-041**, 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. Postponed to April 25, 2016. Recommend Public Hearing May 9, 2016.

Memorandum 16-063 from City Manager as backup.

**Resolution 16-041(S)**, 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.

Motion on the floor from April 11: MOTION FOR THE ADOPTION OF RESOLUTION 16-041 BY READING OF TITLE ONLY.

Mayor Wythe called for a motion to substitute Resolution 16-041(S) for 16-041.  
LEWIS/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

LEWIS/ADERHOLD - MOVED TO AMEND LINE 52 TO DELETE "AND (III)" AND INSERT ";(IV)"; LINE 53 FOLLOWING "FUNDS" INSERT "AND (V) DEVELOP A MATCHING GRANT PROGRAM FOR SMALL SCALE GREENWAY TRAILS;" LINE 54 INSERT A NEW RESOLVE "BE IT FURTHER RESOLVED THAT THE COUNCIL REFERS TO THE PARKS AND RECREATION ADVISORY COMMISSION FOR ITS REVIEW AND RECOMMENDATIONS THE SUBJECT OF REVISING THE HART POLICY MANUAL TO DEVELOP A MATCHING GRANT PROGRAM FOR SMALL SCALE GREENWAY TRAILS."

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

REYNOLDS/LEWIS - MOVED ON PAGE 290, LINE 46 FOLLOWING "FUNDS" INSERT "DEFINED AS A DEBT-SERVICE COVER RATIO OF 1.25 OR ABOVE."

There was no discussion.

VOTE: (amendment) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe called for a motion to postpone to May 9<sup>th</sup> for a public hearing.

ADERHOLD/REYNOLDS - SO MOVED.

There was no discussion.

VOTE: (postponement) YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## **NEW BUSINESS RESOLUTIONS**

- A. **Resolution 16-044**, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Ordinance 2016-09, Amending KPB 5.18.200 to Change the Seasonal Exemption From Sales Taxes of Non-Prepared Food Items to Apply From October 1 to March 31 of Each Year. Lewis.

Mayor Wythe called for a motion for the adoption of Resolution 16-044 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

City Manager Koester reported the City loses about \$800,000 a year by not taxing non-prepared foods. Reducing the exemption to three months will produce at least a couple hundred thousand dollars.

Council noted the exemption dates tie in with fiscal quarters, making it easy for stores to switch the tax. The shortened exemption period will be brought up by the Borough Assembly and they will hold a public hearing. If KPB Ordinance 2016-09 is adopted, the citizens may come back against it. At the town hall meetings the majority of participants favored a seasonal sales tax as a revenue source.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- F. **Resolution 16-042**, A Resolution of the City Council of Homer, Alaska, Authorizing the Formation of the Kachemak Drive Phase III Water and Sewer Special Assessment District, and Authorizing the City Manager to Proceed With the Preparation and Construction of the Project. City Clerk. Recommend adoption.

Mayor Wythe called for a motion for the adoption of Resolution 16-042 by reading of title only.

LEWIS/REYNOLDS - SO MOVED.

Councilmember Smith acknowledged the statements of objection for people who felt the assessments were excessive and that they should not be assessed.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

H. **Resolution 16-045**, A Resolution of the City Council of Homer, Alaska, Requesting That the Kenai Peninsula Borough Categorize Snack Food as Prepared Food and Categorize Diapers and Feminine Hygiene Products as Essential Goods for Sales Tax Purposes. Lewis. Recommend adoption.

Mayor Wythe called for a motion for the adoption of Resolution 16-045 by reading of title only.

LEWIS/REYNOLDS – SO MOVED.

Councilmember Lewis defended the resolution although the Borough does not like the idea of deciding what is prepared and non-prepared food items. Taxing snack food may be a way to capture tax revenue without extending or raising taxes. At the same time the resolution removes diapers and feminine hygiene products that are essential for certain individuals. Many states are having the discussion with the tampon tax. It may take a store a day or two to set up its tax system. In the long run it may bring in extra funds that we need.

Councilmembers Van Dyke and Reynolds agreed that snack foods are discretionary food items and should be taxed. It may be difficult to define the snack foods as there are many cereals that qualify too.

Councilmember Smith pointed out wipes and toilet paper are necessities and the list could be extended with other essentials.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

## COMMENTS OF THE AUDIENCE

Mike Illg, city resident, expressed gratitude to Elaine. She is an amazing person who is not just a face of the Fire Department or the City of Homer, but a truly kind person. There is a going-away party for her this Wednesday.

Robert Archibald, city resident, thanked Council for passing Resolution 16-046. The former city manager is going to work for PWSCAC. He is happy we are moving forward with parks and recreation in town, but we still have some issues.

Ginny Espenshade, city resident, appreciates Council's support and funding of recreation. It is crucial to wellness and prevention. Leveraging is a good idea with 1:2. Although this is reactive and a one-time expense, she hopes Council moves forward with a grant program for recreation.

Ken Castner, city manager, commented on the SPARC project and that Council is not being reactive. It has been pounded on for years that we need more recreation. Services and supplies are real value and should not be discounted on the 1:2 match. It is unfair to say HART is only contributing 5%. That is the percentage of the operating budget for administration. Converting HART money into administrative money by trading it along the way is a little washing operation.

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

City Attorney Wells was not present.

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

City Clerk Johnson wished Elaine well. She is an example of an exemplary employee and the City has been fortunate to have her. She is always a bright spot when visiting our office.

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

City Manager Koester congratulated Elaine for over 30 years of service to the City. She appreciates the thorough vetting and debate Ordinance 16-10 for HART roads received. She assured Council when they give city staff a contingency for any project we will always try to do it for the least amount. Projects often do come in under project. She is a little concerned with the expectation to do the entire project at a reduced amount. She is hopeful we will be able to do that with the bidding climate; she will not bring Council a project that will run over. If we need to drop something after getting the bids she will keep Council apprised.

#### **COMMENTS OF THE MAYOR**

Mayor Wythe commented on Ordinance 16-18(A) and the implication there was suddenly money available. It came together with Ordinance 16-21. In bringing funds together that are single source funds, you can't use those monies to balance your budget or for staff. You cannot guarantee those funds and that is why we took community revenue sharing out of the



budget process. It can only be allocated to a single project expenditure. It is a viable source to help with the soccer field recreational facility. She commended Councilmembers Smith and Lewis for bringing it forward to consider those funds. In light of the recognition of clerks, the week of May 4<sup>th</sup> is Public Service Appreciation Day. She challenged people in the community to appreciate public employees that provide service to you. That includes fire, police, public works, harbor, administration, and library employees, and people at the post office. There is always the perception that people that work for the government are overly enriched. Those positions are not highly compensated, but traditionally are secure jobs. The City of Homer axed that this year with the reduction of six positions. It's a different environment for public employees and she challenged people to show their appreciation. She told Council that the food tax will come back to bite them in the butt. It does every single time we talk about it. She is not thrilled with signing the resolution and usually doesn't veto when council votes unanimously. She feels it will cost a lot of people a lot of heartache. There are a lot of things we are putting on the Parks and Recreation agenda that requires a substantial amount of staff time and she would like Council to be conscious of staff time and overtime.

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

Councilmember Lewis congratulated Elaine on 30 years of service. It is a long time to be in one job. His butt's been bit a number of times and he is sure this is not the last.

Councilmember Smith commented he knows Elaine personally as he delivers to the Fire Station. He has seen her there at the front desk for many years. He appreciates her disposition and smile. She has been a great representative of the City and our Fire Hall. He gave a shout out to the Homer Softball Girls Fast Pitch who kick off their season tomorrow. They then travel to Juneau to play twelve games and get primed for their region play here. We've been talking about how old some of our vehicles are and how much use we get out of the roads. It brings back the old adage: Use it up, fix it up, wear it out, or do without. The City has done a good job of doing that. It doesn't bother him that we drive around some 1985 vehicles; if they function and they are safe let's use them until they're done. He commented on the goggles Mike Illg provided.

Councilmember Aderhold reiterated Ginny Espenshade's announcement that April 30<sup>th</sup> is National Drug Take Back Day. There are posters around town and an announcement on the Homer Police website that is a nice statement on why you want to dispose of your drugs. Disposing of them in a proper manner prevents misuse and them ending up in the water system. Drugs dissolve in the water and become a health hazard to our marine wildlife and then come back to us. There is a drop box at the police station. When you are going to the Safe & Healthy Kids Fair you can drop them off.

Councilmember Van Dyke commented the three speakers were informative and well thought out. Our children are our future. The safer we can get them and the more educated they are the better the place we will have in the future. The Safe & Healthy Kids Fair is an excellent example of the cooperation between government, private sector, and nonprofit

organizations. He can't tell you how many hours he has spent picking up trash for Homer Clean-Up Day and how many hours he has spent at the Chamber cooking hot dogs. He complimented the advisory commissions and boards who do so much work behind the scenes.

Councilmember Zak commented Council did a wonderful job with further discussion on processes. He appreciates Dan Gardner and Carey Meyer coming before the Council and agreeing to provide more information on the roads' repairs and costs to have a clear understanding. We need to be aware of budgeting funds for repaving roads every three years. The Council is trying hard to figure out ways to reduce costs and pay for increased expenses. In October the voters will be considering the public safety building and we are working to gain their support and trust when we ask that question on the ballot.

Councilmember Reynolds just returned from Washington, D.C. She visited Capitol Hill and spoke with staff members of Senators Sullivan and Murkowski, and Representative Young's offices. She took plans of the Army Corps of Engineers harbor feasibility study and Resolution 16-039 about the Remote Transactions Parity Act. She spoke about those and other issues affecting the City of Homer and the state of Alaska. She had a good reception and an appropriate amount of time to talk to people. She heard about the concern of the Zika virus. A message to anyone of reproductive age is that there is a lot of uncertainty. If you are traveling check in with your medical provider if pregnancy is ideal at this time. Councilmember Reynolds wrote a grant to the Awesome Foundation to provide seed money for the syringe exchange program and it was approved. The money should be sufficient for supplies and the pilot program this summer. The next meeting for the syringe exchange program is May 3<sup>rd</sup>. The hospital is going to allow the syringe exchange program to be in the education and training room on Pioneer Avenue. It is a good example of being responsive and reactive. She recognized Elaine Grabowski who was her first contact with the City of Homer when she moved to town. The Public Safety Building Review Committee is going to be doing a lot of work in the next six weeks and she appreciates that and all the volunteer work.

Mayor Wythe wished Elaine the best of luck; she certainly deserves the opportunity.

## **ADJOURNMENT**

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 8:49 p.m. The next Regular Meeting is Monday, May 9, 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: \_\_\_\_\_



**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



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk/Parks and Recreation  
Advisory Commission

**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.

WHEREAS, The Public Arts Committee and the Parks and Recreation Advisory Commission have similar responsibilities to advise the City Manager and City Council regarding cultural, educational, entertainment and recreational activities and facilities to enhance the health and wellness of the community; and

WHEREAS, The overlapping responsibilities of the Public Arts Committee and the Parks and Recreation Advisory Commission result in duplicative demands on the City staff and services that support each body; and

WHEREAS, The Parks and Recreation Advisory Commission and the Public Arts Committee recommend creating a combined commission that will have all of the responsibilities of each body; and

WHEREAS, There are many examples of Parks, Art, Recreation, and Culture Commissions operating successfully across the United States and it would be beneficial to the City for the responsibilities of the Public Arts Committee and the Parks and Recreation Advisory Commission to be combined.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The purpose of this ordinance is to create a new Parks, Art, Recreation, and Culture Advisory Commission to replace and perform the duties of the existing Public Arts

**Added language** Deleted language stricken through.]

Committee and Parks and Recreation Advisory Commission, and to 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.

Section 2. Homer City Code Chapter 2.60 is repealed and reenacted to read as follows

2.60.010 Created – Membership.

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

b. A Chair and Vice-Chair of the Commission shall be elected annually from and by the voting members of the Commission. The Chair shall preside at meetings of the Commission. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair.

2.60.020 Terms of members.

a. Voting members of the Commission are appointed for three-year terms.

b. The non-voting high school student member serving from Homer High School class shall be appointed for a term that coincides with the school year.

c. A Commission member who is absent without excuse from two consecutive regular meetings shall be subject to removal from the Commission by a majority vote of the members present.

2.60.030 Proceedings of Commission.

The Commission shall hold one regular meeting in each of the months of February through June and August through November on the day of the month that the Commission shall select from time to time, and otherwise at the call of the Chair or a majority of the Commission. A recording shall be made or minutes shall be kept of each meeting of the Commission, showing the vote of each member upon every question. The recording or minutes shall be filed in the office of the City Clerk and shall be a public record open to inspection by any person.

2.60.040 Duties and responsibilities of Commission.

The Commission shall have the following duties and responsibilities:

a. Act in an advisory capacity to the City Manager and the City Council on matters involving:

1. City parks.
2. Recreation facilities.
3. Public beaches and trails.
4. Support of the arts.

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



5. Acquisition, maintenance and disposition of works of art.

6. Land use and future development related to parks and recreation facilities.

7. The administration of the public arts fund established by HCC 18.07.090.

Any recommendation by the Commission regarding the matters described above shall be directed to the City Council through the City Manager, except that the recommendation shall be sent directly to the Council when the Commission so requests.

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

c. Further the development and awareness of the arts in the City.

d. Consider any specific proposal, problem or project as directed by the City Council and report thereon directly to the Council or as the Council otherwise directs.

e. Solicit donations of money and property in support of its duties under this section. Donations of money shall be deposited to the City treasury in a separate fund designated for parks, art, recreation and culture purposes. Donations of property shall be accepted by deed or other conveyance subject to the approval of the City Council, and shall be held or disposed of for parks, art, recreation or cultural purposes as the Council may direct. The Commission may make recommendations to the Council for the disposition of money or property so received.

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Section 3. Homer City Code Chapter 2.68 is repealed.

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Section 4. Homer City Code 18.07.020, Definitions, is amended to read as follows:

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18.07.020 Definitions.

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

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

1. Sculptures: in the round, bas relief, high relief, mobile, fountain, kinetic or electronic, in any material or combination of materials.

2. Painting: all media, including portable and permanently affixed works, such as murals.

3. Graphic arts: printmaking and drawing.

4. Mosaics.

5. Photography.

6. Crafts: in clay, fiber and textiles, wood, metal, plastics and other materials.

7. Calligraphy.

8. Mixed media: any combination of forms or media, including collage.

**“Commission” means the Parks, Art, Recreation and Culture Advisory Commission.**

“Construction, remodeling or renovation of municipal buildings and facilities” means any capital improvement projects paid for wholly or in part by the municipality to build,

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

rebuild or improve any decorative or commemorative structure, park or parking facility or any building.

“Total cost of construction, remodeling or renovation” means the total allotted funding for the subject project at the time of award of contract, exclusive of the costs of land acquisition, site investigation, and environmental cleanup or remediation.

Section 5. Homer City Code 18.07.040, Implementation, is amended to read as follows:

18.07.040 Implementation.

a. During the preliminary design review of any project for construction, remodeling or renovation covered by this chapter any contractor, department or instrumentality of the municipality charged with the design preparation of this project shall consult with the **Commission** ~~Public Arts Committee~~ regarding the implementation of HCC 18.07.030(a).

b. The **Commission** ~~Public Arts Committee~~ may adopt, and from time to time amend, regulations setting forth the manner in which the requirements of this chapter shall be carried out, which shall be effective upon approval by City Council resolution.

c. The requirements of HCC 18.07.030(a) shall not be waived except as provided for in HCC 18.07.070.

Section 6. Homer City Code 18.07.050, Selection, is amended to read as follows:

18.07.050 Selection.

a. Where works of art are to be incorporated in the construction, remodeling or renovation of a City building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury consisting of the architect or project designer, a representative of the user department, a representative of the **Commission** ~~Public Arts Committee~~ and such additional persons that the **Commission** ~~Public Arts Committee~~ may designate, subject to Council approval.

b. Where works of art are to be commissioned or acquired, but not incorporated in the construction, remodeling or renovation of a City building or facility or its grounds, such works of art shall be selected and recommended to the Council for approval by a jury of at least three members consisting of a representative of the user department, one or more members of the **Commission** ~~Public Arts Committee~~ and such additional persons that the **Commission** ~~Public Arts Committee~~ may designate, subject to Council approval.

Section 7. Homer City Code 18.07.070, Exemptions, is amended to read as follows:

18.07.070 Exemptions.

The City Council may waive the requirements of this chapter in whole or in part as to the construction, remodeling or renovation of a City building or facility upon a finding by the **Commission** ~~Public Arts Committee~~ or City Manager that the inclusion of works of art in the construction, remodeling or renovation as required by this chapter would not provide any

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

aesthetic benefit to the community or to the principal users of the building or facility.

Section 8. Homer City Code 18.07.090, Public art fund, is amended to read as follows:

18.07.090 Public art fund.

a. A public art fund is established as a separate, interest bearing account in the City general fund to receive money for the public art program from the following sources:

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

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

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

d. The public art fund is administered by the City with the advice of the **Commission** ~~Public Arts Committee~~.

e. The **Commission** ~~Public Arts Committee~~ annually shall prepare a plan for expenditures from the public art fund for approval by the City Council.

Section 9. Homer City Code 18.07.100, Ownership and management of works of public art, is amended to read as follows:

18.07.100 Ownership and management of works of public art.

a. Ownership of all works of art acquired by or on behalf the City shall be vested in the City.

b. The City shall place or construct public art at locations that are open to the public and where the public art shall be visible to the general public during, at a minimum, normal business hours.

c. The removal from display by the City of public art owned by the City shall follow established guidelines for de-accessioning and shall be subject to review and recommendation by the **Commission** ~~Public Arts Committee~~ with final approval by the Council.

Section 10. Each person who is a member of the Parks and Recreation Advisory Commission immediately preceding the effective date of this ordinance shall become a member of the Parks, Art, Recreation and Culture Advisory Commission on the effective date of this ordinance, to serve for the remainder of the term for which the person was appointed to the Parks and Recreation Advisory Commission. Immediately following the effective date of this ordinance, the Mayor shall appoint, subject to confirmation by the City Council, additional voting members of the Parks, Art, Recreation and Culture Advisory Commission as required to fill any vacancy on that Commission. The persons so appointed shall serve for

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

terms designated by the Mayor so that the terms of three voting Commission members expire every year.

Section 11. Sections 2 through 9 of this ordinance are of a permanent and general character and shall be included in the City code. Sections 1 and 10 of this ordinance shall not be codified.

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

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 Wells, City Attorney

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)

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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.*

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<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 WYTHER 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



CITY OF HOMER  
HOMER, ALASKA

Reynolds

ORDINANCE 16-23

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
REPEALING HOMER CITY CODE, CHAPTER 6.12, DRUG ABUSE  
AND PARAPHERNALIA.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code, Chapter 6.12, Drug Abuse and Paraphernalia, is hereby repealed:

6.12.010 Definition.

As used in this chapter, the following terms shall have the meanings as defined herein:  
“Controlled substance” means a drug, substance, or immediate precursor included in  
the schedules set out in AS 11.71.140 through 11.71.190, as amended.

“Drug paraphernalia” means all items, equipment, devices, products and materials of  
any kind which are used, or intended for use, in planting, propagating, cultivating,  
growing, harvesting, manufacturing, compounding, converting, producing,  
processing, preparing, testing, analyzing, packaging, repackaging, storing, containing,  
concealing, injecting, ingesting, inhaling, or otherwise introducing into the human  
body a controlled substance as defined herein. Drug paraphernalia includes, but is not  
limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing,  
or harvesting of any species of plant which is a controlled substance or from  
which a controlled substance can be derived;
2. Kits used or intended for use in manufacturing, compounding, converting,  
producing, processing, or preparing controlled substances;
3. Isomerization devices used or intended for use in increasing the potency of  
any species of plant which is a controlled substance;
4. Testing equipment used or intended for use in identifying or in analyzing the  
strength, effectiveness or purity of controlled substances except for use by or  
under the direction of law enforcement agencies or medical research or  
treatment facilities;
5. Scales and balances used or intended for use in weighing or measuring  
controlled substances;

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.]**

i. Electric pipes;

j. Air-driven pipes;

k. Chillums;

l. Bongs;

m. Ice pipes or chillers;

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

i. Statements by the manufacturer, owner or by anyone in control of the object concerning its use;

ii. Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substance;

iii. The proximity of the object, in time and space, to a direct violation of AS 11.71.010 through 11.71.060, as amended;

iv. The proximity of the object to controlled substance;

v. The existence of any residue of controlled substances on the object;

vi. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of AS 11.71.010 through 11.71.060, as amended; the innocence of an owner, or of anyone in control of the object, as to a direct violation of AS 11.71.010 through 11.71.060, as amended, shall not prevent a finding that the object is intended for use as drug paraphernalia;

vii. Instructions, oral or written, provided with the object concerning its use;

viii. Descriptive materials accompanying the object which explain or depict its use;

ix. National and local advertising concerning its use;

x. The manner in which the object is displayed for sale;

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

xi. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

xii. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

xiii. The existence and scope of legitimate uses for the object in the community;

xiv. Expert testimony concerning its use.

