



## 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

## Agenda Changes/Supplemental Packet

TO: MAYOR WYTHE AND HOMER CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: MARCH 29, 2016

SUBJECT: AGENDA CHANGES AND SUPPLEMENTAL PACKET

### **CONSENT AGENDA**

**Ordinance 16-17(S)**, An Ordinance of the Homer City Council Determining That a Public Purpose Does Not Exist for City Properties Described as Lot 1, Harry Feyer Subdivision, and the Following Located in Section 14, Township 6, Range 13, Seward Meridian: Govt. Lot 3 Lying East of Kachemak Drive, S. ½ of Govt. Lot 30 Lying West of Kachemak Drive, and Govt. Lots 10, 21, 24, 25 and 36; and Authorizing Their Sale. City Manager. Page 3

**Resolution 16-031(S)**, A Resolution of the Homer City Council ~~Concerning the~~ **Approving** Harbor Enterprises, dba Petro 49 (Formerly Petro Marine Services), **a New 20-Year Term** Lease ~~for of~~ Lot 8-E-1 Homer Spit #6 ~~and to Enter Into a New 20-Year Term Lease With the~~ City, and Authorizing the City Manager to Execute the Appropriate Documents. City Council. Page 7

### **PENDING BUSINESS**

**Ordinance 14-18(A)(S)**, An Ordinance of the Homer City Council Amending Homer City Code 21.03.040, Definitions Used in Zoning Code, Homer City Code 21.05.030, Measuring Heights, and Homer City Code 21.70.010, Zoning Permit Required; Repealing Homer City Code Chapter 21.58, Small Wind Energy Systems; and Enacting Homer City Code Chapter 21.58, Towers and Related Structures. Planning.

Written public comment

Page 9

### **RESOLUTIONS**

**Resolution 16-033(S)**, A Resolution of the City Council of Homer, Alaska, Amending the Port of Homer Terminal Tariff No. 600 to Include Long Term Boat Trailer Parking Fees. City Manager/Port and Harbor Director. Page 11

**RECOMMENDATION:**

Voice consensus to changes under Agenda Approval.

Fiscal Note: N/A

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 16-17(S)**

AN ORDINANCE OF THE HOMER CITY COUNCIL DETERMINING THAT A PUBLIC PURPOSE DOES NOT EXIST FOR CITY PROPERTIES DESCRIBED AS LOT 1, HARRY FEYER SUBDIVISION, AND THE FOLLOWING LOCATED IN SECTION 14, TOWNSHIP 6, RANGE 13, SEWARD MERIDIAN: GOVT. LOT 3 LYING EAST OF KACHEMAK DRIVE, S. ½ OF GOVT. LOT 30 LYING WEST OF KACHEMAK DRIVE, AND GOVT. LOTS 10, 21, 24, 25 AND 36; AND AUTHORIZING THEIR SALE.

WHEREAS, The following properties were conveyed to the City of Homer (“City”) by Clerk’s Deed:

Lot 1, according to the Plat of Harry Feyer Subdivision, filed under Plat 4712, Homer Recording District, Third Judicial District, State of Alaska (KPB Parcel No. 179-110-05); and

Govt. Lot 3 lying east of Kachemak Drive, Section 14, Township 6 South, Range 13 West, Seward Meridian (KPB Parcel No. 179-150-03); and

WHEREAS, The following property was conveyed to the City by the Kenai Peninsula Borough:

S. ½ of Govt. Lot 30 lying west of Kachemak Drive, Section 14, Township 6 South, Range 13 West, Seward Meridian (KPB Parcel No. 179-80-50); and

WHEREAS, The following properties were conveyed to the City by Patent from the State of Alaska:

Govt. Lots 10, 21, 24, 25 and 36, Section 14, Township 6 South, Range 13 West, Seward Meridian (KPB Parcel Nos. 179-080-09, 179-080-15, 179-080-25, 179-080-26 and 179-100-01); and

WHEREAS, The Council has determined that a public purpose does not now exist for the properties described above and designated the properties for sale in the City’s 2015 Land Allocation Plan adopted by Resolution 15-030(A) on April 27, 2015.

