

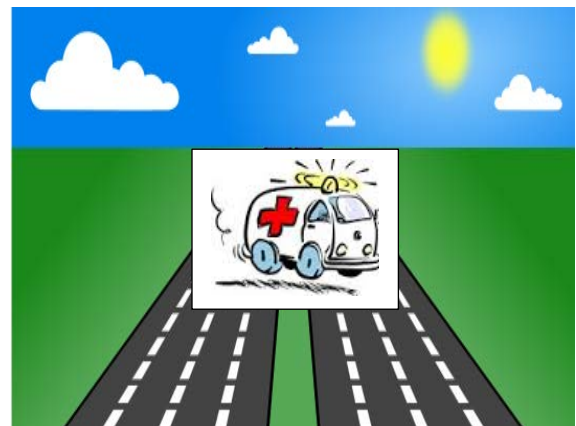
City Council
March 14, 2016
Monday



Worksession 4:00 P.M.
Special Meeting 4:20 P.M.
Committee of the Whole 5:00 P.M.
Regular Meeting 6:00 P.M.

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

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March

- Monday 14th:** **CITY COUNCIL**
Worksession 4:00 p.m., Special Meeting 4:20 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.
- Wednesday 16th:** **PLANNING COMMISSION**
Worksession 5:30 p.m. and Regular Meeting 6:30 p.m.
- Thursday 17th:** **PARKS AND RECREATION ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 21st:** **CITY COUNCIL**
Worksession 5:00 p.m.
- Wednesday 23rd:** **PORT AND HARBOR ADVISORY COMMISSION**
Regular Meeting 5:00 p.m.
- Thursday 24th:** **PUBLIC ARTS COMMITTEE**
Special Meeting 4:00 p.m.
- CANNABIS ADVISORY COMMISSION**
Regular Meeting 5:30 p.m.
- Monday 28th:** **CITY OFFICES CLOSED IN OBSERVANCE OF SEWARD'S DAY**
- Tuesday 29th:** **CITY COUNCIL**
Worksession 4:00 p.m., Committee of the Whole 5:00 p.m., and Regular Meeting 6:00 p.m.

Regular Meeting Schedule

- City Council 2nd and 4th Mondays 6:00 p.m.**
Library Advisory Board 1st Tuesday with the exception of January, April, August and November 5:30 p.m.
Economic Development Advisory Commission 2nd Tuesday 6:00 p.m.
Parks and Recreation Advisory Commission 3rd Thursday with the exception of July, December and January 5:30 p.m.
Planning Commission 1st and 3rd Wednesday 6:30 p.m.
Port and Harbor Advisory Commission 4th Wednesday 5:00 p.m. (May-August 6:00 p.m.)
Cannabis Advisory Commission 4th Thursday 5:30 p.m.
Public Arts Committee Quarterly 2nd Thursday 5:00 p.m.
Permanent Fund Committee Quarterly 2nd Thursday 5:15 p.m.

MAYOR AND CITY COUNCILMEMBERS AND TERMS

- BETH WYTHER, MAYOR - 16**
BRYAN ZAK, COUNCILMEMBER - 16
DAVID LEWIS, COUNCILMEMBER - 17
GUS VAN DYKE, COUNCILMEMBER - 16
CATRIONA REYNOLDS, COUNCILMEMBER - 17
DONNA ADERHOLD, COUNCILMEMBER - 18
HEATH SMITH, COUNCILMEMBER - 18

City Manager, Katie Koester
City Attorney, Thomas F. Klinkner

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

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



WORKSESSION
4:00 P.M. MONDAY
MARCH 14, 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 THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

WORKSESSION AGENDA

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

Councilmember Smith 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. ALASKA MUNICIPAL LEAGUE/JOINT INSURANCE AGENCY

4. COMMENTS OF THE AUDIENCE

5. ADJOURNMENT NO LATER THAN 4:20 P.M.

Next Regular Meeting is Tuesday, March 29, 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, March 21, 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.