~~“Sell” or “sale” means the commercial transfer of ownership, possession or use of drug paraphernalia in the regular course of a wholesale or retail business for consideration of any type.~~

~~6.12.020 Sale of drug paraphernalia unlawful.~~

~~It is unlawful for any person to sell, or possess with intent to sell, drug paraphernalia, knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, except as specifically authorized and permitted under the provisions of AS Title 17 and by such rules and regulations as are adopted pursuant thereto.~~

~~6.12.030 Penalties.~~

~~a. Any person who violates any provision of this chapter shall be punished under the general penalty provision of the Homer City Code, or be subject to injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of this chapter, the Superior Court shall grant injunctive relief to restrain the violation.~~

~~b. Any item sold or possessed with the intent to sell by any person after a court has adjudicated such an item to constitute drug paraphernalia as defined by HCC 6.12.010 shall be subject to forfeiture of the paraphernalia to the City upon order of the court entered in any injunction proceedings instituted under the authority of this section or in a separate forfeiture action instituted by the City.~~

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

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

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

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

CITY OF HOMER

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

ATTEST:

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

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

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

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

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

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

Fiscal Note: NA

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





**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**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.

WHEREAS, Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special  
Assessment District includes real property fronting Eric Lane located within the Lillian Walli  
Subdivision within the City of Homer; and

WHEREAS, A petition for water and sewer improvements for property owners within  
the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District  
was circulated from July 13 to October 28, 2015; and

WHEREAS, Pursuant to HCC 17.04.040(a)(2) the sufficiency of the petition requires  
signatures of not less than one half in value of the real property in the proposed improvement  
district; and

WHEREAS, The City Clerk verified sufficient signatures equal to 58% of the value of real  
property within the district; and

WHEREAS, Pursuant to HCC 17.04.040(b)(1) a neighborhood meeting was scheduled  
and held on December 3, 2015; and

WHEREAS, An improvement plan was prepared for the district that includes final  
boundaries, design, project cost estimate, percentage of the improvement cost to be  
assessed against properties in the district, method for allocating the assessed cost of the  
improvement among the properties in the district, time period over which assessments will  
be financed, and a preliminary assessment roll for the district; and

WHEREAS, Property owners were sent the preliminary assessment roll, notice of right  
to object, and notice of public hearing; and

WHEREAS, Pursuant to HCC 17.04.050(b) if owners of real property that would bear 50  
percent or more of the assessed cost of the improvement file timely written objections the  
Council may not proceed with the improvement; and

WHEREAS, Written objections were received from two property owners, representing three parcels within the district, 14 percent of the assessed cost of the improvement; and

WHEREAS, A public hearing was held on April 25, 2016 and there was no public testimony; and

WHEREAS, The estimated cost of road and drainage improvements is \$796,100 with property owners' estimated total assessment of \$530,733; road and drainage improvements within the subdivision are not eligible for HART Program funds, but the City of Homer will pay one third (1/3) the cost of road/drainage improvements \$265,367; and

WHEREAS, The estimated cost of sewer improvements is \$262,305 with property owners' estimated total assessment of 262,305; sewer improvements within the subdivision are not eligible for HAWSP Program funds so the property owners will pay 100% of the cost; and

WHEREAS, Council finds that the road, drainage and sewer improvements are necessary and will benefit the properties to be assessed.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council authorizes the formation of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District, and authorizes the City Manager to proceed with the preparation and construction of the project.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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

ATTEST:

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

Fiscal Note: Total estimated project road/drainage: \$796,100. Estimated property owner share of road/drainage improvements is \$530,733 with the City paying one third (1/3) of the

84 cost: \$265,367. Total estimated project sewer: \$262,305 with estimated property owner share  
85 of sewer improvements \$262,305 (100%). Road, drainage, and sewer improvements for Eric  
86 Lane Lillian Walli Subdivision are not eligible for HART and HAWSP funds.





**City of Homer**

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**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

CITY OF HOMER

## **NOTICE OF RIGHT TO OBJECT**

ERIC LANE LILLIAN WALLI SUBDIVISION  
ROAD, DRAINAGE AND SEWER  
SPECIAL ASSESSMENT DISTRICT

### **SPECIAL ASSESSMENT DISTRICT:**

ERIC LANE LILLIAN WALLI SUBDIVISION ROAD, DRAINAGE AND SEWER SPECIAL ASSESSMENT DISTRICT, affecting the property described on the Preliminary Assessment Roll.

On November 9, 2015 the City Clerk determined the sufficiency of the Eric Lane Lillian Walli Subdivision Road, Drainage and Sewer Special Assessment District. If the assessment district is approved and project construction is approved, the cost of the improvements will be assessed against and become a lien on the property benefited by the improvements.

### **PUBLIC HEARINGS:**

A Public Hearing on the assessment, necessity of the improvements, and on the proposed improvement plan are scheduled before the Homer City Council at **6:00 p.m. on April 25, 2016** in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska. Any person may testify at the public hearing.

### **NOTICE OF RIGHT TO OBJECT:**

The owner of property to be assessed may file a written objection to the improvement plan no later than **April 18, 2016 at 5:00 p.m.** Non responses during the objection period shall be deemed to be non-objections.

If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

At the noticed date and time, the Council shall hold a public hearing on the necessity of the improvement and proposed improvement plan. After the public hearing, the Council shall act upon a resolution determining to proceed with the proposed improvement. The resolution shall find that the improvement is necessary, of benefit to the properties to be

assessed, and if the district is initiated by petition, that the petition is in proper form and bears sufficient signatures. The findings of the Council are conclusive. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

**OBJECTIONS MUST BE IN WRITTEN FORM AND FILED AT THE OFFICE OF THE  
CITY CLERK NO LATER THAN APRIL 18, 2016 AT 5:00 P.M.  
FAX AND EMAIL COPIES WILL NOT BE ACCEPTED**

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
Phone: 907-235-3130; Fax: 907-235-3143  
Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

Dated this 18th day of February, 2016

Renee Krause, CMC, Deputy City Clerk

Enclosures: Notice of Public Hearing  
Preliminary Assessment Roll  
Statement of Objection

**CITY OF HOMER**

**NOTICE OF PUBLIC HEARING**

**ERIC LANE- LILLIAN WALLI SUBDIVISION ROAD, DRAINAGE & SEWER  
SPECIAL ASSESSMENT DISTRICT**

A Public Hearing is scheduled for Monday, April 25, 2016 during a Regular City Council meeting beginning at 6:00 p.m. The meeting will be held in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

The City Clerk has determined that a petition to initiate a district bears sufficient signatures to create the Eric Lane Lillian Walli Subdivision Road, Drainage & Sewer Special Assessment District.

**OBJECTIONS**

Objections to the formation of this district must be in written form and filed at the Office of the City Clerk by 5:00 p.m. on April 18, 2016. Non responses during the objection period shall be deemed to be non-objections.

Dated this 18th day of February, 2016

Renee Krause, CMC, Deputy City Clerk

Publish: April 13, 2016 & April 21, 2016





## PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: **Eric Lane -Lillian Walli Subdivision Road/Drainage and Sewer Special Assessment District**

DATE: **February 17, 2016**

TOTAL ESTIMATED PROJECT ROAD/DRAINAGE: **\$796,100**

Improvements constructed within this subdivision are not eligible for HART and HAWSP programs. The City is willing to finance the cost of constructing the improvements from HART and HAWSP program funds, with 100% of the financed cost being repaid from assessments of the benefitted properties. THE CITY OF HOMER WILL PAY ONE THIRD (1/3) THE COST OF THE IMPROVEMENTS: **\$265,367**

TOTAL ESTIMATED PROJECT SEWER: **\$262,305**

Benefitted property owners in the District shall be assessed 100% property owner share of the project. **\$262,305**  
The amount of previously paid sewer assessments will be credited back to each property owner at the time the proposed Lillian Walli road and sewer assessments are levied.

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
1	Francesca Durner 1421 N St. Anchorage, AK 99501	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 47 175-241-41 T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 48 175-41-40	\$14,700  \$14,000	Road/Drainage \$38,186 Sewer \$14,573  Road/Drainage \$45,443 Sewer \$14,573
2	Brent and Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 27 175-241-42 T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 28 175-241-59 T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 29 175-241-58 T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 30 175-241-57	\$15,300  \$14,600  \$13,000  \$13,000	Road/Drainage \$50,537 Sewer \$14,573  Road/Drainage \$38,186 Sewer \$14,573  Road/Drainage \$23,917 Sewer \$14,573  Road/Drainage \$23,917 Sewer \$14,573
3	Ero Steve Walli 35910 North Fork Rd. Anchor Point, AK 99556	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 49 175-241-39	\$16,800	Road/Drainage \$26,314 Sewer \$14,573
4	Judith Johnson 20773 Porcupine Ln. Clam Gulch, AK 99568	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 31 175-241-56	\$13,000	Road/Drainage \$23,917 Sewer \$14,573

## PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: **Eric Lane -Lillian Walli Subdivision Road/Drainage and Sewer Special Assessment District**

DATE: **February 17, 2016**

TOTAL ESTIMATED PROJECT ROAD/DRAINAGE: **\$796,100**

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	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
5	Eugene Dobrzynski 288 Season Dr. Fernley, NV 89408	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 33 175-241-54	\$12,700	Road/Drainage \$23,917 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 34 175-241-53	\$13,200	Road/Drainage \$23,917 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 35 175-241-52	\$14,600	Road/Drainage \$25,087 Sewer \$14,573
6	David Gibson 511 N 148 <sup>th</sup> St. Shoreline, WA 98133	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 39 175-241-24	\$14,600	Road/Drainage \$24,853 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 40 175-241-23	\$13,400	Road/Drainage \$23,917 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 41 175-241-22	\$14,300	Road/Drainage \$23,970 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 42 175-241-21	\$14,100	Road/Drainage \$23,917 Sewer \$14,573
		T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 43 175-241-34	\$15,900	Road/Drainage \$54,854 Sewer \$14,573

## PRELIMINARY ASSESSMENT ROLL

PROJECT NAME: **Eric Lane -Lillian Walli Subdivision Road/Drainage and Sewer Special Assessment District**

DATE: **February 17, 2016**

TOTAL ESTIMATED PROJECT ROAD/DRAINAGE: **\$796,100**

Improvements constructed within this subdivision are not eligible for HART and HAWSP programs. The City is willing to finance the cost of constructing the improvements from HART and HAWSP program funds, with 100% of the financed cost being repaid from assessments of the benefitted properties. THE CITY OF HOMER WILL PAY ONE THIRD (1/3) THE COST OF THE IMPROVEMENTS: **\$265,367**

TOTAL ESTIMATED PROJECT SEWER: **\$262,305**

Benefitted property owners in the District shall be assessed 100% property owner share of the project. **\$262,305**  
The amount of previously paid sewer assessments will be credited back to each property owner at the time the proposed Lillian Walli road and sewer assessments are levied.

	PROPERTY OWNER NAME & ADDRESS	LEGAL DESCRIPTION & PARCEL NUMBER	ASSESSED PROPERTY VALUE	ASSESSED ESTIMATED PROPERTY OWNER SHARE OF ASSESSMENT
7	Pat Miller 2220 North Star St. Apt. 1 Anchorage, AK 99556	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 7 175-241-69	\$18,600	Road/Drainage \$11,963 Sewer \$14,573
8	Dick Lewis PO Box 2836 Homer, AK 99603	T 6S R 14W SEC 24 Seward Meridian HM 0880016 LILLIAN WALLI ESTATE SUB LOT 32 175-241-55	\$12,700	Road/Drainage \$23,917 Sewer \$14,573



CITY OF HOMER  
PROPERTY OWNER'S  
**STATEMENT OF OBJECTION**  
TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **ERIC LANE - LILLIAN WALLI ROAD, DRAINAGE & SEWER**

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District  
(give legal description):

I/We object to the Eric Lane - Lillian Walli Subdivision Road, Drainage & Sewer Special Assessment District.

Reasons/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

_____	(signature)	(date)
_____	(signature)	(date)
_____	(signature)	(date)

**NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM. FAXED OR EMAILED OBJECTION FORMS WILL NOT BE ACCEPTED.**

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK BY THE DEADLINE, APRIL 18, 2016, 5:00 P.M.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603





LINSTRANG WAY

WEST HILL RD.

CHEERYL LN.

ERO CT.

ERIC LN.

SHELLEY AV.

17524169

7

17524142

27

17524159

28

17524158

29

30

17524157

31

32

17524155

33

17524154

34

17524153

35

17524139

49

17524140

48

17524141

47

17524134

43

17524121

42

17524123

40

17524122

41

39

17524124

Subject properties by KPB Tax ID and  
subdivision lot number.  
COH 10/8/2014





**STATEMENT OF OBJECTION**  
TO SPECIAL ASSESSMENT DISTRICT

SPECIAL ASSESSMENT DISTRICT: **ERIC LANE - LILLIAN WALLI ROAD, DRAINAGE & SEWER**

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District  
(give legal description):

*765 R 14W Sewer Mo  
HMO 880016 Lillian Walli  
Estate Sub Lot 32 17524155*

I/We object to the Eric Lane - Lillian Walli Subdivision Road, Drainage & Sewer Special Assessment District.

Reasons/Comments: *No work on this*  
*Project*

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

*Dee Lur* *4/18*  
(signature) (date)

(signature) (date)

(signature) (date)

**NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM. FAXED OR EMAILED OBJECTION FORMS WILL NOT BE ACCEPTED.**

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK BY THE DEADLINE, APRIL 18, 2016, 5:00 P.M.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603

CITY OF HOMER  
PROPERTY OWNER'S

**STATEMENT OF OBJECTION**

TO SPECIAL ASSESSMENT DISTRICT

APR 13 2016

SPECIAL ASSESSMENT DISTRICT: ERIC LANE - LILLIAN WALLI ROAD, DRAINAGE & SEWER

I/we affirm that I/we are the owner(s) of the following lots in the Special Assessment District  
(give legal description):

LILLIAN WALLI ESTATE SUBDIVISION LOTS  
47 AND 48. 175-241-41 AND 175-241-40.

I/We object to the Eric Lane - Lillian Walli Subdivision Road, Drainage & Sewer Special Assessment District.

Reasons/Comments: The current formula for ~~the~~ calculating the  
ROAD Assessment by frontage foot presents an undue burden for me.  
Each lot benefits equally by having the road built. Unless and until  
the current formula is changed/amended to equal shares, I shall object.

PROPERTY OWNER'S PRINTED NAME, SIGNATURE, AND DATE:

FRAN DURNER FRD 4/11/2016  
(signature) (date)

(signature) (date)

(signature) (date)

**NOTE: PLEASE MAKE SURE THAT ALL THE PROPERTY OWNERS OF RECORD PRINT, SIGN, AND DATE THIS DOCUMENT. IF YOU HAVE MORE THAN ONE LOT PLEASE NOTE THIS ON THIS FORM WHEN YOU RETURN IT. OBJECTIONS WILL APPLY ONLY TO THOSE LOTS NAMED ON THIS FORM. FAXED OR EMAILED OBJECTION FORMS WILL NOT BE ACCEPTED.**

TO FILE AN OBJECTION COMPLETE THIS FORM AND RETURN IT TO THE OFFICE OF THE CITY CLERK BY THE DEADLINE, APRIL 18, 2016, 5:00 P.M.

City of Homer  
Office of the City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 16-048**

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR PRISONER MEALS AT THE HOMER JAIL TO THE FIRM OF HOMER SENIOR CITIZENS, INC. OF HOMER, ALAKSA, 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.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was advertised in the Homer News on March 31 and April 7, 2016, sent to two in-state plans rooms, and posted on the Clerk's home page; and

WHEREAS, Bids were due on April 21, 2016 and one bid was received; and

WHEREAS, Bids were opened and the firm of Homer Senior Citizens, Inc. was determined to be the low responsive bidder and found to be qualified 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 Prisoner Meals at the Homer Jail 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 authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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

ATTEST:

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

- 43 Fiscal Note: Continuing monthly expenditures to account 100.164.5206 based on meals  
44 provided.



## City of Homer

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

## Police Department

4060 Heath Street  
Homer, Alaska 99603

[police@cityofhomer-ak.gov](mailto:police@cityofhomer-ak.gov)  
(p) 907-235-3150  
(f) 907-235-3151/ 907-226-3009

### Memorandum 16-075

TO: Mayor Wythe and Homer City Council  
FROM: Chief Robl  
DATE: May 3, 2016  
SUBJECT: Prisoner Meal Contract

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Our prisoner meal contract is up for renewal this year. It is a three year contract with two one year renewal options. The only bidder is the Homer Senior Citizens Center. They have bid to renew the contract at the existing rate. The Center has had the contract for the last five years and has provided good service to us.

I recommend we accept the bid from the Homer Senior Citizens Center and award the new meal contract to them.

Fiscal Note: Meal costs as charged to 100.0164.5206



**INVITATION TO BID**  
**By The City of Homer, Alaska**

MAR 24 2016

**PRISONER MEALS - HOMER JAIL**

Sealed bids for **Prisoner Meals at the Homer Jail** 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, April 21, 2016** at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan Holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

This project consists of preparing three daily meals (breakfast, lunch, and dinner) for each prisoner. The number of prisoners varies daily from zero to eight. Meals must be available 365 days per year. All meals (except lunch) must be supplied in individual disposable containers, with plastic eating utensils, napkins and appropriate condiments.

All meals will normally be picked up by City personnel. Meal provider shall, however, be prepared to deliver meals on specific request when jail personnel cannot respond. Delivery is expected to be infrequent required and a delivery fee (which fee shall comprise as part of your bid) may be added to any order, which the provider is requested to deliver. (Exception: bidders outside of the limits of the City of Homer will have to deliver all meals to the jail).

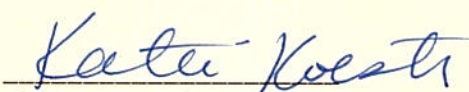
All meals must be properly prepared in facilities licensed by the State of Alaska and inspected and approved for food service by the appropriate State Agencies. Evidence of current licensing and inspection must accompany all bids.

An electronic copy of the bid packets and meal guidelines is available on the City's website <http://www.cityofhomer-ak.gov/rfps> or you may purchase hard copies at the office of the City Clerk upon payment of \$10 per set (\$40 for overnight delivery). All fees are non-refundable. The City of Homer reserves the right, to accept or reject any or all bids, to waive irregularities or informalities in the bids, and to award the contract to the lowest responsive bidder.

Technical questions may be directed to the Homer Police Department, Chief Mark Robl, at 235-3150.

Dated this 24<sup>th</sup> day of March, 2016

**CITY OF HOMER**

  
Katie Koester, City Manager





**CONTRACT FOR  
PRISONER MEAL SERVICE**

This agreement, made this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between the City of Homer, an Alaskan municipal corporation, hereinafter referred to as City, and \_\_\_\_\_, hereinafter called provider.

**WITNESSETH:**

WHEREAS, The City maintains and operates the Homer Jail facility and is charged with the responsibility for providing meals to inmates; and

WHEREAS, Provider has a current State of Alaska business license together with current evidence of inspection and approval as a food service establishment from applicable State Agencies.

NOW, THEREFORE, in consideration of the mutual agreements and covenants hereinafter set forth, the parties agree as follows:

**1. Provision of Meals.**

Provider agrees to prepare and furnish all breakfasts, lunches, and dinners for prisoners who are incarcerated from time to time in the Homer Jail. Meal orders shall be given telephonically or in person to the provider approximately thirty (30) minutes prior to scheduled meal times. Meals shall be picked up by an authorized employee of the City at the place of preparation if the same is located within the City of Homer. Any provider located outside the City limits shall be required to deliver all meals, seven days per week and cost of their deliveries shall be included by any provider in the overall price of meals. Meal providers located in the City shall be required to deliver meals on the specific request of City personnel

in situations where City personnel cannot respond. In the event delivery is required for any meal order, a delivery fee may be added to the effected meal invoice. The delivery fee shall be a fixed "trip" fee independent of the number of meals on the invoice. The delivery fee shall be as specified in provider's bid sheet. Breakfast shall be available for pickup (or shall be delivered) between 7:30 a.m. and 9:00 a.m., lunch shall be available for pick up (or shall be delivered) between 11:30 a.m. and 12:00 noon, and dinner shall be available for pickup (or shall be delivered) between 4:30 p.m. and 5:30 p.m. Provider shall stand ready and able to furnish meals at other times, however, upon request.