43 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:  
44

45 Section 1. Pursuant to AS 29.45.460(b) and Homer City Code 18.06.042, the City hereby  
46 determines that a public purpose does not exist for the following tax-foreclosed property:  
47

48 Lot 1, according to the Plat of Harry Feyer Subdivision, filed under Plat 4712,  
49 Homer Recording District, Third Judicial District, State of Alaska (KPB Parcel  
50 No. 179-110-05)  
51

52 Section 2. Pursuant to AS 29.45.460(b) and Homer City Code 18.06.042, the City hereby  
53 determines that a public purpose does not exist for the following tax-foreclosed property:  
54

55 Govt. Lot 3 lying east of Kachemak Drive, Section 14, Township 6 South, Range  
56 13 West, Seward Meridian (KPB Parcel No. 179-150-03)  
57

58 Section 3. Notwithstanding Homer City Code 18.12.020(b), because the close of the  
59 redemption period for each of the properties described in Sections 1 and 2 occurred more  
60 than 10 years ago, this ordinance shall not be subject to the requirements of Homer City Code  
61 18.06.042(d) and (e).  
62

63 Section 4. The Council confirms its determination in Resolution 15-030(A) that a  
64 public purpose does not exist for the following properties:  
65

66 S. ½ of Govt. Lot 30 lying west of Kachemak Drive, Section 14, Township 6  
67 South, Range 13 West, Seward Meridian (KPB Parcel No. 179-80-50)  
68

69 Govt. Lots 10, 21, 24, 25 and 36, Section 14, Township 6 South, Range 13 West,  
70 Seward Meridian (KPB Parcel Nos. 179-080-09, 179-080-15, 179-080-25, 179-  
71 080-26 and 179-100-01)  
72

73 Section 5. The City Manager is authorized to offer the property described in Section 1  
74 for sale, and that property may be sold, for less than fair market value, in consideration of its  
75 development constraints and large water and sewer assessment. Pursuant to Homer City  
76 Code 18.12.020(d) and 18.12.040, the Council finds that if a time not exceeding one year that  
77 the City Manager determines to be reasonable has passed without the City receiving any  
78 acceptable bid for this property, it is in the best interest of the City for the City Manager to  
79 offer to convey the property for nominal consideration to any owner of adjacent property that  
80 will bear the expense of replatting the property into a combined lot with the owner's adjacent  
81 property.  
82

83 Section 6. The City Manager is authorized to offer the properties described in Sections  
84 2 and 4 for sale in accordance with Chapter 18.12 of the Homer City Code. The City Manager

85 initially shall solicit bids to purchase each property. Pursuant to Homer City Code  
86 18.12.020(d), the Council finds that if a time that the City Manager determines to be  
87 reasonable has passed without the City receiving any acceptable bid for one or more of these  
88 properties it is advantageous to the City for the City Manager to dispose of those properties  
89 through sole source negotiations.

90

91 Section 7. This Ordinance is not permanent in nature, and shall not be codified.

92

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

94 2016.

95

96

CITY OF HOMER

97

98

99

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

100 ATTEST:

101

102

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

104

105 YES:

106 NO:

107 ABSTAIN:

108 ABSENT:

109

110

111 First Reading:

112 Public Hearing:

113 Second Reading:

114 Effective Date:

115

116 Reviewed and approved as to form:

117

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

119

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

121

122

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

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

123 Fiscal Note: Revenues unknown at this time.

1 CITY OF HOMER  
2 HOMER, ALASKA

3 City Council

4 RESOLUTION 16-031(S)  
5

6 A RESOLUTION OF THE HOMER CITY COUNCIL CONCERNING  
7 THE **APPROVING** HARBOR ENTERPRISES, DBA PETRO 49  
8 (FORMERLY PETRO MARINE SERVICES), **A NEW 20-YEAR**  
9 **TERM** LEASE FOR ~~OF~~ LOT 8-E-1 HOMER SPIT #6 AND TO ENTER  
10 INTO A NEW 20-YEAR TERM LEASE WITH THE CITY, AND  
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
12 APPROPRIATE DOCUMENTS.  
13