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



SPECIAL MEETING
4:20 P.M. MONDAY
MARCH 14, 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 THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

SPECIAL MEETING AGENDA

1. CALL TO ORDER, 4:20 P.M.

Councilmember Smith 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. Memorandum 16-044, from City Clerk, Re: Request for Executive Session Pursuant to AS 44.62.310 (A-C)(1 & 5) Matters, the Immediate Knowledge of Which Would Clearly Have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (AML-JIA Insurance Claims Experience). Page 9

4. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Tuesday, March 29, 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, March 21, 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

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-044

TO: MAYOR WYTHE AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: MARCH 8, 2016

SUBJECT: REQUEST FOR EXECUTIVE SESSION PURSUANT TO AS 44.62.310 (A-C)(1 & 5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE (AML-JIA INSURANCE CLAIMS EXPERIENCE).

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

City Manager Koester has requested an Executive Session regarding "AML-JIA Insurance Claims Experience" for the Special Meeting of March 14, 2016. This has been publicly and internally noticed since that time.

RECOMMENDATION:

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



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 THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

COMMITTEE OF THE WHOLE AGENDA

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

Councilmember Smith has requested telephonic participation.

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

3. Ordinance 16-04(A)(S-2)(A), An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting 16-07 the Proposition to Prohibit Marijuana Establishments in the City at the General Election to be Held in the City on October 4, 2016. a Special Election to be Held in the City on April 19, 2016.** Mayor. **Page 25**

Memorandums 16-016 and 16-032 from City Clerk as backup. **Pages 41/43**
Memorandums 16-017 and 16-023 from City Planner as backup. **Pages 45/49**
Memorandum 16-036 from Police Chief as backup. **Page 51**
Memorandum 16-037 from Police Chief and Fire Chief as backup. **Page 53**
Memorandums 16-040 and 16-046 from Deputy City Clerk as backup. **Pages 55/57**

4. CONSENT AGENDA

5. REGULAR MEETING AGENDA

6. COMMENTS OF THE AUDIENCE

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

Next Regular Meeting is Tuesday, March 29, 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, March 21, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

CALL TO ORDER
PLEDGE OF ALLEGIANCE
AGENDA APPROVAL

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



REGULAR MEETING
6:00 P.M. MONDAY
MARCH 14, 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 THOMAS KLINKNER
CITY MANAGER KATIE KOESTER
CITY CLERK JO JOHNSON

REGULAR MEETING AGENDA

Worksession 4:00 p.m., Special Meeting 4:20 p.m., and Committee of the Whole 5:00 p.m. in Homer City Hall Cowles Council Chambers.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Smith has requested telephonic participation.

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

- A. **Ordinance 16-04(A)(S-2)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting 16-**

07 the Proposition to Prohibit Marijuana Establishments in the City at the General Election to be Held in the City on October 4, 2016. a Special Election to be Held in the City on April 19, 2016. Mayor. **Page 25**

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Memorandums 16-040 and 16-046 from Deputy City Clerk as backup. **Pages 55/57**

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 February 22, 2016. City Clerk. Recommend adoption. **Page 75**
- B. **Memorandum 16-041**, from Mayor Wythe, Re: Reappointment of Marcia Kuszmaul to the Library Advisory Board and Appointments of Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold to the Americans With Disabilities Act Compliance Committee. **Page 101**
- C. **Ordinance 16-08**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.08.030, Parking or Camping Prohibited-Enforcement, Regarding Winter Camping. Aderhold. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016. **Page 117**
- Memorandum 16-050 from City Manager as backup. **Page 121**
- D. **Ordinance 16-09**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$39,300 From Port and Harbor Reserves for the Construction of the Sport Fishing Trailer Parking Lot Drainage Improvement and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Port and Harbor Director. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016. **Page 123**

Memorandum 16-042 from Port and Harbor Director as backup. **Page 127**

- E. **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. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Page 129

Memorandum 16-043 from Public Works Superintendent as backup. **Page 133**

- F. **Ordinance 16-11**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, and Enacting Homer City Code 10.04.085 Use of Load and Launch Ramp, to Regulate the Use of the Load and Launch Ramp in the Small Boat Harbor. City Manager. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Page 141

- G. **Ordinance 16-12**, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$89,000 From Homer Accelerated Roads and Trails Fund for the Design of the Storm Drain Rehabilitation Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work. City Manager/Public Works Director. Recommended dates: Introduction March 14, 2016, Public Hearing and Second Reading March 29, 2016.