Provider specifically understands and recognizes that the City does not control the number of occupants of its jail facility and thus cannot specify the minimum or maximum number of meals that may be required under this contract.

## **2. Special Meals (Religious or Medical diets).**

Meal Provider shall prepare any necessary "special dietary" meals upon the request of the City, when said meals are necessitated by religious diets (Most commonly, but not limited to, Russian "Old Believers"), and any special diets ordered by medical personnel. If the cost of any "Special" meal exceeds the contract price for the normally provided "Contract" meal; the Meal Provider may charge the City whatever price it deems customary and reasonable up to, but not to exceed the level of price the Meal Provider charges the general public for the same or similar items on its regular menu.

## **3. License Requirements.**

Provider must have a current State of Alaska business license, and must additionally

have current evidence of inspection and/or approval for the operation of a food service establishment from the applicable State agencies. All meals must be prepared in licensed and inspected premises.

**4. Meal Guidelines.**

Guidelines for all meals are contained in the attachment to this contract, marked Appendix "A".

**5. Payment.**

The City shall pay on a monthly basis for all meals prepared and furnished to inmates.

Prices, per the bid accepted by the City on May 9, 2016 are as follows:

MEALS	BREAKFAST	LUNCH	DINNER
#1	\$_____	\$_____	\$_____
#2	\$_____	\$_____	\$_____
#3	\$_____	\$_____	\$_____
#4	\$_____	\$_____	\$_____
#5	\$_____	\$_____	\$_____
#6	\$_____	\$_____	\$_____
#7	\$_____	\$_____	\$_____

An invoice shall accompany each meal delivery, specifying the date, number of meals, entree served, and the total price for each meal. No sales tax shall be included. The price for each meal served shall be the price specified above, per the bid by provider; however, substituted meals shall be provided at a fixed average price as indicated on Appendix "A" of

this contract.

A monthly statement shall be submitted to the City no later than the third weekday of the month following the month that the meals were actually served. A copy of all invoices shall be attached to this statement.

**5. Term.**

This contract shall commence on July 1, 2016 and expire June 30, 2019, unless terminated earlier or extended as hereinafter provided. All costs of delivery and any administrative costs shall be included in the individual meal costs - no additional charges or fees are permitted; except for providers costs for special delivery services at request of authorized City agents.

**7. Renewal Option.**

This contract may be extended by written amendment expressing the mutual agreement of both the City and the meal provider. Each renewal shall extend this contract for an additional twelve (12) month term from the preceding expiration date, and up to two (2) renewal options may be executed. This contract cannot be extended beyond June 30, 2021.

If the meal provider wishes to renew this contract, he must serve written notice on the City (Chief of Police) at least sixty (60) days before the existing contract expires. If the City and meal provider cannot reach a mutual agreement for renewal at least forty-five (45) days prior to the existing contract expiration date, this renewal option shall expire, and the contract shall be publicly re-bid.

**8. Termination of Contract.**

The City reserves the right to terminate this contract, with two weeks (14 days) notice to the meal provider for the following causes:

- (a) Meal portions are frequently less than specifications;
- (b) The 25% monthly ceiling on substituted meals is exceeded;
- (c) Failure to rotate meals;
- (d) Failure to comply with billing requirements and provision of documentation (invoices).

(e) Failure to provide daily meal service as required, either directly, or by failure of his alternate meal provider.

(f) Meal Provider has served spoiled or "soured" food products; and has failed to immediately rectify the spoilage problem(s) upon notification by the City. For purposes of execution of the City's intent to terminate the contract pursuant to this section, notice to Meal Provider shall be in writing.

**9. Hold Harmless Agreement and Liability Insurance.**

General Liability: \$1,000,000 limit per occurrence for bodily injury, property damage, personal injury and advertising injury.

To the fullest extent permitted by law, the named Provider below agrees to defend, indemnify and hold harmless the City of Homer, its elected and appointed officials, employees and volunteers against any and all liabilities, claims, demands, lawsuits, or losses, including costs and attorney fees incurred in defense thereof, arising out of or in any way

connected or associated with this agreement.

**10. Alternate Meal Provider Authorized.**

Meal provider is authorized, should he elect to close his business for a limited number of days (not to exceed thirty in any calendar year), to make arrangements for an alternate meal provider of his choice, subject to the following conditions:

(a) Primary meal provider shall be jointly and severally liable with alternate meal provider for any breach of contract or damages suffered by City as a result of actions of any alternate meal provider.

(b) Primary meal provider shall submit all monthly billing statements/invoices to the police department for all meals served, including those served by the alternate meal provider. The City shall neither be billed by, nor remit directly to alternate meal provider.

(c) All meals served by the alternate meal provider shall be delivered to the police station.

(d) The City will pay the primary meal provider for meals served by his alternate provider at the standard rates as specified in Article 4 of this contract. Any difference between the standard meal contract price, and the price charged by the alternate meal provider to the primary meal provider shall be paid by the primary meal provider.

(e) Primary meal provider agrees to pay alternate meal provider for any meals he has provided, within 30 days following the last day of the month in which the meals were served.

(f) Alternate meal provider shall comply with all terms and conditions of this contract, including but not limited to; meal specifications, business licensing, health inspections and

insurance coverage.

(g) Primary meal provider shall deliver a written notice to the police department, signed by the alternate meal provider, in which the alternate provider shall acknowledge and endorse the terms and conditions of this contract. Notice shall be delivered before any meals are served by alternate meal provider. Formal notice shall be as stated in Appendix "B" to this contract.

**11. Penalty Provision for Failure to Provide Meals.**

In the event that meal provider fails to provide 365 day/year meal service, the City may purchase meals from any other source during the period of non-performance by meal provider. Meal provider hereby authorizes the City to deduct the difference between the contract meal prices, and the costs of the purchased meals, from the monthly payment to meal provider for the month in which the meals were actually purchased. An additional penalty of \$25.00 shall be deducted from the monthly payment for each day of non-performance. City shall attempt to order comparable meals to those specified in the contract, and shall order a "daily special" if one is available. This penalty provision shall not constitute a waiver of any of City's remedies for breach of contract.

**12. Special Conditions.**

The following special conditions shall apply to and govern the operation of this contract:

- (a) Delivery fee shall be \$5.00 per trip.

**13. Entire Agreement.**

The provisions embodied in this contract contain all covenants, conditions and agreements between the parties and no change or amendment thereof shall occur without the express written agreement of the parties.

**14. Assignment.**

This contract may not be assigned by provider, in whole or in part, without the express written consent of the City.

IN WITNESS WHEREOF, the parties have hereunto set their hands this \_\_\_\_ day of \_\_\_\_\_, 2016.

CITY:

**CITY OF HOMER**

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

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2016, before me the undersigned, a Notary Public in and for the State of Alaska, duly qualified, commissioned and sworn as such, personally appeared **Katie Koester** known to me to be the City Manager of Homer, Alaska, described in and who executed the above instrument and who acknowledged to me that they signed the same freely and voluntarily for the means and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day and year first hereinabove written.

\_\_\_\_\_  
Notary Public in and for Alaska

My Commission Expires: \_\_\_\_\_



PROVIDER:

\_\_\_\_\_

By\_\_\_\_\_

THIS IS TO CERTIFY that on this \_\_\_\_ day of \_\_\_\_\_, 2016, before me the undersigned, a Notary Public in and for the State of Alaska, duly qualified, commissioned and sworn as such, personally appeared \_\_\_\_\_ and known to me to be the person described in and who executed the above instrument and he acknowledged to me that he signed the same freely and voluntarily for the means and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and notary seal the day and year first hereinabove written.

\_\_\_\_\_

Notary Public in and for Alaska  
My Commission Expires:\_\_\_\_\_

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**APPENDIX "A"**  
**MEAL GUIDELINES**

**Breakfast Guidelines**

Breakfast shall be served in individual portions in individual disposable containers. Each breakfast shall contain the following accessory items and condiments:

- (a) One napkin
- (b) One set plastic utensils (knife, fork, spoon)
- (c) One individually packaged serving of salt & pepper
- (d) One individual ketchup serving in sealed container
- (e) One individual mustard serving (with ham slice only)
- (f) One 1/2 oz. or larger, sealed serving jelly or jam

Each breakfast entree shall be accompanied by two slices of buttered white or whole wheat toast; a 1/2 pint (8 oz.) individually packaged serving of fresh milk or juice, and a 4 oz. (wt) minimum serving of fried or hash brown potatoes. Breakfast entrees shall be served in the following sequence for variety:

- (1) 2 fried eggs, over easy; 4 slices bacon (1 oz each)
- (2) 2 eggs, scrambled; 1 sausage patty, 4 oz. minimum
- (3) Ham Omelet (using 2 eggs and 4 oz. ham)
- (4) 2 fried eggs, over easy; 1 slice ham 4 oz. minimum
- (5) 2 eggs scrambled, 4 link sausages, 4 oz. min. (total)
- (6) 2 eggs, fried, over easy; 4 slices bacon, 1 oz. ea. slice
- (7) Cheese Omelet, (using 2 eggs and 1 oz. cheese)

**Lunch Guidelines**

Each prisoner shall have an individual lunch in a paper sack which shall consist of:

- (a) One item fresh fruit (apple, orange, banana, or pear)
- (b) One 12 oz. container of soda pop (non metal)
- (c) One 1 oz. bag of potato chips

- (d) One napkin
- (e) One sandwich, wrapped in plastic for freshness

Lunch orders will be called in at least 30 minutes prior to pickup. Lunches need not be delivered (except for firms outside the City limits) - a City employee will pick up all prisoner lunches. Sandwiches shall be prepared on either white bun, or whole wheat bread; and shall be garnished with lettuce, and the condiments traditional and customary for the specific sandwich (i.e. mustard, mayonnaise, salt and pepper, etc.). Sandwiches shall be rotated as follows:

- (1) Sliced turkey or chicken, 3 oz. meat minimum
- (2) Hamburger, 4 oz. meat minimum
- (3) Sliced beef, 3 oz. meat minimum
- (4) Sliced ham, 3 oz. meat minimum

Other meat based sandwiches may be substituted, at a frequency not to exceed 25% of the lunches in any given month; provided that they contain the 3 oz. minimum meat serving. The price on any substituted sandwich shall be fixed at the average of the bid price for the above four basic lunch sandwiches.

### **Dinner Guidelines**

A hot dinner is provided for all prisoners. Each dinner shall be delivered in individual disposable containers, for the entree, potato dish, bread, and vegetable. Soup and salad shall be in separate disposable containers. The following items shall accompany each dinner:

- (a) One disposable cup with lid, containing 6 fluid ounces or more of hot soup; soup to be varied daily
- (b) One disposable cup with lid of tossed salad with dressing, container 12 fl. oz. or larger, essentially full; dressings to be varied daily
- (c) Two individual, two cracker servings in sealed wrappers (i.e. 4 crackers total); rotate types for variety
- (d) Two slices of french, white, or whole wheat bread, pre-buttered or supplied

with two butter patties

- (e) Vegetable side dish, vary daily, 4 1/2 oz. min. (wt.)
- (f) Potato, rice, or pasta (noodles, macaroni), 4 oz. (wt.) portion minimum; gravy where appropriate
- (g) Napkin, set of plastic silverware (knife, fork, spoon), salt, pepper in individual packets; and the condiments customary and usual for the entree (such as ketchup, tartar sauce, etc.)
- (h) One fresh fruit (apple, pear, orange, banana, etc.)
- (i) One individually packaged 1/2 pint (8 fluid oz.) serving of fresh milk or juice

The standard dinner entrees shall be as follows: and will be served in sequence, except for the substituted items:

- (1) Hamburger patty, 8 oz. minimum (wt.)
- (2) Fried Chicken; 4 individual pieces, not more than one of which shall be a wing or back
- (3) Two (2) Fried or baked Pork Chops, center cut; at least 1/2 inch thick after cooking
- (4) Fried or baked Fish, 6 oz. minimum (wt.)
- (5) Meat Loaf slice, 6 oz. minimum (wt.)
- (6) Roast Beef, 6 oz. minimum (wt.)

NOTE: In all of the meal specifications for breakfast, lunch and dinner all weights are after cooking.

Other dinner entrees may be substituted on an irregular basis as a frequency not to exceed 25% of all dinners served in any one month, provided that they contain at least a 6 oz. (wt.) edible portion of meat or fish. The price charged for substituted entrees shall be fixed at the average price bid on the above seven standard entrees.

Meal provider shall provide cardboard boxes for, and shall package all City Meals in cardboard boxes sufficient to facilitate convenient pickup, handling, and transportation of all contact meals to the jail facility.



**APPENDIX "B"**

**CITY OF HOMER PRISONER MEAL SERVICE**

Primary meal provider \_\_\_\_\_ hereby serves notice on the City of Homer that he designates \_\_\_\_\_ as his alternate meal provider for the balance of his contract period.

Alternate meal provider, \_\_\_\_\_, hereby acknowledges that I/We have read the current Prisoner Meal Service Contract and I/We agree to abide by all terms and conditions therein.

\_\_\_\_\_  
Business Name

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Signature  
Owner/Authorized Agent  
Alternate Meal Provider

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public for the State of Alaska  
My Commission Expires:\_\_\_\_\_

NOTE:        PROOF OF INSURANCE MUST BE ATTACHED TO THIS NOTICE





**CITY OF HOMER****Page 1 of 1**

**BID TALLY SHEET:**      **PROJECT:** Prisoner Meals  
**Due Date and Time:** April 21, 2016 @ 2:00 p.m.      **PROJECT No:** 100-0160  
**City Clerk's Office**

<b>Bidder No.</b>	<b>Bidder Name and Address</b>	<b>Part B / Part A</b>	<b>Bid Amount / Additive Alternate Amt.</b>
<b>1.</b>	Homer Senior Citizens, Inc. 3935 Svedlund Homer, AK 99603		\$8.50 per meal \$5.00 delivery Charge if required
<b>2.</b>			
<b>3.</b>			
<b>4.</b>			
<b>5.</b>			
<b>6.</b>			

**City Engineer's Estimate if applicable:** NA

**Staff Present:** Renee Krause, Deputy City Clerk & John Li and Jenna deLumeau, Finance Dept

**Comments:** \_\_\_\_\_



**CITY OF HOMER  
HOMER, ALASKA**

City Manager/  
Public Works Director

**RESOLUTION 16-051**

A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE CONTRACT FOR THE CONSTRUCTION OF THE SHELLFISH/SOUTHSLOPE 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.

WHEREAS, Competitive bids were solicited for the Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV project in conformance with the City of Homer's procurement policies; and

WHEREAS, Five bids were received April 21, 2016 (see Memorandum 16-078); and

WHEREAS, Arno Construction, Inc. of Homer, Alaska, was found to be the lowest responsive bidder; and

WHEREAS, The work is funded by a ADEC grant and financed through a EPA low interest loan; and

WHEREAS, The low bid is within the project budget approved by the ADEC and the City Council.

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the contract for 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 authorizes the City Manager to execute the appropriate documents necessary to complete this project.

PASSED AND ADOPTED by the Homer City Council this 9th day of May, 2016.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: 215-0837 (Shellfish/South Slope Water Main and PRV)



## **Memorandum 16-078**

To: Katie Koester, City Manager  
From: Carey Meyer, PW Director  
Date: May 4, 2016  
Subject: **Award of Construction Contract  
Shellfish/South Slope Water Main and PRV Project**

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On March 3, 2016, bids were received for the Shellfish/South Slope Water Main and PRV project. This work was advertised in the Homer Tribune – March 23 and March 30, 2016; and in the Peninsula Clarion – March 27, 2016. Procurement procedures were in accordance with the City's procurement regulations.

This project consists of the construction of 2700 LF of water main along Shellfish Avenue and South Slope Drive and the installation of a PRV station on Shellfish Avenue from Mountainview Drive to East Hill Road.

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

Responsive Bidder's Names	Amount
<b>Arno Construction</b>	<b>\$ 530,341.00</b>
Cat's Eye Construction	\$ 673,004.00
Clark Management	\$ 610,262.00
Beachy Construction	\$ 868,940.63
Herndon Construction	\$ 616,858.04
Engineer's Estimate	\$ 824,950.00

The City's 5% local bidder's preference does apply. The low bidder was local.

The low bid is within the project budget approved by the City Council. Public Works expects the work to commence this summer and be complete by August 15.

### **Recommendation:**

City Council pass a resolution awarding the construction contract for the Shellfish/South Slope Water Main and Shellfish Avenue PRV project in the amount of \$530,341 to Arno Construction, Inc. of Homer, Alaska and authorizing the City Manager to execute all appropriate documents necessary to complete this project. (Fiscal Note – Shellfish/South Slope Water Main and PRV Project #151-7002 )



**INVITATION TO BID**  
**By the City of Homer, Alaska**

**Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV Project**

Sealed bids for the construction of the **Shellfish/South Slope Water Main Extension and Shellfish Avenue PRV Project 2016** 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, April 21, 2016**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive.** Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

A Pre-Bid Conference will be held at **1:30 p.m. Monday, April 4, 2016** in the City Hall Conference Room (491 East Pioneer Avenue) to answer bidder's questions.

This project is funded through an ADEC Municipal Matching Grant (MMG#40909) and City of Homer Accelerated Water and Sewer Fund (HAWSP). The City's local bidder's preference requirements do not apply to this contract; State and Federal prevailing wage rates will apply. The work includes, but is not limited to the following:

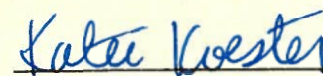
Construction of 2672 LF of 8" and 10" water main and an underground pressure reducing valve station along public right-of-way as defined within the plans and bid documents.

Please direct all technical questions regarding this project to: Wayne Aderhold, City of Homer, Public Works Department, 3575 Heath Street, Homer, Alaska 99603 (907) 235-3170

An electronic copy of Plans and Specifications is available on the City's website <http://www.cityofhomer-ak.gov/rfps> or you may purchase hard copies at the Office of the City Clerk upon payment of \$170 per set (\$200 for overnight delivery). City of Homer Standard Construction Specifications 2011 Edition (containing general contract provisions) may also be downloaded from the City's web site. All fees are non-refundable. The City of Homer reserves the right to accept or reject any or all bids, to waive irregularities or informalities in the bids, and to award the contract to the lowest responsive bidder.

DATED this 16<sup>th</sup> day of March, 2016.

**CITY OF HOMER**



Katie Koester, City Manager

Publish: Homer Tribune – March 23 and 30, 2016  
Peninsula Clarion – March 27, 2016

Fiscal Note: 215-0837 (GLA #53)





**CITY OF HOMER****Page 1 of 1****BID TALLY SHEET:**      **PROJECT:** Shellfish/South Slope Water Main & PRV Improvements**Due Date and Time:** April 21, 2016 @ 2:00 p.m.  
**City Clerk's Office****PROJECT No:** 215-0837 (GLA#53)

<b>Bidder No.</b>	<b>Bidder Name and Address</b>	<b>Part B / Part A</b>	<b>Bid Amount / Additive Alternate Amt.</b>
<b>1.</b>	Cat's Eye Excavating, Inc 1300 E 68 <sup>th</sup> Avenue, Suite 110 Anchorage, AK 99518	✓/✓	\$673,004.00
<b>2.</b>	Clark Management P.O. Box 962 Anchor Point, AK 99556	✓/✓	\$605,712.00
<b>3.</b>	Herndon Construction, LLC P.O. Box 262 Homer, AK 99603	✓/✓	\$616,858.04
<b>4.</b>	Arno Construction, Inc. P.O. Box 1772 Homer, AK 99603	✓/✓	\$530,341.00
<b>5.</b>	Beachy Construction 5243 Kachemak Dr Homer, AK 99603	✓/✓	\$837,578.70
<b>6.</b>			

**City Engineer's Estimate if applicable:** \$824,950.00**Staff Present:** Carey Meyer, Public Works Director, Renee Krause, Deputy City Clerk, John Li, Finance Director and Jenna deLumeau, Finance Dept.**Comments:** \_\_\_\_\_



# VISITORS



ANNOUNCEMENTS  
PRESENTATIONS  
BOROUGH REPORT  
COMMISSION REPORTS



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**PEACE OFFICERS MEMORIAL DAY - MAY 15, 2016  
NATIONAL POLICE WEEK - MAY 15 - 21, 2016**

WHEREAS, The members of the Homer Police Department and the Alaska State Troopers stationed in the Homer area play an essential role in safeguarding the rights and freedoms of the Homer area residents, our citizens; and

WHEREAS, It is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their Police Officers and State Troopers; and

WHEREAS, It is also important that members of our Homer Police Department and Alaska State Troopers recognize their duty to serve the people by safeguarding life and property, by protecting against violence and disorder, by protecting the innocent against deception, and protecting the weak against oppression; and

WHEREAS, The men and women of the Homer Police Department and State Troopers unceasingly provide a vital public service and lay their lives on the line for the safety of the Homer area citizens; and

WHEREAS, The Congress and President of the United States have designated May 15 of each year as Peace Officers Memorial Day and the week in which May 15 falls is National Police Week.