14 WHEREAS, Harbor Enterprises, dba Petro 49 (formerly Petro Marine  
15 Services), is currently in **holds** a long-term lease with **from** the City for a Fuel Float and tank  
16 farm on Lot 8-E-1 Homer Spit #6 on the Homer Spit that expires December 1, 2018; and  
17

18 WHEREAS, Harbor Enterprises, dba Petro 49, desires to enter into a new full **20-year**  
19 **term** lease for this property with the City for the purpose of continuing to provide fuel float  
20 services to the Homer fleet; and  
21

22 WHEREAS, Both the Lease Committee and the Port and Harbor Advisory Commission  
23 reviewed this proposal and recommended **ed** that this property be advertised in a RFP at  
24 the **end of the** term of the lease for the purposes of providing fuel service to the Homer  
25 harbor fleet; and  
26

27 ~~WHEREAS, Both the Lease Committee and the Port and Harbor Advisory Commission~~  
28 ~~cited that it was in the community's best interest to seek competitive proposals from~~  
29 ~~companies seeking to provide vessel fueling services to both the vessels in the harbor and~~  
30 ~~also to bring this capability out to our Deep Water Dock facility. The Commission and~~  
31 ~~Committee also reasoned that if the City moves ahead with extending a new standard lease~~  
32 ~~for the Coal Point fuel float to Harbor Leasing that it would be in the community's best~~  
33 ~~interest to seek a competitive fuel source for Lot 8-E-1; and~~  
34

35 WHEREAS, The Homer City Council reviewed the recommendations in Resolution 16-  
36 **013 of the Lease Committee and the Port and Harbor Advisory Commission** at their **its**

37 regular meeting on February 22, 2016 and concluded that it was in the City's best interest to  
38 not advertise the property in the RFP process; and

39 WHEREAS, The City Council approves issuing a new, 20 year-term lease with two 5-  
40 year options to renew **to Harbor Enterprises dba Petro 49** for the Fuel Float and tank farm  
41 on Lot 8-E-1 Homer Spit #6, for the express purpose of continuing to provide fuel float  
42 services to the Homer Small Boat Harbor.

43  
44 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves ~~that~~  
45 ~~the City of Homer enter into~~ a new, 20 year-term lease with two 5-year options to renew with  
46 Harbor Enterprises dba Petro 49 (formerly Petro Marine Services) **for the Fuel Float and tank**  
47 **farm on Lot 8-E-1 Homer Spit #6,** and authorizes the City Manager to execute the  
48 appropriate documents.

49  
50 PASSED AND ADOPTED by the Homer City Council this 29<sup>th</sup> day of March, 2016.

51  
52 CITY OF HOMER

53  
54  
55 \_\_\_\_\_  
56 MARY E. WYTHE, MAYOR

57  
58 ATTEST:

59  
60  
61 \_\_\_\_\_  
62 JO JOHNSON, MMC, CITY CLERK

63  
64 Fiscal Note: Current leases are \$11,475.00 annually, plus wharfage on petroleum products.  
65 Amount is based on the appraised value of land and adjusted annually to keep pace with the  
66 Consumer Price Index.



MAR 25 2016

March 25, 2016

I am writing to address the tower ordinance 14-18(A)(S) currently in front of the City Council. While it is a step in the right direction it is incomplete and needs additions to fully protect Homer citizens and to serve the telecommunications industry.

Some background is in order; The Federal Communications Commission estimates (2012) that the growth of telecommunications and broadband services will require one tower for every seven people in order to meet demand for services. The proliferation of towers is inevitable. With a strong ordinance it is manageable. Communities across the country and in Alaska are struggling with regulating and managing towers. The places that have had the most success in managing these problems are the ones that through ordinances and process manage their towers so that the negative impacts are minimized. Specifically, ordinance 14-18(A)(S) fails (as written) to answer two critical questions;

1. Is the tower proposed in an application technically necessary?
2. Are the studies and information (RF studies, siting, type, height, etc.) presented by an applicant for a tower accurate?

The proposed ordinance asks that we trust "for profit" telecommunications companies to provide accurate information. The telecommunications industry is not always forthcoming in looking out for the public's best interest. Please understand, I am in support of the expansion of broadband and internet access and the economic benefits it brings. The ability to operate many businesses in Homer (including my own) is dependent on broadband.