Page 147

Memorandum 16-049 from Public Works Director as backup. **Page 151**

- H. **Resolution 16-025**, A Resolution of the City Council of Homer, Alaska, Expressing Support for the Continuation of Welding Courses and the Vocational-Technical Program at Homer High School. Lewis. Recommend adoption. **Page 155**

- I. **Resolution 16-026**, A Resolution of the Homer City Council Awarding the Contract for the Ambulance Replacement to the Firm of Rocky Mountain Ambulance Sales and Service of Paragonah, Utah, in the Amount of \$167,000.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Fire Chief. Recommend adoption. **Page 157**

Memorandum 16-045 from Fire Chief as backup. **Page 159**

- J. **Resolution 16-027**, A Resolution of the Homer City Council Awarding the Contract for Waddell Way Road and Water Main Improvements 2016 Project to the Firm of East Road Services, Inc. of Homer, Alaska, in the Amount of \$925,570.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director. Recommend adoption. **Page 163**

Memorandum 16-048 from Public Works Director as backup. **Page 165**

- K. **Resolution 16-028**, A Resolution of the City Council of Homer, Alaska, Respectfully Requesting the Alaska Legislature Consider Less Severe Cuts to the Alaska Public Broadcasting Commission in the FY17 Budget. Reynolds. Recommend adoption. **Page 177**

- L. **Resolution 16-029**, 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 31 Through March 1 Solely for the Purpose of Gathering Sand and Coal. Reynolds. Recommend adoption. **Page 179**

Memorandum 16-047 from City Clerk as backup. **Page 181**

6. VISITORS

7. ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

A. Borough Report

B. Commissions/Board Reports:

1. Library Advisory Board
2. Homer Advisory Planning Commission
 - a. Minutes of March 2, 2016 **Page 199**
3. Economic Development Advisory Commission
4. Parks and Recreation Advisory Commission

5. Port and Harbor Advisory Commission

6. Cannabis Advisory Commission

8. PUBLIC HEARING(S)

A. **Ordinance 16-07(A)**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall Be Prohibited in the City at ~~the Regular Election to Be Held in the City on October 4, 2016,~~ **a Special Election to Be Held in the City on April 19, 2016** and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on That Question. Mayor. Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016. **Page 207**

9. ORDINANCE(S)

10. CITY MANAGER'S REPORT

A. City Manager's Report **Page 217**

B. Bid Report **Page 241**

11. CITY ATTORNEY REPORT

A. City Attorney Report – February 2016 **Page 245**

12. COMMITTEE REPORT

A. Public Arts Committee

B. Employee Committee Report

C. Public Safety Building Review Committee

13. PENDING BUSINESS

A. ***If Reconsidered* - Ordinance 16-04(A)(S-2)(A)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1;

Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting 16-07 the Proposition to Prohibit Marijuana Establishments in the City at the General Election to be Held in the City on October 4, 2016. a Special Election to be Held in the City on April 19, 2016.** Mayor. **Page 25**

Memorandums 16-016 and 16-032 from City Clerk as backup. **Pages 41/13**
Memorandums 16-017 and 16-023 from City Planner as backup. **Pages 45/49**
Memorandum 16-036 from Police Chief as backup. **Page 51**
Memorandum 16-037 from Police Chief and Fire Chief as backup. **Page 53**
Memorandums 16-040 and 16-046 from Deputy City Clerk as backup. **Pages 55/57**

14. NEW BUSINESS

15. RESOLUTIONS

A. **Resolution 16-024**, A Resolution of the City Council of Homer, Alaska, Calling for a Special Election to be Held in the City on April 19, 2016, for the Purpose of Submitting to the Qualified Voters of the City a Proposition asking the Question Whether Marijuana Establishments Shall be Prohibited in the City. Mayor. **Page 255**

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 Tuesday, March 29, 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, March 21, 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

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-04

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities.