NOW, THEREFORE, I, MARY E. WYTHER, Mayor of the City of Homer, Alaska, on behalf of the Homer City Council and the Citizens and patriotic, civic and education organizations of our community, do hereby proclaim May 15, 2016 as:

**PEACE OFFICERS MEMORIAL DAY**

and call upon all citizens of Homer to observe the week of May 15 - 21, 2016 as National Police Officer Week in honor of those law enforcement officers, who through their courageous deeds have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 9<sup>th</sup> day of May, 2016.

**CITY OF HOMER**

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**MARY E. WYTHER, MAYOR**

**ATTEST:**

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**JO JOHNSON, MMC, CITY CLERK**





**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**EMERGENCY MEDICAL SERVICES WEEK  
MAY 15 - 21, 2016**

WHEREAS, Emergency medical services is a vital public service; and

WHEREAS, The members of emergency medical service teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, Access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, The emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, emergency nurses, physicians and associated emergency service providers; and

WHEREAS, The members of emergency medical service teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their life-saving skills; and

WHEREAS, It is appropriate to recognize the value and the accomplishments of emergency service providers by designating Emergency Medical Services Week.

NOW, THEREFORE, I, MARY E. WYTHER, Mayor of the City of Homer, Alaska, hereby proclaim the week of May 15-21, 2016 as:

**EMERGENCY MEDICAL SERVICES WEEK**

and encourage the community to show their appreciation for emergency medical service providers.

IN WITNESS WHEREOF, I have hereunto set my hand and cause to be affixed the official seal of the City of Homer, Alaska, on this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

---

MARY E. WYTHER, MAYOR

ATTEST:

---

JO JOHNSON, MMC, CITY CLERK



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S PROCLAMATION**

**NATIONAL PUBLIC WORKS WEEK**

**May 15 – 21, 2016**

WHEREAS, Public works infrastructure, facilities, and services are of vital importance to the health, safety, and well-being of the people of the United States; and

WHEREAS, Those facilities and services could not be provided without the dedicated efforts of public works staff, who represent State and local governments throughout the United States; and

WHEREAS, Those individuals design, build, operate, and maintain the transportation systems, water infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities that are vital to the citizens and communities of the United States; and

WHEREAS, It is in the interest of the public for citizens and civic leaders to understand the role that public infrastructure plays in –

- (1) protecting the environment;
- (2) improving public health and safety;
- (3) contributing to economic vitality; and
- (4) enhancing the quality of life of every community of the United States.

WHEREAS, Every day public works professionals make important contributions to improve –

- (1) The public infrastructure of the United States; and
- (2) the communities that those professionals serve.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim the week of May 15 – 21, 2016 as:

**NATIONAL PUBLIC WORKS WEEK**

and encourage all residents to recognize the substantial contributions that public works professionals make to the City and the Nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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MARY E. WYTHER, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK



# MAYOR'S PROCLAMATION

## NATIONAL HOSPITAL WEEK

May 8–14, 2016

WHEREAS, National Hospital and Nursing Home Weeks are May 8-14, 2016; and

WHEREAS, South Peninsula Hospital opened in July, 1956 and is celebrating its 60<sup>th</sup> anniversary of providing care for the residents of the southern Kenai Peninsula community; and

WHEREAS, South Peninsula Hospital has three times been named a Top 100 Critical Access Hospital, outperforming other hospitals nationwide in quality, outcomes, patient perspective, affordability and financial growth; and

WHEREAS, South Peninsula Hospital is the only state-designated Trauma Level IV provider open 24 hours a day, seven days a week, providing emergency care for the entire southern peninsula, and provides a broad scope of services needed in the community, including but not limited to Acute Care, Surgery, Long Term Care, Orthopedics, Adult and Pediatric Therapy, Laboratory, Imaging, Family Practice, Patient Centered Medical Home, Birthing Center, Home Health, Infusion Clinic, Specialty Clinics, Functional Medicine, Sleep Center and Health Education; and

WHEREAS, South Peninsula Hospital has been pro-active to increase services, expand technology and grow the number of physicians and specialists to better serve the community; and

WHEREAS, South Peninsula Hospital's Long Term Care is the only skilled nursing home on the southern peninsula, offering transitional care after surgery, illness or injury, and residential nursing care for 28 residents; and

WHEREAS, South Peninsula Hospital and Long Term Care combined employ over 400 residents, offering competitive salaries, benefits and a professional career track for our local residents; and relied on the contributions of more than 100 volunteers who provided over 4,500 hours of service in the last year; and

WHEREAS, South Peninsula Hospital and Long Term Care have significant economic impact locally by supporting an annual payroll of over \$23 million, through the purchase of supplies and services, by attracting new residents to the community, and by supporting local organizations and activities in the community; and

WHEREAS, South Peninsula Hospital and Long Term Care regularly rank highest in every survey category when compared to statewide and national hospitals and nursing homes in the Medicare quality compare programs; and

WHEREAS, the success of South Peninsula Hospital and Long Term Care is due to a unique partnership between the City of Homer, the Kenai Peninsula Borough and South Peninsula Hospital, Inc.; and

WHEREAS the hard working employees and volunteers at South Peninsula Hospital and Long Term Care deserve regard and appreciation for providing care for our community.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, on behalf of all its citizens, do hereby proclaim the week of May 8–14, 2016 as National Hospital and Nursing Home Weeks, and express my great appreciation for the all the individuals, facilities, and technologies that make the healthcare possible at South Peninsula Hospital and Long Term Care.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND CAUSED the Seal of the City of Homer, Alaska, to be affixed this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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

ATTEST:

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



**CITY OF HOMER  
HOMER, ALASKA**

**MAYOR'S RECOGNITION**

**HOMER HOCKEY ASSOCIATION GLACIER KINGS PEE WEES  
2016 TIER III STATE CHAMPIONSHIP**

WHEREAS, The Homer Hockey Association Glacier Kings Pee Wee C Team competed in the state championship tournament March 18 – 21, 2016 at the Kevin Bell Arena; and

WHEREAS, The Pew Wee Tier III hockey team played five games over the weekend tournament against Anchorage Hockey Association Nibert, Tok, Mat-Su, Moose, and Fairbanks before facing off for the championship opposite Kenai; and

WHEREAS, The Glacier Kings Pee Wees defeated Kenai in a 3-2 victory, winning the state championship; and

WHEREAS, The Homer Hockey Association Pee Wee C Team Glacier Kings is coached by Chris Owen, with help from Assistant Coaches Joanna Riley and Andrea Stineff; and

WHEREAS, Team members are: Casey Otis, Captain Haylee Owen, Assistant Captain Terry Gilliland, Assistant Captain Aiden Arno, Delilah Harris, Hunter Green, Fiona Hatton, Dylan McBride, Kazden Stineff, Keegan Strong, and Micah Williamson; and

WHEREAS, The team took the 2015 Pee Wee state title and many of the same players won the 2014 state title when they played at the Squirt level; and

WHEREAS, Each team member has devoted countless hours and miles to practicing to achieve their consistently high level of play.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby recognize the

**HOMER HOCKEY ASSOCIATION GLACIER KINGS PEE WEES  
FOR EARNING 2016 TIER III STATE CHAMPIONSHIP**

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK





CITY OF HOMER  
HOMER, ALASKA

**MAYOR ' S PROCLAMATION**

**MAY 2016 BIKE MONTH**

WHEREAS, Bicycle riding is a viable and environmentally-sound form of transportation, an alternative means of commuting to work or school, an excellent form of exercise, and provides quality family recreation; and

WHEREAS, The City of Homer, Alaska, recognizes the bicycle as a legitimate roadway vehicle and therefore is entitled to legal and responsible use of all public roadway facilities in the Homer area; and

WHEREAS, Whether traveling by bike, foot, car or truck, road users should always be careful and conscious of their surroundings; and

WHEREAS, The City of Homer, Alaska, encourages the increased use of the bicycle, benefiting all citizens of Homer by improving air quality, reducing traffic congestion and noise, decreasing the use of and dependence upon finite energy sources, and fostering personal fitness; and

WHEREAS, During the month of May the Homer Cycling Club reminds everyone that Homer Shares the Road.

NOW, THEREFORE, I, Mary E. Wythe, Mayor of the City of Homer, do hereby proclaim

May 2016 as Bike Month

May 16-20 as Bike Week

May 20 as Bike to Work and School Day

in Homer, and encourage all in the Homer area to participate in Bike Month activities, to always be aware of people on bikes, and to recognize and practice bicycle safety throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Homer, Alaska, to be affixed this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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

ATTEST:

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





106 West Bunnell, Suite A

Homer, AK 99603

[www.bunnellarts.org](http://www.bunnellarts.org)

*innovative, exceptional art in all media for diverse audiences*

Dear City Council and Mayor Wythe,

Homer continues to experience an amazing array of opportunities to spark artistic inspiration, education and industry in an economically adverse climate. Supporting this work, Bunnell Street Arts Center blossoms like a perennial plant adapting to this climate with a strong root system. We are grateful for the leadership support of City of Homer Grants Program through the Homer Foundation. This modest level of support is as precious as our spring rains. It feeds our roots. With that nourishment, we branch out to members and funders, marketing a network of programs from First Friday art walk and the Homer Art Map to newsletters and postcards that promote Homer's economy as an art town.

This is especially important now. Government has a leadership role in supporting an economy and ethic for the arts. We leverage every government dollar for the arts ten-fold to serve this community. We need your support. Everyone is welcome to our annual membership celebration, the Plate Project. This exhibit features hand-painted plates, premiums for donations to Bunnell Street Arts Center. The Plate Project preview opens online and at Bunnell on May 16. The reception is 4-6 pm at Bunnell on May 21.

Thank you for helping us nurture Homer's arts economy. We appreciate the great work of the City in partnering with the Homer Foundation to strengthen our community.

Sincerely,

A handwritten signature in black ink, reading "Asia Freeman". The signature is fluid and cursive, with a long horizontal flourish at the end.

Asia Freeman  
Executive/Artistic Director



Session 16-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on March 16, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, ERICKSON, HIGHLAND, STEAD, VENUTI

ABSENT: BRADLEY, STROOZAS

STAFF: CITY PLANNER ABBODD  
DEPUTY CITY CLERK JACOBSEN

### **Approval of Agenda**

Chair Stead called for a motion to approve the agenda.

HIGHLAND/VENUTI 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 2, 2016 Regular Meeting Minutes
- B. Time Extension: Barnett's South Slope Sub. Quiet Creek Park
- C. Time Extension: Christensen Tracts 2009 Addition

Chair Stead called for a motion to the consent agenda.

HIGHLAND/BOS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **Presentations**

### **Reports**

- A. Staff Report PL 16-17, City Planner's Report

City Planner Abboud reviewed the staff report.

There was brief discussion regarding FEMA and the Beluga Lake dam elevations. City Planner Abboud also commented that he will be at training the first week in April and there are no applications submitted, so he suggested canceling the April 6<sup>th</sup> Commission meeting.

### **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.

None

### **Plat Consideration**

- A. Staff Report PL 16-18 W.R. Benson's 2016 Preliminary Plat

City Planner Abboud reviewed the staff report.

There was no applicant or public comment.

There was brief discussion that the applicant is responsible for verifying wetlands in the area.

It was noted there is conflicting information in that the staff report refers to the area as commercial and the surveyor suggests it's residential. City Planner Abboud confirmed it is in the Commercial Business District.

ERICKSON/HIGHLAND MOVED TO ADOPT STAFF REPORT PL 16-18 W.R. BENSON'S 2016 PRELIMINARY PLAT WITH STAFF COMMENTS AND RECOMMENDATIONS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **Pending Business**

- A. Staff Report PL 16-19 Comprehensive Plan Update, Chapter 5 Transportation

City Planner Abboud reviewed Chapter 5, Transportation, with the Commission. He noted some of the challenges with wording, particularly with language that is carried over from other plans. Discussion topics included:

1. Connector streets, particularly the Waddell connection, also where the road dead ends on Fairview.
2. STIP funds that may be available from unfinished projects.
3. The need for sidewalks and proper road improvements.
4. The State's desire to turn Pioneer Avenue over to the City for maintenance.
5. Volunteer efforts to make trails happen as a community project in light of the City's current budget issues.
6. Cluster developments.
7. Making the spit road a pedestrian zone to slow vehicles down in the congested area, and limiting access points to the road.
8. Airport standards, airplane flight patterns and associated noise.
9. Challenges of public transportation alternatives.
10. The need to update the city's existing transportation plans.
11. The city taking a more active role in affordable housing on their properties.

The Commission did not propose any amendments to Chapter 5.

### **New Business**

### **Informational Materials**

- A. City Manager's Report – March 14, 2016

### **Comments of the Audience**

### **Comments of Staff**

City Planner Abboud commented that he will be attending a Planning Conference the first week in April, they will cancel the April 6 meeting, and will continue to bring Comp Plan chapters to the group.

### **Comments of the Commission**

Commissioner Venuti noted the pictures of the concrete anchors in the City Manager's report. He said it was an interesting meeting tonight.

Commissioner Bos wished everyone luck at the Winter King tournament this weekend.

Commissioner Erickson said it's nice to be back.

Commissioner Highland congratulated Deputy City Clerk Jacobsen on her position on the AAMC board, and is going to continue to look into recycling for the city.

HOMER ADVISORY PLANNING COMMISSION  
REGULAR MEETING MINUTES  
MARCH 16, 2016

Chair Stead complemented the city's website; he said it looks very nice. He said it was an interesting meeting and the discussion about transportation and the needs in Homer. There is a lot to do.

**Adjourn**

There being no further business to come before the Commission, the meeting adjourned at 7:51 p.m. The next regular meeting is scheduled for April 6, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession may be held at 5:30 p.m.

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MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

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





# 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 16-077

TO: MAYOR WYTHER AND CITY COUNCIL

FROM: CANNABIS ADVISORY COMMISSION

THRU: KATIE KOESTER, CITY MANAGER

DATE: MAY 2, 2016

SUBJECT: RECOMMENDATION OF SUPPORT TO ALLOW RETAIL CANNABIS ON THE SPIT

---

At the regular meeting on April 28, 2016 the Cannabis Advisory Commission reviewed the Memorandum dated April 12, 2016 from the Port and Harbor Advisory Commission in support of allowing retail marijuana on the Spit. The Cannabis Advisory Commission had this item on their February meeting agenda also.

#### Discussion points were:

- Safety concerns for first responders in relation to an extremely smoky environment
- Not allowing anything until state regulations are completed
- Allowing retail business to sell other consumables such as food and drink
- Allowing other forms of consumption except smoking such as vaping

The Cannabis Advisory Commission supports the Port and Harbor Advisory Commission's recommendation in its entirety.

The excerpt of the minutes are attached for review.

#### Recommendation:

Allow Cannabis sales in the Marine Commercial District.

Following is the excerpt of the minutes regarding the discussion.

*B. Cannabis Businesses on the Spit (This item was carried over from the February 25, 2016 meeting agenda)*

- 1. Memorandum from the Port and Harbor Advisory Commission dated April 12, 2016 re:  
Recommendation to Allow Retail Marijuana on the Spit*

*HARRIS/REYNOLDS – MOVED TO FORWARD A MOTION IN SUPPORT OF THE PORT AND HARBOR ADVISORY COMMISSION MOTION TO ALLOW CANNABIS BUSINESSES ON THE SPIT.*

*There was a brief discussion in support of the motion.*

*VOTE. YES. UNANIMOUS CONSENT.*

*Motion carried.*

*Commissioner Harris would like to recommend that they do not limit the onsite consumption especially on the Spit. Commissioner Reynolds opined that they should be able to include that in the previous motion and requested clarification. The Clerk noted that they could amend the motion to address consumption.*

*REYNOLDS/CARROLL – MOVED TO IMMEDIATELY RECONSIDER THE PREVIOUS MOTION.*

*There was no discussion.*

*VOTE. YES. NON-OBJECTION. UNANIMOUS CONSENT.*

*Motion carried.*

*HARRIS/REYNOLDS – MOVED TO SUPPORT THE PORT & HARBOR ADVISORY COMMISSION RECOMMENDATION TO ALLOW CANNABIS BUSINESSES ON THE SPIT AND FURTHER RECOMMEND ALLOWING ONSITE NON-SMOKE CONSUMPTION IN ANY CANNABIS RETAIL BUSINESS ON THE SPIT OR IN THE CITY UNTIL STATE REGULATIONS HAVE BEEN DECIDED AND APPROVAL OF HOMER POLICE DEPARTMENT CHIEF.*

*Commissioner Robl was opposed to onsite consumption due to the exposure to first responders and believes that will also be a major concern at the state level. There was further discussion on the ventilation system requirements and how the consumption of marijuana is conducted in various manners and that most popular is by vaping. Discussion also included the use of protection equipment but use of masks, Commissioner Robl added that Fire or EMT may be able to use face masks but that type of apparatus would impede a police officer by providing impairment to the peripheral vision. It was noted that they would not move to allow the consumption until regulations were established at the State level.*

*REYNOLDS/CARROLL – MOVED TO AMEND ALLOWING RETAIL AND CONSUMPTION ESTABLISHMENTS ON THE SPIT THAT DID NOT ALLOW SMOKING OF CANNABIS.*

*There was a brief discussion on the process for the amendment to the motion, preferred combustion (vaping) of cannabis, applicants from Homer aware that they will allow consumption on site since it is being considered by the State to allow sales of food and drink other than cannabis related in the same location.*

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

*Motion carried.*

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

*Motion carried.*



## PUBLIC HEARING(S)



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

**Ordinances 16-19, 16-20, and 16-21  
Resolution 16-041(S)(A)**

A **public hearing** is scheduled for **Monday, May 9, 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 16-19, 16-20, and 16-21 internet address:**

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

**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.

**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.

**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.

**Resolution 16-041(S)(A) internet address:**

**<http://www.cityofhomer-ak.gov/resolutions>**

**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.



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 Tribune: May 4, 2016



## CLERK'S AFFIDAVIT OF POSTING

I, Renee Krause, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for **Ordinance 16-19**, Determining to Retain for a Public Purpose Tax Foreclosed Property in the Homer Recording District, Third Judicial District, State of Alaska described as SW ¼ NW ¼ 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; **Ordinance 16-20**, 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; **Ordinance 16-21**, 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; **Resolution 16-041 (S)(A)**, 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 Provisions of the HART Policy Manual to the Homer Advisory Planning Commission for its Review and Recommendations was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Wednesday, April 27, 2016 and posted the same on City of Homer Website on Wednesday, April 27, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 27th day of April, 2016.

  
\_\_\_\_\_  
Renee Krause, CMC, Deputy City Clerk





**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**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.

Sponsor: City Manager

1. Council Regular Meeting April 25, 2016 Introduction
  - a. Ordinance 15-15
2. Council Regular Meeting May 9, 2016 Public Hearing and Second Reading
  - a. Ordinance 15-15
  - b. Proof of certified mailing to Debra Good



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**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.

WHEREAS, Homer City Code 18.06.010(a), Real property acquisitions, authority, provides that the City may acquire, own and hold real property within or outside the City boundaries by any lawful means or conveyance, and may exercise all rights and powers in the acquisition, ownership and holding of real property as if the City were a private person; and

WHEREAS, Pursuant to Ordinance 15-15, adopted June 16, 2015, the Kenai Peninsula Borough on July 29, 2015 conveyed to the City 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, Kenai Peninsula Borough Tax Parcel No. 173-052-19 (the "Property"); and

WHEREAS, The Property is located in the Bridge Creek Watershed and the Bridge Creek Watershed Protection District, and should be preserved as undeveloped open space for the protection of the Bridge Creek Watershed and the City's public water supply; and

WHEREAS, AS 29.45.460(a) and HCC 18.06.042(a) authorize the City to determine that tax-foreclosed property deeded to the City shall be retained for a public purpose, and the Council finds that the Property should be retained by the City for the public purpose of protecting of the Bridge Creek Watershed and the City's public water supply; and

WHEREAS, As required by AS 29.45.460(c) and HCC 18.06.042(e), the City Clerk sent by certified mail a copy of the published notice of hearing on this ordinance within five days after its publication to the last record owner of the Property shown on the assessment roll of the Kenai Peninsula Borough.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to AS 29.45.460(a) and HCC 18.06.042(a), the City hereby determines that the tax-foreclosed real 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, Kenai Peninsula Borough Tax Parcel No. 173-052-19, shall be retained by the City for the public purpose of protecting of the Bridge Creek Watershed and the City's public water supply.