Many communities across the U.S. have also faced this dilemma and solved it. Instead of facing a picket fence of towers as we look across the bay we too could do like so many other places and specify where towers should go and what they should look like. We can actually specify that they blend in to the surroundings like Girdwood did recently where a cell tower was disguised to look like a tree. Some communities require that towers must be sited on city land which brings in leasing revenue. Others designate areas as tower farms. None of these possibilities or requirements are in this proposed ordinance. This ordinance if passed as written means that every neighborhood could get towers messing up the views and beauty that is an essential part of living in Homer. We do not have to trade off the priceless beauty of our surroundings in order to achieve better services!

What is needed and works in many communities is a technical review (by experts in this area) of all commercial tower applications to verify the accuracy and adherence to the ordinance. This will support the planning department and industry alike and the minimal cost of technical reviews will be borne by the tower applicant at no cost to the city. Even the Homer City Planner acknowledged that their department does not possess the technical expertise to review tower applications (December 2015). I also spoke with several industry representatives who indicated that what they want is a fully defined process that takes opinion and emotion out of the equation. Communities that require a technical review of tower applications support their citizens and industry alike. Therefore I request that this ordinance be revised to;

- a) Require technical review of all tower applications to answer #'s 1&2 above
- b) Specifically require that towers be minimally visually invasive.

Respectfully Submitted,

Kevin M Dee



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

3 City Manager/  
4 Port and Harbor Director

5 **RESOLUTION 16-033(S)**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE PORT OF HOMER TERMINAL TARIFF NO. 600 TO  
9 INCLUDE LONG TERM BOAT TRAILER PARKING FEES.

10  
11 WHEREAS, The Port Director/Harbormaster established fees for long term boat trailer  
12 parking fees to be included in the Port of Homer Terminal Tariff No. 600; and

13  
14 WHEREAS, The Port and Harbor Advisory Commission discussed and unanimously  
15 supported the fees recommended by the Port Director/Harbormaster.

16  
17 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Port of  
18 Homer Terminal Tariff No. 600 to include Long Term Boat Trailer Parking Fees as follows:

19  
20 RULE: 34.22 - UPLAND STORAGE (A)

21  
22 EFF:

23  
24 SUBSECTION 230

25 (a) AREA OF LAND AVAILABLE:

26 The City of Homer may make available a limited area of land for gear storage subject to the  
27 following conditions:

28  
29 (1) Space is made available on a first-come, first-served basis. All storage assignments  
30 must be approved by the Harbormaster.

31  
32 (2) This upland storage area is primarily for fishing related gear. No vehicle or boat trailers  
33 may be place on the upland storage area without prior permission of the  
34 Harbormaster.

35  
36 (b) BOAT TRAILER STORAGE **PARKING**:

37  
38 (1) Short term ~~storage~~ **parking** of boat trailers not to exceed 7 **consecutive 24 hour** days  
39 will be provided on a space available basis. ~~Storage~~ **Parking** is allowed only in  
40 designated areas where posted. **Short term boat trailer parking for less than up to 7**  
41 **days is free.**

43 **Vehicles, trailers, and boats must be removed from all Port and Harbor property**  
44 **for a minimum of 24 consecutive hours in order to be eligible to resume FREE**  
45 **short-term parking status.**

46  
47 (2) ~~Long term storage of boat trailers (8 or more days) is not available during the summer~~  
48 ~~season beginning May 1 and ending September 30. Long term storage of boat trailers~~  
49 ~~other than during the summer season must be approved and assigned by the~~  
50 ~~Harbormaster. Long term boat storage is available commercially off the Spit.~~

51 **TRAILER PARKING ONLY: Trailers carrying boats are ineligible for monthly**  
52 **parking permits. Permits are available for purchase at the Port and Harbor Office.**  
53 **Long term boat trailer parking is allowed only in designated areas where posted.**  
54 **No long term parking (more than 7 consecutive 24 hour days) is available for**  
55 **boats.**

56  
57 (c) METHOD OF CALCULATIONS OF RATES:

58 Charges shall be based on type of storage required, vehicle, boat trailer, gear or equipment.

59  
60 (d) STORAGE CHARGES:

61 No charge for storage should be generated for free time of 2 days or less. Storage time  
62 beyond 7 days shall generate one month charge.