Sponsor: Planning Commission

1. Council Regular Meeting January 25, 2016 Introduction
 - a. Memorandum 16-016 from City Clerk as backup
 - b. Memorandum 16-017 from City Planner as backup
 - c. Commercial Cannabis Cultivation Map
 - d. Commercial Cannabis Retail and Manufacturing Map
 - e. State of Alaska Marijuana Regulations as of December 1, 2015

2. Council Regular Meeting February 8, 2016 Public Hearing and Second Reading
 - a. Ordinance 16-04(A) (as amended by Council on January 25, 2016)
 - b. Substitute Ordinance 16-04(A)(S) (Lewis)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup
 - f. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
 - g. Rural Residential Cannabis Cultivation Map
 - h. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)

3. Council Regular Meeting February 22, 2016 Reconsideration, Public Hearing and Second Reading
 - a. Substitute Ordinance 16-04(A)(S) (Lewis)
 - b. Substitute Ordinance 16-04(A)(S-2) (Mayor)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup

- f. Memorandum 16-032 from City Clerk as backup
 - g. Memorandum 16-036 from Police Chief as backup
 - h. Memorandum 16-037 from Police Chief and Fire Chief as backup
 - i. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
 - j. Rural Residential Cannabis Cultivation Map
 - k. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)
4. Council Regular Meeting March 14, 2016 Reconsideration and Second Reading
- a. Substitute Ordinance 16-04(A)(S) (Lewis)
 - b. Substitute Ordinance 16-04(A)(S-2) (Mayor)
 - c. Memorandum 16-016 from City Clerk as backup
 - d. Memorandum 16-017 from City Planner as backup
 - e. Memorandum 16-023 from City Planner as backup
 - f. Memorandum 16-032 from City Clerk as backup
 - g. Memorandum 16-036 from Police Chief as backup
 - h. Memorandum 16-037 from Police Chief and Fire Chief as backup
 - i. Commercial Cannabis Cultivation, Retail, Testing, and Manufacturing Map
 - j. Rural Residential Cannabis Cultivation Map
 - k. State of Alaska Marijuana Regulations as of December 1, 2015 (see January 25, 2016 council packet)
 - l. Memorandums 16-040 and 16-046 from Deputy City Clerk as backup
 - m. Ordinance 16-04(A)(S-2)(A) as amended by Council February 22, 2016

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**CITY OF HOMER
HOMER, ALASKA**

Mayor

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ORDINANCE 16-04(A)(S-2)(A)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING **HOMER CITY CODE 21.12, RURAL RESIDENTIAL;** HOMER CITY CODE 21.18, CENTRAL BUSINESS DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1; HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2; HOMER CITY CODE 21.27, EAST END MIXED USE; HOMER CITY CODE 21.40 TO IDENTIFY THE ZONING DISTRICTS PERMITTING MARIJUANA FACILITIES AND ADOPTING CHAPTER 21.62 ENTITLED "MARIJUANA FACILITIES" REGARDING GENERAL LAND USE REQUIREMENTS FOR MARIJUANA CULTIVATION, MANUFACTURING, TESTING, AND RETAIL FACILITIES **TO BE EFFECTIVE ONLY UPON CERTIFICATION OF A MAJORITY VOTE REJECTING 16-07 THE PROPOSITION TO PROHIBIT MARIJUANA ESTABLISHMENTS IN THE CITY AT THE GENERAL ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016. A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016.**

WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding the use of property within the City to cultivate, manufacturer marijuana or to operate a retail store selling marijuana; ~~and~~ **and the proposition to prohibit marijuana establishments in the city at the special election to be held on April 19, 2016; and**

WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of marijuana to minors; prevents revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is legal under state law in some form to other states; prevents state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; prevents violence and the use of firearms in the cultivation and distribution of marijuana; prevents drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; prevents the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and prevents marijuana possession or use on federal property.

39 THE CITY OF HOMER ORDAINS:

40
41 Section 1. Homer City Code Chapter 21.12 is amended as follows

42
43 Section 21.12.020 Permitted uses and structures.