Section 2. This Ordinance is not permanent in nature, and shall not be codified.

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

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:

85 Reviewed and approved as to form:

86

87

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

90

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

92

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

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





**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 15-15**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
PURCHASING TAX FORECLOSURE PROPERTY, KENAI PENINSULA  
BOROUGH (KPB) TAX PARCEL NUMBER 17305219, AND  
DESIGNATING ITS USE FOR PUBLIC PURPOSE AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE THE APPROPRIATE  
DOCUMENTS.

WHEREAS, Pursuant to Homer City Code 18.06.010 Real property acquisitions,  
authority. a. The City may acquire, own and hold real property within or outside the City  
boundaries by any lawful means or conveyance, and may exercise all rights and powers in the  
acquisition, ownership and holding of real property as if the City were a private person; and

WHEREAS, Kenai Peninsula Borough Land Management has prepared a preliminary  
list of foreclosed parcels to be sold in the Borough's 2015 Tax Foreclosure Auction; and

WHEREAS, Pursuant to AS 29.45.450 Deed to Borough or City, a city may request  
conveyance of tax foreclosed property when the city has an immediate need for that property  
and property may be deeded to the City subject to taxes owed through judgment date,  
interest, and any out of pocket cost incurred by the KPB through the date of the actual  
payment; and

WHEREAS, There is a 40-acre parcel in the Bridge Creek Watershed, KPB tax parcel  
number 17305219, that would serve the public by protecting the integrity of Homer's water  
source; and

WHEREAS, The parcel may be deeded to the City of Homer upon payment of the taxes  
owed to the Borough with accrued interest, and out of pocket cost incurred by the Borough  
upon KPB tax parcel number 17305219 in the amount of \$2,805.21; and

WHEREAS, Upon receipt of \$2,805.21 the Borough will record a quitclaim to convey  
title to the City; and

WHEREAS, Pursuant to the provisions of Homer City Code 18.06.030, 18.06.042, and  
18.06.044 Real property acquisitions, designation for public use, and authorization for the  
appropriation, KPB tax parcel number 17305219 shall be retained for a public purpose and  
classified as "undesignated".

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer hereby appropriates funds as follows:

<u>Expenditure</u>	<u>Description</u>	<u>Amount</u>
150-0392-5904	Purchase / KPB Parcel Number 17305219	\$2,805.21

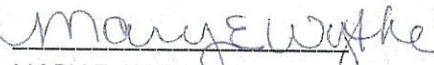
Section 2. The City Manager is hereby authorized to execute the appropriate documents for the purchase of property described as follows:

Record Owner	KPB Tax Parcel Number	Legal Description	Borough Assessed Property Value	Acreage
Kenai Peninsula Borough	17305219	T 6S R 13W SEC 4 Seward Meridian HM SW1/4 NW1/4	\$47,200.00	40 acres


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

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 15<sup>th</sup> day of June, 2015.

CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

YES: 4

NO: 0

ABSTAIN: 0

ABSENT: 2

80 First Reading: 05.26.15  
81 Public Hearing: 06.15.15  
82 Second Reading: 06.15.15  
83 Effective Date: 06.16.15

84

85

86 Reviewed and approved as to form:

87

88

Mary K. Koester

89 Mary K. Koester, City Manager

90

91

Date: 6-18-15

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney

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



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Ms. Debra Good  
9655 Jasper Way  
Yuma, AZ 85365



9590 9403 0211 5146 6263 68

2. Article Number (Transfer from service label)

7014 1820 0001 8217 1890

PS Form 3811, April 2015 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *[Signature]*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

DEBRA GOOD

C. Date of Delivery

2016

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes

☒ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☒ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery

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☒ Return Receipt for Merchandise

☐ Signature Confirmation™

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AZ 852  
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• Sender: Please print your name, address, and ZIP+4® in this box•

CITY CLERK'S OFFICE  
CITY OF HOMER  
491 E. PIONEER AVE.  
HOMER, AK 99603

MAY - 3 2016

USPS TRACKING#



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**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**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.

Sponsor: Smith

1. Council Regular Meeting April 25, 2016 Introduction
  - a. Memorandum 16-070 from City Attorney
2. Council Regular Meeting May 9, 2016 Public Hearing and Second Reading
  - a. Memorandum 16-070 from City Attorney





CITY OF HOMER  
HOMER, ALASKA

Smith

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.

THE CITY OF HOMER ORDAINS:

Section 1. Subsection (a) of HCC 17.04.040, Initiation of district, is amended to read as follows:

a. A special assessment district may be initiated by:

1. Resolution approved by a vote of not less than three-fourths of the Council;

or

2. Petition signatures of the record owners of **real property that would bear not less than 50 percent of the assessed cost of the improvement** ~~one-half in value of the real property in the proposed district~~ received by the City Clerk within 60 days after the mailing of the petition to record owners of property in the proposed district. Upon payment of the nonrefundable filing fee in the City fee schedule established by resolution of the Council, the City Clerk shall prepare a petition for distribution by certified mail to all record owners of property in the proposed district that contains:

a. A statement that it is a petition to form a special assessment district, and describing the capital improvement for which the district is proposed;

b. For each property in the proposed district, the Kenai Peninsula Borough tax parcel number and property description, the name and mailing address of the record owner, ~~the current assessed value~~, and a place for the record owner's signature; and

c. A statement that to support initiation of the proposed district, the record owner must sign and return the petition to the City Clerk within 60 days after the date the petition was mailed.

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

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

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 Wells, City Attorney

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

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



Birch Horton Bittner & Cherot

*a professional corporation*

## Memorandum 16-070

**TO: KATIE KOESTER  
CITY MANAGER  
CITY OF HOMER**

**FROM: THOMAS F. KLINKNER**

**RE: PETITION REQUIREMENT FOR SAD FORMATION**

**FILE NO.: 506,742.221**

**DATE: APRIL 12, 2016**

---

Currently HCC 17.04.040(a) provides that a special assessment district (SAD) is initiated by either (i) a resolution approved by a vote of not less than three-fourths of the Council; or (ii) petition signatures of the record owners of not less than one-half in value of the real property in the proposed SAD. I understand that the Council wants the second alternative to be rewritten to provide that a SAD may be initiated by petition signatures of the record owners of real property that would bear 50 percent or more of the assessed cost of the improvement. A draft ordinance making this change is attached.

Currently HCC 17.04.050(b) provides that after initiation of an SAD, the preparation of an improvement plan for the SAD, and notification of the record owners of property in the proposed SAD of a public hearing on the necessity of the improvement and proposed improvement plan, "[i]f owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement."

With the requested change to the signature requirement on the petition to form an SAD, the objection procedure in HCC 17.04.050(b) repeats the property owner vote that would be required for an SAD initiated by property owner petition, and may seem redundant for an SAD initiated in that manner. However, the objection procedure must remain, as it is required by state law.

AS 29.26.020(a) authorizes a municipality by ordinance to prescribe procedures for the formation of special assessment districts, making local improvements, levying

and collecting assessments, and financing improvements, which the City has done in HCC 17.04. Under AS 29.46.020(b), a municipal ordinance prescribing the procedure for forming special assessment districts is subject to the requirement that "[i]f protests as to the necessity of a proposed local improvement are made by owners of property that will bear 50 percent or more of the estimated cost of the improvement, the governing body may not proceed with the improvement until the objections have been reduced to less than 50 percent, except on approval of not fewer than three-fourths of the governing body." Because of this statutory mandate, the objection procedure in HCC 17.04.050(b) must be retained for every SAD, including one that is initiated by property owner petition.

TFK/lcj

**ORDINANCE REFERENCE SHEET**  
**2016 ORDINANCE**  
**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.

Sponsor: Lewis/Smith

1. Council Regular Meeting April 25, 2016 Introduction
  - a. Resolution 16-038
  - b. Ordinance 15-16
2. Council Regular Meeting May 9, 2016 Public Hearing and Second Reading
  - a. Ordinance 16-021(S)
  - b. Resolution 16-038
  - c. Ordinance 15-16



**CITY OF HOMER  
HOMER, ALASKA**

Lewis/Smith

**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.

WHEREAS, Recreation plays a vital role in the health, wellness, and quality of life in our community; and

WHEREAS, Recreational events attract visitors to Homer and stimulate economic development; and

WHEREAS, The City of Homer recognizes the need for an indoor sports facility; and

WHEREAS, The Soccer Association of Homer is actively working to fundraise for and build the South Peninsula Athletic and Recreation Center (SPARC); and

WHEREAS, The City of Homer supports opportunities created by private funding that improve the quality of life for the community's residents; and

WHEREAS, The Homer City Council adopted Resolution 16-038 in support of SPARC; and

WHEREAS, Receiving assistance through State and Federal grant funds is becoming increasingly difficult; and

WHEREAS, The Homer City Council adopted Ordinance 15-16 removing State Revenue Sharing from the City of Homer Operating budget with the intention of using those funds on one-time purchases; and

WHEREAS, The most recent estimate for State Revenue Sharing for State fiscal year 2017 is \$215,640; and

WHEREAS, It is appropriate and in the City's interest to appropriate funds from FY 2017 State Revenue Sharing to move this project forward; and

WHEREAS, It is the intent of the Homer City Council to reimburse the general fund for this expenditure with a portion of the anticipated State FY 2017 Revenue Sharing; and

WHEREAS, The Homer Foundation has agreed to be the fiscal agent for the Soccer Association of Homer and the SPARC project; and

WHEREAS, The City of Homer has a well-established and positive relationship working together with The Homer Foundation on projects for the betterment of the community; and

WHEREAS, A financial contribution from the City through The Homer Foundation to pay part of the cost of the SPARC project will allow the facility to be larger and serve a more diverse user group, is in the best interest of the City and its residents, and will serve a public purpose of the City.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer hereby amends the FY 2016 Operating Budget by appropriating \$189,000 from the General Fund Fund Balance to The Homer Foundation for the SPARC project:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	General Fund Fund Balance	\$189,000

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	The Homer Foundation	\$189,000

Section 2. The City will disburse \$1.00 of the appropriated funds to The Homer Foundation to pay costs of the SPARC project for each \$2.00 of cash contributions for costs of the SPARC project that The Homer Foundation receives from other sources; provided that the total amount of appropriated funds that the City may disburse under this section shall not exceed the lesser of (i) \$189,000 and (ii) two-thirds of the total cost of the SPARC project excluding costs that are provided for by in-kind donations.

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

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



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 Wells, City Attorney

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

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



CITY OF HOMER  
HOMER, ALASKA

Lewis/Smith

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 ~~OF~~ **UP TO** \$189,000  
FROM THE GENERAL FUND TO THE HOMER FOUNDATION FOR  
PURPOSES OF CONSTRUCTING THE SOUTH PENINSULA  
ATHLETIC AND RECREATION CENTER.

WHEREAS, Recreation plays a vital role in the health, wellness and quality of life or our community; and

WHEREAS, Recreational events attract visitors to Homer and stimulate economic development; and

WHEREAS, The City of Homer recognizes the need for an indoor sports facility; and

**WHEREAS, The Parks, Arts, Recreation and Culture Needs Assessment prepared for the City of Homer in Spring of 2015 determined that the most significant recreational need was space for indoor activities; and**

WHEREAS, The Soccer Association of Homer is actively working to fundraise for and build the South Peninsula Athletic and Recreation Center (SPARC); and

WHEREAS, The City of Homer supports opportunities created by private funding that improve the quality of life for the community's residents; and

WHEREAS, The Homer City Council adopted Resolution 16-038 in support of SPARC; and

WHEREAS, Receiving assistance through State and Federal grant funds is becoming increasingly difficult; and

WHEREAS, The Homer City Council adopted Ordinance 15-16 removing State Revenue Sharing from the City of Homer Operating budget with the intention of using those funds on one-time purchases; and

WHEREAS, The most recent estimate for State Revenue Sharing for State fiscal year 2017 is \$215,640; and

WHEREAS, It is appropriate and in the City's interest to appropriate funds from FY 2017 State Revenue Sharing to move this project forward; and

WHEREAS, It is the intent of the Homer City Council to reimburse the general fund for this expenditure with a portion of the anticipated State FY 2017 Revenue Sharing; and

WHEREAS, The Homer Foundation has agreed to be the fiscal agent for the Soccer Association of Homer and the SPARC project; and

WHEREAS, The City of Homer has a well-established and positive relationship working together with The Homer Foundation on projects for the betterment of the community; and

WHEREAS, A financial contribution from the City through The Homer Foundation to pay part of the cost of the SPARC project will allow the facility to be larger and serve a more diverse user group, is in the best interest of the City and its residents, and will serve a public purpose of the City.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The City of Homer hereby amends the FY 2016 Capital Budget by appropriating **up to** \$189,000 from the General Fund Fund Balance to The Homer Foundation for the SPARC project:

Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
100-0100	General Fund Fund Balance	\$189,000

Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
	The Homer Foundation	\$189,000

Section 2. The City will disburse the appropriated funds to The Homer Foundation to pay costs of the SPARC project as a match to contributions for costs of the SPARC project **from other sources as follows: (i) \$1.00 of the appropriated funds for each \$2.00 of cash contributions that The Homer Foundation receives from other sources; and (ii) \$0.50 of the appropriated funds for each \$2.00 in value, as approved by the City Manager, of in-kind contributions. The total amount of appropriated funds that the City may disburse under this section shall not exceed \$189,000.**

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

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

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 Wells, City Attorney

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

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



**CITY OF HOMER  
HOMER, ALASKA**

Reynolds

**RESOLUTION 16-038**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
SUPPORTING THE SOCCER ASSOCIATION OF HOMER'S SOUTH  
PENINSULA ATHLETIC AND RECREATION CENTER (SPARC)  
FACILITY.

WHEREAS, The City of Homer supports private efforts that provide our community's youth with athletic and recreational opportunities; and

WHEREAS, The City of Homer recognizes that Homer Soccer Association has identified a particular need for increased access to recreational and exercise space for elementary and middle-school aged children for non-school based sports and other activities; and

WHEREAS, The City of Homer supports private efforts that provide our community's senior citizens with healthy, indoor walkable space when roads, sidewalks and trails are ice-covered; and

WHEREAS, The City of Homer recognizes the community's #1 identified need for recreation is an indoor sports facility; and

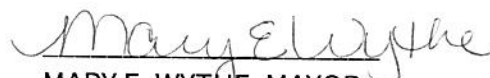
WHEREAS, The City of Homer encourages the provision of low-cost, affordable recreational opportunities by agencies and individuals within the City; and

WHEREAS, The City of Homer supports opportunities created by private funding that improve the quality of life for the community's residents.


NOW, THEREFORE, BE IT RESOLVED The City of Homer hereby affirms its support for the Soccer Association of Homer's SPARC (South Peninsula Athletic and Recreation Center) facility.

PASSED AND ADOPTED by the Homer City Council this 11<sup>th</sup> day of April, 2016.

CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

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



Fiscal information: N/A



**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**ORDINANCE 15-16**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING HOMER CITY CODE 3.05.012, COMPLETE FINANCIAL  
PLAN, TO EXCLUDE STATE REVENUE SHARING FROM INCOME IN  
THE CITY BUDGET.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 3.05.012, Complete financial plan, is amended to read as follows:

3.05.012 Complete financial plan.

a. The budget shall provide a complete financial plan of all City funds and activities for the next fiscal year. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by fund, organizational unit, program, purpose or activity and object.

b. The budget shall begin with a clear general summary of its contents, which summary shall show principal sources of anticipated revenue, stating separately the amount to be raised by property taxes, and by department the kinds of expenditures in such a manner as to present to the public a clear and simple estimate of budget detail.

c. The budget shall show in detail all estimated income, including the proposed property tax levy, but shall exclude state revenue sharing, which will be appropriated when received. The budget also shall show in detail all proposed expenditures, including debt service, for the ensuing fiscal year.

d. The budget shall be prepared on a modified accrual basis and subsequent reporting an auditing shall reflect this basis of goods and services are received, and revenues are recorded when payment is received; except for material or available revenue which should be accrued to reflect properly the taxes levied and the revenues earned.

e. The budget shall include in separate sections:

1. Proposed expenditures for current operations during the ensuing fiscal year detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;

2. Anticipated net surplus or deficit (fund balance) for the ensuing fiscal year of each enterprise fund owned or operated by the City and the proposed method of its disposition; subsidiary budgets for each such enterprise fund, giving detailed income and expenditures information, shall be presented in the budget;

3. Proposed capital budget will be presented under a separate document. Expenditures during the ensuing fiscal year, detailed by offices, departments and



agencies, when practicable, and the proposed method of financing each such capital expenditure.


f. Comparative data for the previous and current fiscal years shall be provided in a format for ease of comparison with the proposed revenues and expenditures.

g. Data for the current fiscal year shall include the total of the amounts actually received or encumbered to the time of preparing the budget, plus anticipated receipts and expenditures for the remainder of the current year

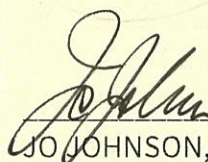
Section 2. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 15<sup>th</sup> day of June, 2015.

CITY OF HOMER

  
MARY E. WYTHE, MAYOR

ATTEST:

  
JO JOHNSON, MMC, CITY CLERK

AYES: 4

NOES: 0

ABSTAIN: 0

ABSENT: 2

First Reading: 05.26.15

Public Reading: 06.15.15

Second Reading: 06.15.15

Effective Date: 06.16.15



Reviewed and approved as to form:

Mary K. Koester

Mary K. Koester, City Manager

Date: 6-18-15

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 6-25-15



## City Manager

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.

j. Property owner contribution through LID process **of 25% of project cost for street reconstruction or new street construction on an equal assessment per lot basis** by ~~paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary.~~

BE IT FURTHER RESOLVED that each of the Homer Accelerated Roads and Trails Program (HART) and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals is amended to state that expenditures under each program are subject to the availability of funds, **defined as a debt-service cover ratio of 1.25 or above.**

BE IT FURTHER RESOLVED that the Council refers to the Homer Advisory Planning Commission for its review and recommendations the subject of revising the HART Policy Manual to achieve the following goals: (i) update and improve the organization and readability of the HART Policy Manual; (ii) evaluate the feasibility of incorporating long term maintenance costs into HART funded projects; **(iii) review project eligibility; (iv) and (iii)** provide for the funding of special assessment districts for sidewalks with HART funds; **and (v) develop a matching grant program for small scale greenway trails.**

**BE IT FURTHER RESOLVED that the Council refers to the Parks and Recreation Advisory Commission for its review and recommendations the subject of revising the HART Policy Manual to develop a matching grant program for small scale greenway trails.**

PASSED AND ADOPTED by the Homer City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

CITY OF HOMER

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

ATTEST:

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

CITY OF HOMER  
HOMER, ALASKA

City Manager

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.

WHEREAS, It is in the best interest of the City and its residents to encourage the reconstruction of streets and the construction of new streets with funding from Homer Accelerated Roads and Trails Program (HART) funds; and

WHEREAS, Revising the formula for funding street reconstruction and new street construction from HART funds will provide a better incentive for property owners to participate in special assessment districts (SAD) for street reconstruction and new street construction; and

WHEREAS, Uniformity between HART and the Homer Accelerated Water and Sewer Program (HAWSP) with regard to the basis for allocating special assessments is desirable; and

WHEREAS, The HART Policy Manual is in need of updating and reorganization, and it would be appropriate to refer this matter to the Homer Advisory Planning Commission for its review and recommendations.

NOW, THEREFORE, BE IT RESOLVED that Paragraph III.A.1.j of the Homer Accelerated Roads and Trails Program (HART) Policy Manual is amended to read as follows (additions bold and underlined; deletions stricken through):

j. **For special assessment districts initiated on or before May 10, 2016,** property owner contribution through ~~LHD~~ **SAD** process by paying \$30 per front foot for gravel

and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for additional improvements deemed necessary. **For special assessment districts initiated after May 10, 2016, property owner contribution through LID SAD process of 25% of project cost for street reconstruction or new street construction on an equal assessment per lot basis for cost of a residential standard street and the city pays all costs for additional improvements deemed necessary.**

BE IT FURTHER RESOLVED that each of the Homer Accelerated Roads and Trails Program (HART) and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals is amended to state that expenditures under each program are subject to the availability of funds, defined as **after maintaining** a debt-service coverage **age** ratio of 1.25 or above.