63  
64 (e) RATES:

65 All general storage is on a month-to-month basis unless otherwise provided. Charges for  
66 any particular lot shall begin at the receipt of the first unit of that particular lot in store and  
67 shall continue and include the storage month during which the last unit of the particular lot  
68 is removed from storage. Charges shall be made on the basis of square footage of units in  
69 any particular lot in store during the storage month. All charges for storage are due on the  
70 first day of a storage month.

71  
72 A storage month shall extend from a date in one calendar month to, but not including, the  
73 same date of the next and all succeeding calendar months. Less than one month's storage  
74 will be charged for the full month. The Harbormaster may negotiate storage contracts for  
75 six months or longer.

76 Fees for general storage are as follows:

77	Open Areas, fishing gear	\$.12 per square foot
78	Open Areas, non-fishing gear	.17 per square foot
79	Fenced Storage Yard	.24 per square foot

80  
81 ~~The fees for trailer parking area/long term storage Oct. 1 to May 1.~~ **Fees for long term boat**  
82 **trailer parking are as follows:**

83 **\$7.00 per foot per month**

84 Up to 30 feet ————— \$75.00 per month

85 Over 30 feet up to 40 feet — \$100.00 per month

86

87 ~~There will be no storage of trailers of total length greater than 40 feet and no long term~~  
88 ~~storage available from June 1 to Oct. 1.~~

89  
90 Equipment and materials stored without proper registration and advance payment will be  
91 charged according to storage fees above.

92  
93 ~~(f) EMPTY CRADLES/TRAILERS:~~

94 ~~For the purpose of this Tariff, a vessel trailer or cradle shall be treated as a vessel of the~~  
95 ~~length of the vessel normally occupying the cradle.~~

96  
97 **RULE: 34.32 – PARKING FEES**

98  
99 **EFF:**

100  
101 Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial  
102 Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will  
103 be established and enforced as per Homer City Code 10.04.100.

104  
105 (a) **LONG TERM PARKING PERMITS**

106  
107 ~~Vehicles over 20' and trailers are not eligible for long term parking permits.~~

108  
109 (1) Seasonal permits for day use parking (Ramps 1-4): \$250.00.

110  
111 (2) Long Term parking permits required for vehicles 20' or less parked in excess of seven  
112 consecutive 24-hour days.

113  
114 (3) Long Term parking annual permit fee for vessel owners paying annual moorage in the  
115 Homer Harbor: fee \$100.00.

116  
117 (4) Long Term parking annual permit (January 1st through December 31st): fee \$200.00.

118  
119 (5) Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.

120  
121 (6) Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a  
122 portion of Lot 9 only.

123  
124 **(7) Monthly long term boat trailer parking \$7.00 per foot per month. TRAILER**  
125 **PARKING ONLY: Trailers carrying boats are ineligible for monthly parking**  
126 **permits.**

127  
128 (8) Long term parking will be enforced year around.

129

130 (9) Parking lot restrictions for long term parking, May 1 through October 1, as depicted on  
131 harbor map (Resolution 11-036(A).  
132

133 (10) Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for  
134 violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime  
135 parking in long term parking area will be limited to \$250.00 fine per calendar year,  
136 with \$200.00 of the fine credited towards the **purchase of a** long term parking annual  
137 permit.  
138

139 **Vehicles, trailers, and boats must be removed from all Port and Harbor property for a**  
140 **minimum of 24 consecutive hours in order to be eligible to resume FREE short-term**  
141 **parking status.**  
142

143 PASSED AND ADOPTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_, 2015.  
144

145 CITY OF HOMER  
146

147  
148 \_\_\_\_\_  
149 MARY E. WYTHE, MAYOR  
150

151  
152 ATTEST:  
153

154  
155 \_\_\_\_\_  
156 JO JOHNSON, MMC, CITY CLERK  
157

158 Fiscal Impact: To be determined.  
159