44
[**Bold and underlined added.** Deleted language stricken through.]

- 45 The following uses are permitted outright in the Rural Residential District:
46
47 a. Single-family dwelling;
48 b. Duplex dwelling;
49 c. Multiple-family dwelling, only if the structure conforms to HCC
50 21.14.040(a)(2);
51 d. Public parks and playgrounds;
52 e. Rooming house, bed and breakfast and hostel;
53 f. Home occupations, provided they conform to the requirements of
54 HCC 21.51.010;
55 g. Agricultural activities, including general farming, truck farming,
56 livestock farming, nurseries, and greenhouses; provided, that:
57 1. Other than normal household pets, no poultry or livestock
58 may be housed and no fenced runs may be located within 100
59 feet of any residence other than the dwelling on the same lot;
60 2. No retail or wholesale business sales office is maintained on
61 the premises;
62 h. Private stables;
63 i. Private floatplane tie-down as an accessory use incidental to
64 residential use;
65 j. Storage of personal commercial fishing gear in a safe and orderly
66 manner and separated by at least five feet from any property line as an
67 accessory use incidental to residential use;
68 k. As an accessory use incidental to residential use, the private outdoor
69 storage of noncommercial equipment, including noncommercial trucks,
70 boats, and not more than one recreational vehicle in a safe and orderly
71 manner and separated by at least five feet from any property line,
72 provided no stored equipment, boat or vehicle exceeds 36 feet in
73 length;
74 l. Other customary accessory uses incidental to any of the permitted
75 uses listed in the RR district; provided, that no separate permit shall be
76 issued for the construction of any detached accessory building prior to
77 that of the main building;
78 m. Temporary (seasonal) roadside stands for the sale of produce grown
79 on the premises;
80 n. Mobile homes, subject to the requirements of HCC 21.54.100;
81 o. Day care homes; provided, however, that outdoor play areas must be
82 fenced;
83 p. Recreational vehicles, subject to the requirements of HCC 21.54.320;
84 q. Open space, but not including outdoor recreational facilities
85 described in HCC 21.12.030;
86

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

87 r. As an accessory use, one small wind energy system per lot having a
88 rated capacity not exceeding 10 kilowatts;

89 s. One detached dwelling unit, excluding mobile homes, as an accessory
90 building to a principal single family dwelling on a lot serviced by City
91 water and sewer services in compliance with HCC Title 14;

92 t. One detached dwelling unit, excluding mobile homes, as an accessory
93 building to a principal single family dwelling on a lot that is over one
94 acre and not serviced by City water and sewer services

95 **u. Limited marijuana cultivation facility as defined in state law**
96 **subject to the following provisions:**

97 **1. The facility shall only be located on lots greater than**
98 **20,000 square feet.**

99 **2. The facility shall comply with HCC 21.59, Off-site Impacts.**

100 **3. The facility shall be setback 50 feet from the lot line.**

101
102 Section 2. Homer City Code Chapter 21.18 is amended as follows:

103 Section 21.18.020 Permitted uses and structures.

104 The following uses are permitted outright in the Central Business District,
105 except when such use requires a conditional use permit by reason of size, traffic
106 volumes, or other reasons set forth in this chapter:

107 a. Retail business where the principal activity is the sale of merchandise
108 and incidental services in an enclosed building;

109 b. Personal service establishments;

110 c. Professional offices and general business offices;

111 d. Restaurants, clubs and drinking establishments that provide food or
112 drink for consumption on the premises;

113 e. Parking lots and parking garages, in accordance with
114 Chapter 21.55 HCC;

115 f. Hotels and motels;

116 g. Mortuaries;

117 h. Single-family, duplex, and multiple-family dwellings,
118 including townhouses, but not including mobile homes;

119 i. Floatplane tie-up facilities and air charter services;

120 j. Parks;

121 k. Retail and wholesale sales of building supplies and materials, only if
122 such use, including storage of materials, is wholly contained within one
123 or more enclosed buildings;