BE IT FURTHER RESOLVED that the Council refers to the Homer Advisory Planning Commission for its review and recommendations the subject of revising the HART Policy Manual to achieve the following goals: (i) update and improve the organization and readability of the HART Policy Manual; (ii) make policies in the HART Policy Manual as consistent as possible with the policies in the Homer Accelerated Water and Sewer Program (HAWSP) Policy Manual; and (iii) review project eligibility; (iv) provide for the funding of special assessment districts for sidewalks with HART funds; and (v) develop a matching grant program for small scale greenway trails.

BE IT FURTHER RESOLVED that the Council refers to the Parks and Recreation Advisory Commission for its review and recommendations the subject of revising the HART Policy Manual to develop a matching grant program for small scale greenway trails.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



**From:** [Thomas Klinkner](#)  
**To:** [Katie Koester](#)  
**Cc:** [Jo Johnson](#); [Holly Wells](#)  
**Subject:** Resolution and Ordinance for SADs  
**Date:** Tuesday, May 03, 2016 4:20:12 PM  
**Attachments:** [00509840.DOC](#)

---

Katie,

Responding to your request for clarification regarding the affect of legislation on previously initiated SADs, I offer the following:

1. Resolution 16-41(S)(A), amended to clarify that the changes to the HART policy apply only to SADs initiated after May 10, 2016.
2. Under HCC 1.08.030, Ordinance 16-20 regarding the vote required to initiate a SAD becomes effective the day after its adoption. This is sufficient to establish that the initiation of a district that was initiated before the effective date of Ordinance 16-20 remains subject to the vote required before Ordinance 16-20 becomes effective.

Let me know if you have questions.

Tom

---

**Thomas F. Klinkner**

**Birch Horton Bittner & Cherot**

1127 West 7th Ave | Anchorage AK 99501

Tel 907.263.7219 | Main 907.276.1550

[tklinkner@bhb.com](mailto:tklinkner@bhb.com) | [www.birchhorton.com](http://www.birchhorton.com)  
[Bio](#) | [vCard](#)

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## ORDINANCE(S)



# 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 4, 2016

SUBJECT: City Manager's Report - May 9, 2016

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### **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.

Enc:

Email RE: Pioneer Pole Line

Pictures of Utility Poles on Pioneer Avenue

Amortization Tables for Natural GAS HSAD Loan with KPB



NAME	PARCEL ID	MAILING ADDRESS CITY
ABER SHEILA	17324141	ANCHORAGEAK99515
ADKISON VERNON D	17902081	HOMERAK99603
ALBERTS VERNON K	17305448	HOMERAK99603
AMSO ANDREW R	17920214	HOMERAK99603
AMSO ANDREW R	17920215	HOMERAK99603
ANDRADE PRISCILLA F	17405225	HOMERAK99603
ANDRADE PRISCILLA F	17405226	HOMERAK99603
ARNO PETER J & MELISSA	17402402	HOMERAK99603
BAYLESS TAMHRA LEE	17929010	MENAAZ71953
BENTSON TASSE & ERIC	17403027	CALHOUNLA71225
BISHOP CAROLYN A	17717430	HOMERAK99603
BLANCHARD, JOSH	17508122	HOMERAK99603
BORDERS GLENN A	17521028	ANCHORAGEAK99514
BRANCH CHRIS R	17702064	HOMERAK99603
BROWN SHARI	17403006	HOMERAK99603
CAIN CRAWFORD ANNE	17405024	HOMERAK99603
CARDWELL KENNETH G	17902048	HOMERAK99603
CARDWELL KENNETH G	17902049	HOMERAK99603
CASHMAN JESSIE G	17730260	HOMERAK99603
CGF PROPERTIES INC	17710736	WALNUT CREEKCA94596
CHOW GUY A	17917216	HOMERAK99603
CHOW GUY A	17917217	HOMERAK99603
CLAPP KELLY	17405109	HOMERAK99603
CLAPP KELLY	17405125	HOMERAK99603
CLAPP KELLY	17920210	HOMERAK99603
CLAPP KELLY	17920211	HOMERAK99603
COOPER MARK W & COOPER SANDRA S	17730284	HOMERAK99603

COREY WILLIAM A & GLORIA F	17903065	HOMERAK99603
CREEKSIDE INVESTMENTS LLC	17517199	HOMERAK99603
CROSBY ROBERT C TRUST	17510341	PORTLANDOR97236
CURRIER FRED S & CINDY LOU	17930014	HOMERAK99603
DEE KERMIT A	17369011	HOMERAK99603
DIFRANCIA SUSAN	17717615	HOMERAK99603
DIXON GAIL B	17513314	HOMERAK99603
DOMINICKS FINER FOODS LLC	17710737	WALNUT CREEKCA94596
DOWNEY, DAVID ROBERT	17701028	HOMERAK99603
FETTERHOFF RICHARD K	17305438	HOMERAK99603
FLEENOR AARON C	17529028	HOMERAK99603
FLORY LEE E & BRENDA M	17730256	HOMERAK99603
FOWLER JOHN G	17406011	ANCHORAGEAK99507
FRAZIER JED C	17307114	HOMERAK99603
FROST ROBERT F & KATHRYN G	17527013	NINILCHIKAK99639
FRY DAVID W	17704023	HOMERAK99603
GARVEY LARRY K & KAREN E	17530015	HOMERAK99603
GATTENBY DON R ESTATE OF	17724006	DODGE CITYKS67801
GAUTHIER BERNARD M & GAUTHIER M CO-TRUST	17521019	CHANDLERAZ85225
GILLIAM ANTHONY J & BETH A	17710214	HOMERAK99603
GLOSSER SCOTT	17307085	HOMERAK99603
GOH CINDERS	17727068	LOMA LINDACA92354
GUETSCHOW DAVID L	17716417	HOMERAK99603
GUSTAFSON LEIF B	17411115	HOMERAK99603
HALL QUALITY BUILDERS INC	17308030	KENAIK99611
HALL QUALITY BUILDERS INC	17308032	KENAIK99611
HANSON DAVID B	17913212	SOLDOTNAK99669
HEATH STREET INVESTMENTS LLC	17514411	HOMERAK99603

HEATH STREET INVESTMENTS LLC	17514412	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17711022	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17711023	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17711024	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17711025	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17923018	HOMERAK99603
HEATH STREET INVESTMENTS LLC	17923019	HOMERAK99603
HICKSON NANCY	17316005	HOMERAK99603
HICKSON NANCY	17507018	HOMERAK99603
HILLSTRAND JOHN & NANCY	17359201	HOMERAK99603
HILLSTRAND JOHN & NANCY	17359407	HOMERAK99603
HILLSTRAND JOHN & NANCY	17359408	HOMERAK99603
HILLSTRAND JOHN & NANCY	17359409	HOMERAK99603
HODNIK, VICKEY J	17936002	HOMERAK99603
HUYARD DALE E	17908042	PHIPPSBURGCO80469
IVY WILLIAM CONWAY & DEBRA KYZER	17507013	ANCHORAGEAK99501
JACOBSON MARVIN G	17520008	MOUNT PLEASANTUT84647
JONES ROBERT G & CAROLEE	17725014	HOMERAK99603
JORGENSEN JUDY LOUISE	17521001	ANCHOR POINTAK99556
KALLENBERG ARRON ANDERSEN	17324023	WOODSIDENY11377
KASSOUNI DICRAN	17702037	HOMERAK99603
KATHRYN KLANN	17526021	CHUGIAKAK99567
KAYLENE MILLER	17730241	ANCHOR POINTAK99556
LARSON TRAVIS J	17308009	HOMERAK99603
LEE OCK KYUNG	17720405	HOMERAK99603
LEE OCK KYUNG	17720406	HOMERAK99603
LEICHLITER DEREK	17933001	SOLDOTNAAK99669
LEVIT BARRY M	17704028	LANGLEYWA98260

LEVIT JODY J	17704029	LANGLEYWA98260
LEVIT JODY J	17704030	LANGLEYWA98260
LIND JOLEEN H	17931019	HOMERAK99603
LUCK STACY R	17705135	HOMERAK99603
MAHAN ALITA A	17510240	HOMERAK99603
MANDES GEORGE J	17940001LH18	HOMERAK99603
MANDES GEORGE J	17940001LH19	HOMERAK99603
MANDES GEORGE J & MARTIN CHARLENE A	17917103	HOMERAK99603
MARSH MICHAEL S	17716415	ORLANDOFL32809
MARTUSHEV ANDREI P & MARY Y	17419110	HOMERAK99603
MAZE DAVID W	17523017	HOMERAK99603
MAZE DAVID W	17523023	HOMERAK99603
MAZE DAVID W	17523029	HOMERAK99603
MCALLISTAR ROBIN	17505105	HOMERAK99603
MCLAY JAMES WOODROW	17411111	HOMERAK99603
MCQUILKIN RICHARD S	17411306	FAIRBANKSAK99707
MILLER, DAN	17530017	HOMERAK99603
MORAN MICHAEL J	17508232	HOMERAK99603
MORGAN, GUY	17508211	HOMERAK99603
MUNRO MARK	17729029LH05	HOMERAK99603
NAPIER, STEPHEN P	17307106	HOMERAK99603
NAUMANN MARY J	17909005	HOMERAK99603
NELSON DAVID E	17902107	MILWAUKEEWI53203
NORTH MATTHEW C	17359538	HOMERAK99603
NYMAN CATHERINE M	17524014	ANCHORAGEAK99501
O'HARA ALISON	17510308	HOMERAK99603
PASCALL JANE M	17704009	HOMERAK99603
PASCALL JANE MARIA	17510071	HOMERAK99603

PATTON JAUNELL	17726034	HOMERAK99603
PETRINO JAMES D	17710116	HOMERAK99603
QUINN KENNETH J	17420204	HOMERAK99603
RAMOS JOSE M & MARIA C	17727060	HOMERAK99603
REID IAN S & LINDA L	17508154	HOMERAK99603
RESETARITS ANTHONY & JOSEPH	17511109	HOMERAK99603
RICH STEVEN J	17369008	HOMERAK99603
RICH VICTORIA G	17324123	HOMERAK99603
RICHARDSON, PATRICIA	17359444	HOMERAK99603
RICKETTS LEE M FAMILY TRUST	17931013	HALIBUT COVEAK99603
ROBERTSON SARAH LINDESAY	17719105	HOMERAK99603
ROBINSON, CHRISTOPHER & LINDA	17405119	HOMERAK99603
RYAN MYRA	17730234	HOMERAK99603
SCALZI LUCAS	17410016	HOMERAK99603
SENEFF KAREN A	17521017	HOMERAK99603
SHIRTS LARRY D	17931045	WILLIAMSBURGVA23188
SIMPSON KARYL L	17517012	SPOKANewa99205
SMERECKI NORBERT A	17707040	HOMERAK99603
SMITH HOLLYN C	17726014	ANCHORAGEAK99504
SOMERS CRISTY	17506314	HOMERAK99603
STANCLIFF ANDREA	17411118	PORTLANDOR97282
STICKROD SETH	17348016	HOMERAK99603
STOUT FRED A	17710216	HOMERAK99603
STUART & ROBIN HICKS	17305429	HOMERAK99603
SULLIVAN DR WILLIAM F	17308020	DELRANNJ08075
TANAPE LLOYD J Sr	17931034	HOMERAK99603
TAPIA JUAN & CLAUDIA	17508130	ANCHORAGEAK99504
TAPIA JUAN R & CLAUDIA	17508145	ANCHORAGEAK99504

TENHOFF JESSICA	17710732	HOMERAK99603
TERRA BELLA PROPERTIES LLC	17324008	ANCHORAGEAK99517
TERRA BELLA PROPERTIES LLC	17324096	ANCHORAGEAK99517
TERRA BELLA PROPERTIES LLC	17324097	ANCHORAGEAK99517
TERRA BELLA PROPERTIES LLC	17504004	ANCHORAGEAK99517
TERRA BELLA PROPERTIES LLC	17504005	ANCHORAGEAK99517
TRANSITIONAL COUNSELING, LLC	17917211	ANCHORAGEAK99503
WALLS RUSSELL W	17305430	HOMERAK99603
WALLS RUSSELL W	17929009	HOMERAK99603
WATKINS GWEN G	17930041	HOMERAK99603
WERTS MICHAEL	17523033	HOMERAK99603
WHITE RONALD A	17729029LH03	ANCHORAGEAK99516
WILLIAMS, WILMA	17927009	HOMERAK99603



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Katie I received this today and would like to add this to the council packet and have it as a discussion item at the next meeting.

Thanks,  
Dave

To: [Dave Lewis](#)

Subject: Pioneer Pole line

Dear Dave,

I wish to bring forth this correspondence to shed light on the Alaska Communications Pole line down Pioneer Avenue.

I would like to give my opinion that it is a safety concern, as well as an eyesore to public traffic along the main pathway through Homer. Furthermore, trying to hopelessly fix the deteriorating pole line will alter the only strength points still holding the line together. There are no down guys along the poles that are leaning the most and the cables being suspended are far too large for the support system currently in place. Multiple drops coming from the pole line are “banjo tight” to the customer’s attachments. One business (Sunny Service) has had its weather head completely pulled over due to the side strain coming from these poles.

Due to Homer statutes, the pole line cannot be restored and must be placed underground.

It is my opinion that a mutual agreement between the city of Homer, The Alaska stat DOT, and Alaska Communications MUST be discussed to prevent this situation from becoming catastrophic.

Sincerely,

A concerned citizen













## Gasline Loan Payments - Original & Revised Schedules

### Original Amortization Schedule

<u>Original Loan Amount</u>		<u>4.074154%</u>		<u>10</u>	
12,359,388.00					
		<u>Principal PMT</u>	<u>Interests</u>	<u>Total PMT</u>	<u>Principal Bal.</u>
4/1/2016	1	(1,025,890.40)	(503,540.54)	(1,529,430.94)	11,333,497.60
4/1/2017	2	(1,067,686.76)	(461,744.18)	(1,529,430.94)	10,265,810.84
4/1/2018	3	(1,111,185.96)	(418,244.97)	(1,529,430.94)	9,154,624.88
4/1/2019	4	(1,156,457.39)	(372,973.54)	(1,529,430.94)	7,998,167.49
4/1/2020	5	(1,203,573.25)	(325,857.68)	(1,529,430.94)	6,794,594.24
4/1/2021	6	(1,252,608.68)	(276,822.25)	(1,529,430.94)	5,541,985.55
4/1/2022	7	(1,303,641.89)	(225,789.04)	(1,529,430.94)	4,238,343.66
4/1/2023	8	(1,356,754.28)	(172,676.66)	(1,529,430.94)	2,881,589.38
4/1/2024	9	(1,412,030.54)	(117,400.40)	(1,529,430.94)	1,469,558.84
4/1/2025	10	(1,469,558.84)	(59,872.09)	(1,529,430.94)	0.00
		(12,359,388.00)	(2,934,921.37)	(15,294,309.37)	

	<u>Principal PMT</u>	<u>Interests</u>	<u>Total PMT</u>	<u>Principal Bal.</u>
8/31/2015 Payment made	(4,094,163.16)	(205,836.84)	(4,300,000.00)	8,265,224.84

### Revised Terms - Estimated Amortization Schedule I

<u>8,265,224.84</u>		<u>4.074154%</u>		<u>9</u>	
		<u>Principal PMT</u>	<u>Interests</u>	<u>Total PMT</u>	<u>Principal Bal.</u>
9/1/2016	1	(778,636.16)	(336,738.01)	(1,115,374.18)	7,149,851
9/1/2017	2	(810,359.00)	(305,015.17)	(1,115,374.18)	6,428,508
9/1/2018	3	(843,374.28)	(271,999.90)	(1,115,374.18)	5,510,150
9/1/2019	4	(877,734.65)	(237,639.53)	(1,115,374.18)	4,591,792
9/1/2020	5	(913,494.91)	(201,879.26)	(1,115,374.18)	3,673,433
9/1/2021	6	(950,712.11)	(164,662.07)	(1,115,374.18)	2,755,075
9/1/2022	7	(989,445.58)	(125,928.59)	(1,115,374.18)	1,836,717
9/1/2023	8	(1,029,757.12)	(85,617.05)	(1,115,374.18)	918,358
9/1/2024	9	(1,071,711.02)	(43,663.16)	(1,115,374.18)	0
		(8,265,225)	(1,773,142.76)	(10,038,368)	

**Interest Savings      Over 10 years**  
**955,942**

### Gasline Loan Payments - Revised Schedule with Extra Amount

Assessment Paid	5,210,000.00
FMA	1,397,000.00
Total Collections	6,607,000.00
Paid out	(4,300,000.00)
Available	2,307,000.00

**Future Collections** Assumptions:

1. The 2269 Installment Payers would pay the minimum required \$402 per year
2. 50% collections from delinquents

**944,946.97** which will be able to make the City's required Installment

### New Terms - Estimated Amortization Schedule II

		8,265,224.84	4.074154%	9	
		Principal PMT	Interests	Total PMT	Principal Bal.
9/1/2016	1	(1,970,261.99)	(336,738.01)	(2,307,000.00)	6,294,963
9/1/2017	2	(681,375.73)	(256,466.50)	(937,842.23)	5,613,587
9/1/2018	3	(709,136.03)	(228,706.20)	(937,842.23)	4,904,451
9/1/2019	4	(738,027.32)	(199,814.91)	(937,842.23)	4,166,424
9/1/2020	5	(768,095.70)	(169,746.53)	(937,842.23)	3,398,328
9/1/2021	6	(799,389.10)	(138,453.13)	(937,842.23)	2,598,939
9/1/2022	7	(831,957.45)	(105,884.78)	(937,842.23)	1,766,982
9/1/2023	8	(865,852.68)	(71,989.55)	(937,842.23)	901,129
9/1/2024	9	(901,128.85)	(36,713.38)	(937,842.23)	0
		(8,265,224.84)	(1,544,513.00)	(9,809,737.84)	

1st Payment	4,094,163.16
2nd payment	1,970,261.99
Subsequent 8 pmts	6,294,962.85
	12,359,388.00

**Interest Savings Over 9 years**  
**228,630**



### Gasline Loan Payments - Revised Schedule (one additional pmt & Extra Amount)

Assessment Collected	5,210,000.00	
FMA	1,397,000.00	
Total Collections	6,607,000.00	
<b>Loan Payment made</b>	<b>(4,300,000.00)</b>	8/31/2015
Available as of 5/2016	<b>2,307,000.00</b>	
<b>Early Payment</b>	<b>(2,307,000.00)</b>	6/1/2016
Additional Collection	940,000.00	
<b>Scheduled Payment</b>	<b>(940,000.00)</b>	9/1/2016

**Future Collections** Assumptions:

1. The 2269 Installment Payers would pay the minimum required \$402 per year
2. 50% collections from delinquents

**944,946.97** which will be able to make the City's required Installment

### New Terms - Estimated Amortization Schedule III

8,265,224.84		4.074154%	9		
		Principal PMT	Interests	Total PMT	Principal Bal.
<b>6/1/2016</b>	early/additional pmt	<b>(2,055,711.32)</b>	<b>(251,288.68)</b>	<b>(2,307,000.00)</b>	6,209,514
<b>9/1/2016</b>	<b>1</b>	<b>(877,697.65)</b>	<b>(62,302.35)</b>	<b>(940,000.00)</b>	<b>5,331,816</b>
9/1/2017	2	(577,123.33)	(217,226.41)	(794,349.74)	4,754,693
9/1/2018	3	(600,636.23)	(193,713.51)	(794,349.74)	4,154,056
9/1/2019	4	(625,107.07)	(169,242.66)	(794,349.74)	3,528,949
9/1/2020	5	(650,574.90)	(143,774.84)	(794,349.74)	2,878,374
9/1/2021	6	(677,080.32)	(117,269.41)	(794,349.74)	2,201,294
9/1/2022	7	(704,665.62)	(89,684.11)	(794,349.74)	1,496,628
9/1/2023	8	(733,374.79)	(60,974.95)	(794,349.74)	763,254
9/1/2024	9	(763,253.61)	(31,096.13)	(794,349.74)	0
		<b>(8,265,224.84)</b>	<b>(1,336,573.05)</b>	<b>(9,601,797.89)</b>	

1st Payment	4,094,163.16
2nd Payment	2,055,711.32
3rd Payment	877,697.65
Subsequent 8 pmts	5,331,815.87
	12,359,388.00

**Interest Savings Over 9 years**  
**436,570**

Nominal Annual Rate: 4.000%

Event	Date	Amount	Number	Period	End Date
1 Loan	4/1/2015	12,359,388.00	1		
2 Payment	4/1/2016	1,529,430.94	10	Annual	4/1/2025

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	4/1/2015				12,359,388.00
2015 Totals		0.00	0.00	0.00	
1	4/1/2016	1,529,430.94	503,540.54	1,025,890.40	11,333,497.60
2016 Totals		1,529,430.94	503,540.54	1,025,890.40	
2	4/1/2017	1,529,430.94	461,744.18	1,067,686.76	10,265,810.84
2017 Totals		1,529,430.94	461,744.18	1,067,686.76	
3	4/1/2018	1,529,430.94	418,244.97	1,111,185.97	9,154,624.87
2018 Totals		1,529,430.94	418,244.97	1,111,185.97	
4	4/1/2019	1,529,430.94	372,973.54	1,156,457.40	7,998,167.47
2019 Totals		1,529,430.94	372,973.54	1,156,457.40	
5	4/1/2020	1,529,430.94	325,857.68	1,203,573.26	6,794,594.21
2020 Totals		1,529,430.94	325,857.68	1,203,573.26	
6	4/1/2021	1,529,430.94	276,822.25	1,252,608.69	5,541,985.52
2021 Totals		1,529,430.94	276,822.25	1,252,608.69	
7	4/1/2022	1,529,430.94	225,789.04	1,303,641.90	4,238,343.62
2022 Totals		1,529,430.94	225,789.04	1,303,641.90	
8	4/1/2023	1,529,430.94	172,676.66	1,356,754.28	2,881,589.34
2023 Totals		1,529,430.94	172,676.66	1,356,754.28	
9	4/1/2024	1,529,430.94	117,400.40	1,412,030.54	1,469,558.80
2024 Totals		1,529,430.94	117,400.40	1,412,030.54	
10	4/1/2025	1,529,430.94	59,872.14	1,469,558.80	0.00
2025 Totals		1,529,430.94	59,872.14	1,469,558.80	
Grand Totals		15,294,309.40	2,934,921.40	12,359,388.00	

*revised*

# CITY ATTORNEY REPORT



## COMMITTEE REPORTS



PENDING BUSINESS





**ORDINANCE REFERENCE SHEET**  
**2015 ORDINANCE**  
**ORDINANCE 15-37**

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 1<sup>st</sup> Through September 30<sup>th</sup>, 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 Election to Be Held in the City on \_\_\_\_\_.

Sponsor: Lewis

1. City Council Regular Meeting October 12, 2015 Introduction and Postponed to December 7, 2015
2. City Council Regular Meeting December 7, 2015 Public Hearing and Second Reading
3. City Council Regular Meeting May 9, 2016 Pending Business (postponed from December 7, 2015)



CITY OF HOMER  
HOMER, ALASKA

Lewis

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 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>, 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 **REGULAR** SPECIAL ELECTION TO BE HELD IN THE CITY ON \_\_\_\_\_.

THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 9.16.010 is amended to read as follows:

9.16.010 Levied.

a. A consumer's sales tax **is levied by the City in the amount of four percent on all sales, rents and services within the City from April 1<sup>st</sup> through September 30<sup>th</sup>, and** in the amount of three percent ~~is levied by the City on all sales, rents and services within the City~~ **from October 1<sup>st</sup> through March 31<sup>st</sup>,** except as the same may be otherwise exempted by law.

b. An additional consumer's sales tax in the amount of three-quarters percent is hereby levied by the City of Homer on all sales, rents and services within the City except as the same may be otherwise exempted by law, for the purpose of funding debt retirement of the sewer treatment plant improvements, and to the extent revenues from such tax exceed such debt retirement obligations, for the purpose of funding water and sewer systems.

c. An additional consumer's sales tax in the amount of three-quarters percent is hereby levied by the City of Homer on all sales, rents and services within the City except as the same may be otherwise exempted by law, for the purpose of funding of street reconstruction improvements and related utilities, construction of new local roads, and construction of new local trails.

Section 2. A special **regular** election in and for the City is called for \_\_\_\_\_, 2015, at which the City shall submit the following proposition to the qualified voters of the City. The proposition must receive an affirmative vote from a majority of the qualified voters voting on the question to be approved.

**PROPOSITION NO. \_\_\_\_**  
**INCREASE IN RATE OF CITY SALES TAX FROM 4.5% TO 5.5%**  
**FROM APRIL 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>**

Shall the rate of City sales tax increase from 4.5% to 5.5% from April 1<sup>st</sup> through September 30<sup>th</sup> with the increase to be used for general government purposes?

Section 3. The proposition shall be printed on paper ballots and machine ballots, and the following words shall be added as appropriate next to an oval provided for marking the ballot for voting by hand or machine:

PROPOSITION NO. \_\_\_\_

O     Yes  
O     No

Section 4. Section 1 of this ordinance shall become effective on \_\_\_\_\_, 2016, but only if the proposition described in Section 2 is approved by a majority of the qualified voters voting on the proposition at the ~~special~~ **regular** election to be held in the City on \_\_\_\_\_, 2015. The remaining sections of this ordinance shall become effective upon adoption.

Section 5. Section 1 of this ordinance is of a permanent and general character and shall be included in the city code upon its effective date. The remaining sections of this ordinance are not permanent in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_ 2015.

CITY OF HOMER

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

ATTEST:

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

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AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
  
First Reading:  
Public Reading:  
Second Reading:  
Effective Date:  
  
Reviewed and approved as to form:  
  
\_\_\_\_\_  
Mary K. Koester, City Manager  
  
Date: \_\_\_\_\_

\_\_\_\_\_  
Thomas F. Klinkner, City Attorney  
  
Date: \_\_\_\_\_



## NEW BUSINESS





# RESOLUTIONS



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**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.

WHEREAS, Birch Horton Bittner & Cherot (BHBC) has been the City's Attorney since  
August 1, 2008, selected and hired by the City Council; and

WHEREAS, BHBC has the expertise and experience of a national firm combined with  
the knowledge and understanding of Alaska's unique legal issues; and

WHEREAS, BHBC has a number of attorneys on staff ranging from specialists in human  
resources to construction law that the City uses frequently; and

WHEREAS, It is the recommendation of administration that a new contract be  
negotiated for a three-year period from August 1, 2016 to July 31, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes  
the City Manager to negotiate a new City Attorney Contract with Birch Horton Bittner &  
Cherot for a three-year period from August 1, 2016 to July 31, 2019.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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

ATTEST:

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

Fiscal information: Budgeted, Mayor and Council, Professional Services, 100.100.5210.





## 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

### Memorandum 16-076

TO: Mayor Wythe and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: May 4, 2016  
SUBJECT: Contract with Birch Horton Bittner & Cherot

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The City Attorney is hired by and serves at the pleasure of the Council. Birch Horton Bittner & Cherot (BHB) has been Homer's municipal attorney for the past 8 years. Their contract was renewed in 2012 for 4 years. They charge the city a flat fee for an unlimited amount of consulting services (drafting ordinances, negotiations, advice, legal opinions, lease reviews, etc.). Though their contract limits their retainer services to 50 hours a month, they have not applied that cap for some time. This includes travel to one Council meeting a month, and as of recently telephonic attendance at department head staff meetings. Any litigation is charged an hourly rate.

Per the contract signed in June of 2012, BHB monthly retainer amount for 2016 is \$12,000. The City spends a tremendous amount on legal fees - consistently over \$250,000 a year. However, much of that is due to the litigious nature of our community. Though Attorney Tom Klinkner has served as lead counsel for the City of Homer since 2008, last month he handed over the reins to Holly Wells. As you know, BHB also has a number of attorneys on staff ranging from specialists in human resources to construction law that we lean on frequently.

I gave notice in November in my City Manager's report the intention to re-RFP the attorney contract, though it is a Council decision. Like any human, there have been mistakes made by the attorneys representing the City of Homer and hindsight is 20/20. However, there have also been successes – and the times the attorney's advice and assistance keeps the City of Homer out of court are the ones you are less likely to hear about. There are benefits to advertising an RFP, even if BHB is the best respondent. However, I believe that the risk of bringing someone on who is not familiar with city code and the unique character of Homer would be detrimental. If I had 12 years of experience with Homer City Code and could provide the historical knowledge, it would be a different story. However, I am one year into this job and often lean on the attorneys to remember how it was done before and help to not repeat past mistakes. I communicate with BHB multiple times a day, and that is just me – they are working on projects with many of the department heads from re-writing agreements, providing human resources advice, to helping the Cannabis Advisory Commission negotiate the complex world of marijuana.

What about an in-house attorney? I have given thought about the cost/benefit of hiring a City Attorney in house as a City employee. It would be great for the community to provide that

position and I would appreciate having someone to bounce issues off of. However, I think it would be very expensive and difficult to find an employee with the breadth of knowledge in municipal law that is necessary. The City would likely still have to hire outside counsel with specific knowledge (whereas with a large firm we can use the expertise of many different lawyers). At times, one staff person may have a difficult time keeping up with the work load, at any given time we have multiple attorneys working under deadline on City of Homer issues. There would also be the concern of creating a new class of employees that would then be subject to PERS termination fees and fines if we ever changed our mind and went back to not having a designated employee as the City Attorney. It would be expensive – the City of Kenai is the only municipality on the Peninsula of comparable size with a City Attorney. Their legal department, an attorney and legal assistant, comes in at \$375,807 for 2015 budget. Just over 70% of that is salaries and benefits. The Professional and special services line, which I presume is used to hire outside counsel, since 2013 varies from \$32,500- \$83,000.<sup>1</sup>

BHB has done a good job representing the City of Homer. As their firm grows and evolves with new attorneys and Attorney Wells taking on the reins as lead attorney for Homer, I think they will continue to be able to serve us well. If the Council authorizes a new contract with BHB, I would use the existing contract as a starting place for negotiations, which BHB is agreeable to.

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<sup>1</sup> City of Kenai 2015 Adopted Budget, p. 42-43

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 12-053(S)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, EXTENDING THE CITY ATTORNEY CONTRACT WITH BIRCH, HORTON, BITTNER, INC. FOR THE PERIOD OF AUGUST 1, 2012 THROUGH JULY 31, 2016 IN THE AMOUNT OF \$11,000.00 PER MONTH THROUGH JULY 31, 2014 AND \$11,550.00 PER MONTH THEREAFTER, AND AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT.

WHEREAS, Birch, Horton, Bittner, Inc. has been the City's Attorney since August 1, 2008, selected and hired by the City Council; and

WHEREAS, It is the recommendation of administration that the contract be extended from August 1, 2012 to July 31, 2016 at the same rates until July 31, 2014, and with all rates increased by 5% thereafter; and

WHEREAS, The City Attorney has agreed to extend the contract on the terms stated above, and with no other changes to the contract.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, extends the City Attorney Contract with Birch, Horton, Bittner, Inc. for the period from August 1, 2012 through July 31, 2016 in the amount of \$11,000.00 per month for 50 hours and hourly rates for work above and beyond fifty hours per month for specialized services at the rate of \$205.00 for shareholders and members; \$180.00 for associates; and \$100.00 for paralegals through July 21, 2014, and with all rates increased by 5% thereafter; and authorizes the Mayor to execute the contract as follows:

1. Scope of Services. A. The Firm shall act as general counsel to the City, to include without limitation the following:

- Serve as the legal advisor of and be responsible to the Council; advise the Manager and City Clerk concerning matters affecting the City Administration and perform other duties prescribed by the Council.
- Prepare legal documents, including but not limited to ordinances, resolutions, contracts, conveyances, leases, easements and legal opinions as needed.
- Be readily available for consultation by the Council, Manager and City Clerk.
- Provide limited representation in court and manage the activities of other attorneys who may represent the City in court.
- Assist the Manager in negotiations on the City's behalf and handle other legal matters that may arise.
- Draft opinion letters regarding, among other things, the interpretation of the City Code, state and federal laws, and policies.
- Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the Council and/or Manager.

- Work effectively with the Council, Manager, City Clerk and with all other public agencies and other entities with which the City has a legal relationship.
  - Attend at least one Council meeting per month and others telephonically as requested.
- B. All representation of the City shall continue until the matters or cases assigned are either closed out by mutual consent or are recalled by the Council.
- C. The Firm shall not engage any consultant, expert, or other third-party service without the prior approval of the Manager or Council.
- D. Provide toll-free telephone access to the City.

2. Compensation. For the services described in paragraph A of this Agreement and based on a budget of 50 hours of legal services per month, the City agrees to pay the Law Firm a monthly fixed fee of \$11,000.00 through July 31, 2014, and a monthly fixed fee of \$11,550.00 thereafter. For work above and beyond 50 hours per month or for specialized services (i.e., litigation): Shareholders and members: \$205.00; associates: \$180.00; paralegals: \$100.00 through July 31, 2014, and with each hourly rate increased by 5% thereafter. The Law Firm will submit itemized monthly statements to the City for all fees and costs incurred during the preceding calendar month. Payment of monthly statements will be remitted to the Firm within 30 days. A late charge on amounts past due for 30 days or more will be assessed at the rate of .88% per month.

Except for travel expenses described in Section A, the City shall reimburse the Firm for in-house expenses and third-party expenses incurred on the City's behalf. Such expenses may include applicable filing fees, recording fees, facsimile services, courier services, photocopying at \$0.20 per page, long distance telephone charges, postage, expedited mail or delivery services, travel expenses, service of process fees, deposition transcripts, stenographer fees, computer-assisted legal research fees, title insurance premiums, and other similar charges.

6. Attorney Assignment. Thomas F. Klinkner is the Firm attorney who will be principally responsible for performing or supervising the work to be done by the Firm on the City's behalf and who will be the City's principal contact with respect to contract administration and billing. The responsible attorney will not be changed without the consent of the City. The responsible attorney may, in his discretion, assign additional Firm attorneys, paralegals, and law clerks to perform legal services under his supervision

7. Term of Agreement. The Term of this Agreement shall be four years commencing August 1, 2012 through July 31, 2016. This agreement may be terminated earlier for convenience by the City, by mutual consent of the parties, or for cause.

PASSED AND ADOPTED by the Homer City Council this 25<sup>th</sup> day of June, 2012.

CITY OF HOMER

  
JAMES C. HORNADAY, MAYOR

ATTEST:

  
JO JOHNSON, CMC, CITY CLERK



100 Fiscal information: Budgeted, Mayor and Council, Professional Services, 100.100.5210.  
101



**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**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.

WHEREAS, The City of Homer has maintained a contract with the firm of Birch Horton Bittner & Cherot for legal services since 2008 and has been serviced by Attorney Thomas F. Klinkner for that period of time; and

WHEREAS, An RFP for legal services would seek to identify specific legal/substantive expertise to service the City of Homer and would provide routine due diligence on quality and cost of legal services; and

WHEREAS, City Council has determined it is in the best interests of the City to solicit proposals for general counsel legal services to serve the Homer City Council, City Manager and City Commissions as appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council authorizes the City Manager to issue a Request for Proposals for General Counsel Legal Services.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Costs associated with legal services to be determined.





# City of Homer

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### CITY OF HOMER

### REQUEST FOR PROPOSALS

**The City of Homer is soliciting proposals  
For  
General Counsel Legal Services**

Release Date  
May 10, 2016

**DEADLINE FOR SUBMISSION  
JUNE 15, 2016 4 P.M.**

**Use this page as the first page of the proposal**

#### **Response By:**

Attorney/Firm Name: \_\_\_\_\_ Contact Person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

**I have read, understand, and agree to all terms and conditions herein:**

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

Printed Name and Title: \_\_\_\_\_

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- I. Overview of Project
- II. Scope of Services and Minimum Qualifications
- III. Response to RFP
- IV. Proposal Evaluation and Award Process
- V. Submittal Instructions
- VI. General Terms, Conditions and Exceptions

#### I. OVERVIEW OF REQUESTED SERVICES

The City of Homer is a first class-municipality located within the Kenai Peninsula Borough with a population of approximately 5,153. The greater Homer area contains 15,686 residents (Ninilchik south). The City is soliciting proposals for general counsel legal services. It is the intention of the City through this solicitation to enter into a contract with a general counsel that will serve the Homer City Council, the City Manager, and City Commissions as appropriate. The City Attorney is hired by and serves at the pleasure of the City Council. The City reserves the right to enter into contracts with attorneys other than the general counsel for specialized legal services should the Council so choose. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms (**proposers**) must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

#### II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

The City prefers to enter into an agreement under which a qualified proposer will provide general counsel legal services on behalf of the City on a flat, fixed monthly fee basis. The fixed fee shall include all general counsel work and attendance at on Council meeting per month. The anticipated workload (excluding Council meetings) varies by month but averages approximately 50 hours per month. Court cases and legal proceedings shall be billed at an hourly rate and separate from the monthly fee for general counsel services. Other proposed agreements that address the scope of services outlined below will be considered.

- A. SCOPE OF SERVICES. The Proposer is expected to provide the City with general counsel legal services, to include the following:
  - 1. Serve as the legal advisor of and be responsible to the City Council; advise the City Manager and City Clerk concerning matters affecting the City Administration and perform other duties prescribed by the City Council.
  - 2. Prepare legal documents including, but not limited to ordinances, resolutions, contracts, conveyances, leases, easements, and legal opinions as needed.
  - 3. Be readily available for consultation by the City Council, City Manager, and City Clerk.
  - 4. Provide limited representation in court and manage the activities of other attorneys who may represent the City in Court.
  - 5. Assist the City Manager in negotiations on the City's behalf and handle other legal matters as they may arise.

6. Draft opinion letters regarding, among other things, the interpretation of the City Code, State and Federal laws, and policies.
  7. Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the City Council and/or City Manager.
  8. Work effectively with the City Council, City Manager, City Clerk and with all other public agencies and other entities with which the City has a legal relationship.
  9. Attend at least one meeting per month in person and others telephonically as requested.
- B. TERM. The term of the professional services agreement shall be one year initially. A longer term may be negotiated by the parties after the initial year. The agreement may be terminated at the convenience of the City at any time with or without cause.
- C. QUALIFICATIONS.
1. The proposer (or primary/lead attorney for the City in a firm) must be a member in good standing of the State of Alaska Bar Association and be qualified to represent the City on all State of Alaska Courts and the U.S. District Court for the District of Alaska.
  2. The proposer (or primary/lead attorney) should have at least five years of professional experience as legal counsel for an entity such as an Alaska city, municipality, or borough.
  3. The proposer (or primary attorney) should be experienced and proficient in legal matters affecting the City, to include without limitation, Alaska municipal law including Title 29, the Homer Municipal Code, the Kenai Peninsula Borough Code, and other applicable State of Alaska and Federal laws.

### III. RESPONSE TO RFP

To achieve a uniform review process and obtain a reasonable degree of comparability, a proposer should submit a response to the request for proposals that is consistent with and follows the format presented below. The proposal should not exceed fifteen (15) pages in length, double spaced, including page 1 of this RFP and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone number, fax number, e-mail address, together with the name of the person who the City Manager may contact in regard to the proposal. Provide detail in the proposal for each of the following points:

- A. Letter of Transmittal (limited to one page)
1. Briefly state the proposers' understanding of the services to be performed and make a positive commitment to provide the services as specified.
  2. State the long term availability of the proposer to the City of Homer.
  3. Give the names(s) of the person(s) who are authorized to make representations for the proposer, their titles and telephone numbers.
  4. **The letter must be signed by an individual who has the authority to bind the Proposer.**

B. Statement of Qualifications

1. Provide a statement of qualifications of the attorney who will be the primary or lead attorney providing general counsel and who will attend Council meetings.
2. Provide a statement of qualifications of other attorneys, if any, who will support the primary attorney. These attorneys may be in the same firm or available under some other arrangement approved by the City Council.
3. Provide a statement of qualifications of other attorneys (if any) in the firm who may have specialized experience and expertise that may be of value to the City.
4. Describe the municipal experience, other applicable legal experience, and education of the attorney's listed in B1 through B3 above.
5. List municipal law cases handled by the primary attorney and supporting attorneys whether the attorney's clients were the prevailing party or not.
6. Identify and describe the experience over the past five years and the level of expertise in the following areas:
  - a. Attendance at Council/Assembly meetings
  - b. Ordinance and resolution drafting
  - c. Ordinance enforcement
  - d. Zoning and land use regulation
  - e. Public employee labor law
  - f. Municipal sales and property tax law
  - g. Municipal procurement and contract law
  - h. Laws related to Police, Fire, Emergency Medical Operations
  - i. Acquisition and disposition of public property, land management
  - j. Other municipal issues

C. CONFLICTS. List all matters and/or cases where the proposer currently represents an individual or entity with interest potentially adverse to the City. Describe the scope of the representation and the nature of the conflict.

D. AVAILABILITY. Specify how available the primary attorney will be to the City. State whether the City will be the primary attorney's main client or one of several or many. State the current workload of the primary attorney and how that attorney intends to accommodate the City's legal work requirements. State the location of the office from which the primary attorney will serve the City.

E. DISCLOSURE. Disclose any alleged significant prior or ongoing contract failures, contract breaches, and civil or criminal litigation or Bar Association investigation which involve the proposer as a party or in which the proposer has been judged guilty or liable or sanctioned. This is a mandatory disclosure.

F. COST. Proposals must state the following cost information:

1. A monthly fixed fee to provide general counsel plus travel to Homer for 12 Council meetings per year.
2. The hourly rate for the lead attorney, supporting attorneys, and other attorneys for specialized services (i.e. litigation) outside the contract for general services.
3. Cost per hour of travel (above the contracted 12 trips).



- G. MUNICIPAL EXPERIENCE. List all municipalities for which the proposer has performed legal services in the past five years. Provide a short description of the services, the date performed, and the municipal contract person.
- H. REFERENCES. Provide a minimum of five (5) references from similar clients, to include local government, State, and/or private clients, for whom the proposer has performed legal services within the last three (3) years. The City may contact any and all references for validation of information submitted and other information relative to the proposal.
- I. A Suggested Legal Services Agreement

IV. PROPOSAL EVALUATION AND AWARD PROCESS

- A. Proposals will be evaluated and scored by the Homer City Council on a 100-125 point scale based upon the following criteria.

B.

Qualifications of Primary Attorney	35, Criteria III B, better qualifications-higher score
Qualifications of other Attorneys	10, Criteria III B, better qualifications-higher score
Conflicts (may exclude proposer)	10, Criteria III C, greater conflicts-lower score
Availability	10, Criteria III D, more available-higher score
Disclosure (may exclude proposer)	10, Criteria III E, negative disclosures-lower score
Cost / Proposed Contract	25, Criteria III F, I., lower cost-higher score
<b>Subtotal for Initial Section:</b>	<b>100</b>
Council Interview	25, In-person presentation of qualifications and services
<b>Total</b>	<b>125</b>

**Proposals will be kept confidential until a contract is awarded, subject to law.**

- C. The City may contact the references provided by proposer, contact any proposer to clarify a response; contact current and/or prior clients; solicit information from any available source concerning any aspect of a proposal; and see and review any other information deemed pertinent to the evaluation process.
- D. After the proposals are received, the full City Council will evaluate and score the proposals. The Council may ask the City Manager, current City Attorney, and City Clerk

to participate and/or provide support as needed. The Council will, after initial scoring, invite the three highest scoring attorney's/firms to interview.

- E. At the conclusion of the interview process, the City Council will determine its choice of the highest rated proposer. Any award is contingent upon the successful negotiations of final contract terms and upon approval of the contract by the Council. Negotiations shall be confidential and not subject to disclosure to competing proposers unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the City upon written notice to all selected proposers may negotiate a contract with the next highest scoring proposer or proposers of withdraw the RFP.

V. SUBMITTAL INSTRUCTIONS

A. PROJECTED RFP TIMELINE

<u>TASK</u>	<u>DATE/TIME</u>
<b>Deadline for submission of proposals</b>	<b>6/15 - 4 P.M.</b>
Initial evaluation period by committee	6/15 – 6/27
Selection / invitation for interviews	6/16 Worksession for 4 P.M. Interviews
Interviews	6/27 – 7/11
Selection of Highest Scoring Attorney (by resolution)	07/25/2016
Contract Approval by Council	Next Available Meeting

**NOTE:** These dates represent a tentative schedule of events. The City reserves the right to modify these dates at any time, with appropriate notice to applicable proposers on the Plan Holders List.

- B. All interested proposers who obtain a copy of the RFP must be listed on the Plan Holders list maintained by the Homer City Clerk's Office.
- C. Proposers shall submit one (1) original proposal marked "MASTER" and ten (10) identical copies to: Jo Johnson, City Clerk, City of Homer, 491 E. Pioneer Ave., Homer, AK, 99603.
- D. Proposals shall be clearly labeled in a sealed envelope or box a follows:

REQUEST FOR PROPOSALS: Legal Counsel Services

- E. Proposals must be received at the above referenced address no later than 4 P.M. on June 15, 2016. Proposals that do not arrive by that time and date WILL NOT BE ACCEPTED.
- F. For ease of evaluation, the proposal should be presented in a format that corresponds to and references sections outlined in this RFP, and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate which term is being addressed.
- G. Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc. are not necessary or desired. Emphasis should concentrate on conformance to the RFP instructions, responsiveness to the RFP requirements, and on complete and clear content.
- H. The proposal must be signed by the individual legally authorized to bind the Proposer.

VI. GENERAL TERMS, CONDITIONS AND EXCEPTIONS

- A. Performance of the proposer may be rated by the City Council semi-annually for the first year following contract award and then annually for the term of the contract.
- B. The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the City to do so.
- C. The City reserves the right to waive informalities and minor irregularities in proposals received.
- D. The City reserves the right to reject any or all proposals received prior to contract award.
- E. The City shall not be obligated to accept the lowest priced proposal, but may make an award in the overall best interest of the City after all factors have been evaluated.
- F. Alterations, modification or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
- G. Proposals may be withdrawn by written or facsimile notice received prior to the deadline for proposal submittal. Withdrawals received after the proposal submittal deadline will not be considered.
- H. Prices offered by proposers in their proposals are an irrevocable offer for the term of the contract. The awarded proposer agrees to provide the services at the costs, rates, and fees as set forth in the implantation of their proposal.

- I. The City will not be liable for any costs incurred by a proposer to prepare its proposal. Costs to develop the proposals and any other such expenses incurred by the proposer in responding to the RFP are entirely the responsibility of the proposer and shall not be reimbursed in any manner by the City.
- J. All proposals submitted become the property of the City and will be returned only at the City's option and at the Proposer's request and expense. The master copy of each proposal shall be retained for official files and will become public record after the award of the contract.
- K. The City will not be liable for Federal, State, or local excise taxes.
- L. The Proposers' response to the RFP shall constitute an agreement to all terms and conditions specified in the RFP including, without limitation, except such terms and conditions that the proposer expressly excludes, which must be written in **bold, italicized and underscored font**. Exceptions will be taken into consideration as part of the evaluation process.
- M. The City reserves the right to negotiate final contract terms with the proposer selected. The RFP and the awarded proposer's proposal shall be incorporated therein.
- N. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Any Proposer misrepresentation may be treated as fraudulent concealment from the City of the true facts relating to the proposal.
- O. The City reserves the right to conduct a background inquiry of each proposer that may include collection of appropriate criminal history information, contractual and business associations and practices, Bar sanctions and reprimands, employment histories, and reputation in the legal and business communities. By submitting a proposal to the City, the Proposer consents to such an inquiry.
- P. The City is an equal opportunity employer and complies with Title I of the American with Disabilities Act. Proposers who need accommodation to respond to the RFP may call the City Clerk at 907-235-8121.

**END OF RFP**



**CITY OF HOMER  
HOMER, ALASKA**

Smith

**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.

WHEREAS, On March 23, 2015, the Council adopted Resolution 15-17, confirming the assessment roll, establishing payment due dates and establishing delinquency, penalty and interest provisions for the Homer Natural Gas Distribution Special Assessment District ("District"); and

WHEREAS, On June 15, 2015, the Council adopted Resolution 15-047(S)(A), changing the due dates for assessments in the District on properties other than condominium units; and

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

WHEREAS, Under the resolutions cited above, commencing July 1, 2016 the due date for installment payments of principal and interest on assessments in the District is July 1 of each year; and

WHEREAS, Under the resolutions cited above, upon the delinquency of an annual installment payment on an assessment in the District, the remaining principal balance of the assessment becomes immediately due and payable, with the amount that is due being subject to a penalty of 10%, and interest at a rate of 10.5% per annum; and

WHEREAS, It is appropriate to establish a more lenient penalty and interest structure for installments on assessments in the District that first become delinquent on or after July 1, 2016; and

WHEREAS, To provide an incentive to bring current assessments in the District that became delinquent before July 1, 2016, it is appropriate to apply the more lenient penalty

and interest structure for assessment installments that are not delinquent before July 1, 2016 to previously delinquent assessments that are brought current not later than that date.

NOW, THEREFORE, BE IT RESOLVED that if an assessment in the District has not been delinquent before July 1, 2016, a delinquent annual installment of principal and interest on the assessment that is due on or after July 1, 2016 shall be subject to a late payment penalty equal to fifty dollars (\$50.00) multiplied by the number of calendar months (or portions thereof) that elapse until the delinquent installment, plus interest and penalty are paid in full; provided, that the amount of this penalty shall not exceed two hundred dollars (\$200.00). If the delinquent installment, plus interest and penalty, are not paid in full within four calendar months after the installment due date, the entire outstanding principal amount of the assessment shall be in default and shall be immediately due and payable, and thereafter the entire outstanding assessment principal shall bear interest at the rate of ten and one-half percent (10.5%) per annum until paid. The penalty imposed under this paragraph does not bear interest.

BE IT FURTHER RESOLVED that, notwithstanding Resolutions 15-17, 15-047(S)(A) and 15-081(S), an assessment in the District that became delinquent before July 1, 2016 shall not be immediately due and payable in full because of that delinquency, but may continue to be payable in installments of principal plus interest at a rate of four percent (4%) per annum and thereafter shall be subject to the penalty and interest structure provided in the preceding paragraph, if on or before July 1, 2016, the City receives payment of (i) the delinquent assessment installment plus a penalty of ten percent (10%) of the total assessment amount and interest on the total assessment amount at a rate of ten and one-half percent (10.5%) per annum, and (ii) the assessment installment that is due on July 1, 2016.

PASSED AND ADOPTED by the Homer City Council on this 9<sup>th</sup> day of May, 2016.

CITY OF HOMER

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MARY E. WYTHE, MAYOR

ATTEST:

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JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A



**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 15-017**

A RESOLUTION OF THE HOMER CITY COUNCIL CONFIRMING THE ASSESSMENT ROLL, ESTABLISHING DATES FOR PAYMENT OF SPECIAL ASSESSMENTS AND ESTABLISHING DELINQUENCY, PENALTY, AND INTEREST PROVISIONS FOR THE HOMER NATURAL GAS SPECIAL ASSESSMENT DISTRICT.

WHEREAS, In compliance with Homer City Code Chapter 17, Improvement Districts, the Homer City Council initiated a Homer Natural Gas Special Assessment District on July 23, 2012 via Resolution 12-069 assessing all parcels equally that benefited from the natural gas distribution system; and

WHEREAS, Public hearings were held on January 14 and 28, 2013 to hear objections to the formation of such district; and

WHEREAS, The objection deadline for written protests was January 25, 2013 and Owners of real property that would bear 50 percent or more of the assessed cost of the improvement did not file timely written objections to the improvement plan with the City Clerk; and

WHEREAS, Ordinance 13-02 was adopted by the Council on February 11, 2013 creating the Homer Natural Gas Special Assessment District; and

WHEREAS, The Homer Natural Gas Special Assessment District was completed by Enstar; and

WHEREAS, All assessment per parcel corrections deemed necessary have been made and a final assessment roll was prepared and public hearings were scheduled for March 9 and 16, 2015; and

WHEREAS, All record property owners within the district were mailed notice of their right to object, the website link to the final assessment roll, and notice of the March 9<sup>th</sup> and 16<sup>th</sup> public hearings; and

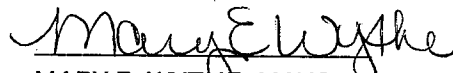
WHEREAS, The final assessment roll as presented by the City Clerk and reviewed and corrected where necessary and attached hereto as Attachment A, is hereby confirmed as the official assessment roll for the Homer Natural Gas Special Assessment District and the Mayor and Clerk shall be directed to sign same.

43 NOW, THEREFORE, BE IT RESOLVED THAT ON OR BEFORE 5:00 p.m. on July 1, 2015, all  
44 assessments in the Homer Natural Gas Special Assessment District shall become due and  
45 payable in full. All assessments not paid in full by this date shall be considered delinquent  
46 and in default and shall have added a penalty of ten percent (10%) which penalty and  
47 principal amount of the assessment shall both draw interest at a rate of three percent (3%)  
48 per annum until paid. Should default occur, the City of Homer will institute a civil action for a  
49 foreclosure of the assessment lien. Foreclosure shall be against all property on which  
50 assessments are in default. All costs including collection and legal fees resulting from such  
51 action, shall be added and incorporated into the assessed amount due plus interest and  
52 penalties and shall be reimbursed from the proceeds of foreclosure sale of the assessed real  
53 property; and  
54

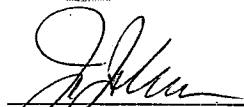
55 BE IT FURTHER RESOLVED that an optional ten (10) year payment plan is offered  
56 whereby the assessment may be paid in ten (10) equal yearly installments plus interest of  
57 four percent (4%) on the unpaid balance of the assessment. The first such installment shall be  
58 due and payable without interest on or before 5:00 p.m. July 1, 2015 and each installment  
59 thereafter shall be due on or before July 1<sup>st</sup> of each year, plus interest on the unpaid balance  
60 of the assessment. If any annual installment payment is not received when due, the entire  
61 outstanding principal amount of the assessment shall be in default and shall be immediately  
62 due and payable. The entire outstanding assessment principal (including the annual  
63 installment) shall have added a penalty of ten percent (10%) on the outstanding principal.  
64 The principal and penalty shall draw interest at the rate of fifteen percent (15%) per annum  
65 until paid. Should default occur, the City will institute civil action for foreclosure of the  
66 assessment lien. Foreclosure shall be against all property on which assessments are in  
67 default. All costs including collection and legal fees resulting from such action shall be added  
68 and incorporated into the assessed amount due plus interest and penalties, and shall be  
69 reimbursed from the proceeds of foreclosure sale of the assessed real property.  
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71 PASSED AND ADOPTED by the Homer City Council on this 23<sup>rd</sup> day of March, 2015.  
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73 CITY OF HOMER  
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77 MARY E. WYTHE, MAYOR  
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79 ATTEST:  
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83 JO JOHNSON, MMC, CITY CLERK  
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85 Fiscal Note: Total project costs are \$12,359,388; 3,788 assessments = \$3,262.77 per parcel.  
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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**RESOLUTION 15-047(S)(A)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
CHANGING DATES FOR PAYMENT OF ASSESSMENTS FOR THE  
HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT  
DISTRICT.

WHEREAS, Due to start-up issues the issuance of bills for assessments in the Homer  
Natural Gas Distribution Special Assessment District has been delayed; and

WHEREAS, Because of this delay, the due date for assessment payments must be  
changed to comply with Title 17 of the Homer City Code; and

WHEREAS, Due to litigation regarding the assessment of condominium units in the  
Homer Natural Gas Distribution Special Assessment District, the due date for assessment  
payments for condominium units must be deferred.

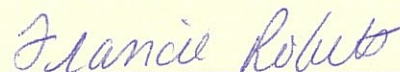
NOW, THEREFORE, BE IT RESOLVED that on or before 5:00 p.m. on September 1, 2015,  
all assessments in the Homer Natural Gas Distribution Special Assessment District, except for  
assessments of condominium units, shall become due and payable in full. An optional ten  
(10) year payment plan is offered whereby the assessment, except for assessments of  
condominium units, may be paid in ten (10) equal yearly installments of principal, plus  
interest of four percent (4%) per annum on the unpaid balance of the assessment. The first  
such installment shall be due and payable on or before 5:00 p.m. September 1, 2015, with  
interest accrued from July 1, 2015 to the due date, and each installment thereafter shall be  
due on or before July 1st of each year. The outstanding balance of an assessment, plus  
accrued interest, may be prepaid at any time. If payment in full of any annual installment  
payment is not received when due, the entire outstanding principal amount of the  
assessment shall be in default and shall be immediately due and payable. The entire  
outstanding assessment principal (including the annual installment) shall have added a  
penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall  
draw interest at the rate of ten and one half percent (10.5%) per annum until paid. Should  
default occur, the City of Homer will institute a civil action for a foreclosure of the assessment  
lien. Foreclosure shall be against all property on which assessments are in default. All costs,  
including collection and legal fees resulting from such action, shall be added and  
incorporated into the assessed amount due plus interest and penalties and shall be  
reimbursed from the proceeds of foreclosure sale of the assessed real property; and



BE IT FURTHER RESOLVED that the due date for assessment payments for condominium units shall be deferred to a later date to be determined by subsequent Council resolution.

PASSED AND ADOPTED by the Homer City Council on this 15<sup>th</sup> day of June, 2015.

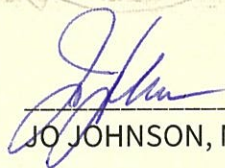
CITY OF HOMER



A handwritten signature in blue ink, appearing to read "Francie Roberts", is written over a horizontal line.

FRANCIE ROBERTS, MAYOR PRO TEMPORE

ATTEST:



A handwritten signature in blue ink, appearing to read "Jo Johnson", is written over a horizontal line.

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

City Manager

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, CONFIRMING THE ASSESSMENT ROLL FOR CONDOMINIUM UNITS IN THE HOMER NATURAL GAS DISTRIBUTION SPECIAL ASSESSMENT DISTRICT, AND ESTABLISHING DELINQUENCY, PENALTY AND INTEREST PROVISIONS FOR THOSE SPECIAL ASSESSMENTS.

WHEREAS, The Council has corrected all errors and inequalities in the assessment roll, and finds that the assessment roll should be confirmed.

43 NOW, THEREFORE, BE IT RESOLVED, that the final assessment roll for condominium  
44 units in the District as presented by the City Clerk and reviewed and corrected where  
45 necessary, which is attached hereto as Attachment A, is hereby confirmed as the official  
46 assessment roll for condominium units in the Homer Natural Gas Distribution Special  
47 Assessment District and the Mayor and Clerk are authorized and directed to sign the same.  
48

49 BE IT FURTHER RESOLVED that in accordance with HCC 19.04.090, the City shall  
50 prepare assessment statements for all assessed condominium units in the District, which  
51 shall be submitted to the Superior Court for approval as provided in the Stipulated Motion for  
52 Stay in *Castner v. City of Homer, et al.* Upon the Superior Court's approval of the assessment  
53 statements, the City Manager shall fix the due date for assessment payments, which shall not  
54 be earlier than the time specified in HCC 19.04.090 nor later than 90 days after the Superior  
55 Court's approval.  
56

57 BE IT FURTHER RESOLVED that on or before 5:00 p.m. on the due date fixed by the City  
58 Manager for assessment payments, all assessments of condominium units in the Homer  
59 Natural Gas Distribution Special Assessment District shall become due and payable in full. An  
60 optional installment payment plan is offered whereby any assessment of a condominium unit  
61 in an amount exceeding \$405.27 may be paid in yearly installments of principal plus interest  
62 of four percent (4%) per annum on the unpaid balance of the assessment, with each  
63 installment of principal plus interest being equal to the lesser of \$405.27 and the amount of  
64 the outstanding principal of the assessment plus accrued interest. The first such installment  
65 shall be due and payable on or before 5:00 p.m. on the due date fixed by the City Manager for  
66 assessment payments, with interest accrued from July 1, 2015 to the due date, and each  
67 installment thereafter shall be due on or before July 1 of each year. The outstanding balance  
68 of an assessment, plus accrued interest, may be prepaid at any time. If payment in full of any  
69 annual installment payment is not received when due, the entire outstanding principal  
70 amount of the assessment shall be in default and shall be immediately due and payable. The  
71 entire outstanding assessment principal (including the annual installment) shall have added  
72 a penalty of ten percent (10%) on the outstanding principal. The principal and penalty shall  
73 draw interest at the rate of ten and one half percent (10.5%) per annum until paid. Should  
74 default occur, the City of Homer will institute a civil action for a foreclosure of the assessment  
75 lien. Foreclosure shall be against all property on which assessments are in default. All costs,  
76 including collection and legal fees resulting from such action, shall be added and  
77 incorporated into the assessed amount due plus interest and penalties and shall be  
78 reimbursed from the proceeds of foreclosure sale of the assessed real property.  
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80 PASSED AND ADOPTED by the Homer City Council on this 14<sup>th</sup> day of September 2015.  
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ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER

MARY E. WYTHE, MAYOR



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