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

- 124 l. Customary accessory uses to any of the permitted uses listed in the
125 CBD district; provided, that a separate permit shall not be issued for the
126 construction of any detached accessory building prior to that of
127 the main building;
- 128 m. Mobile homes, provided they conform to the requirements set forth
129 in HCC 21.54.100;
- 130 n. Home occupations, provided they conform to the requirements of
131 HCC 21.51.010;
- 132 o. Ministorage;
- 133 p. Apartment units located in buildings primarily devoted to business or
134 commercial uses;
- 135 q. Religious, cultural, and fraternal assembly;
- 136 r. Entertainment establishments;
- 137 s. Public, private and commercial schools;
- 138 t. Museums and libraries;
- 139 u. Studios;
- 140 v. Plumbing, heating and appliance service shops, only if such use,
141 including the storage of materials, is wholly within an
142 enclosed building;
- 143 w. Publishing, printing and bookbinding;
- 144 x. Recreational vehicle parks only if located south of the
145 Sterling Highway (Homer Bypass) from Lake Street west to the
146 boundary of the Central Business District abutting Webber Subdivision,
147 and from Heath Street to the west side of Lakeside Village Subdivision,
148 provided they shall conform to the standards in HCC 21.54.200 and
149 following sections;
- 150 y. Taxi operation limited to a dispatch office and fleet parking of no
151 more than five vehicles; maintenance of taxis must be conducted within
152 an enclosed structure, and requires prior approval by the City Planner
153 of a site, access and parking plan;
- 154 z. Mobile food services;
- 155 aa. Itinerant merchants, provided all activities shall be limited
156 to uses permitted outright under this zoning district;

Added language Deleted language ~~stricken through.~~

- 157 bb. Day care homes and facilities; provided, however, that outdoor play
158 areas must be fenced;
- 159 cc. Rooming house, bed and breakfast and hostel;
- 160 dd. Auto repair and auto and trailer sales or rental areas, but only on
161 Main Street from Pioneer Avenue to the Sterling Highway,
162 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
163 subject to the following additional requirements: Vehicles awaiting
164 repair or service, inoperable vehicles, vehicles for parts, and vehicles
165 awaiting customer pickup shall be parked indoors or inside a fenced
166 enclosure so as to be concealed from view, on all sides. The fence shall
167 be a minimum height of eight feet and constructed to
168 prohibit visibility of anything inside of the enclosure. The portion of any
169 vehicle exceeding eight feet in height may be visible outside of the
170 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
171 any other debris created in the repair or servicing of vehicles shall also
172 be stored indoors or inside the fenced enclosure out of view of the
173 public;
- 174 ee. Farmers' market;
- 175 ff. Dormitory;
- 176 gg. Financial institutions;
- 177 hh. As an accessory use, one small wind energy system per lot having a
178 rated capacity not exceeding 10 kilowatts;
- 179 ii. One detached dwelling unit, excluding mobile homes, as
180 an accessory building to a principal single-family dwelling on a lot.
- 181 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
182 **facilities, and testing facilities as defined by state law.**

183
184 Section 3. Homer City Code Chapter 21.24 is amended as follows:

185 Section 21.24.020 Permitted uses and structures.

186 The following uses are permitted outright in the General Commercial 1
187 District, except when such use requires a conditional use permit by reason of
188 size, traffic volumes, or other reasons set forth in this chapter.

- 189 a. Air charter operations and floatplane tie-up facilities;

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

- 190 b. General business offices and professional offices;
191 c. Dwelling units located in buildings primarily devoted to
192 business uses;
193 d. Auto repair;
194 e. Auto and trailer sales or rental areas;
195 f. Auto fueling stations and drive-in car washes;
196 g. Building supply and equipment sales and rentals;
197 h. Restaurants, including drive-in restaurants, clubs and drinking
198 establishments;
199 i. Garden supplies and greenhouses;
200 j. Heavy equipment and truck sales, rentals, service and repair;
201 k. Hotels and motels;
202 l. Lumberyards;
203 m. Boat and marine equipment sales, rentals, service and repair;
204 n. Mortuaries;
205 o. Open air businesses;
206 p. Parking lots and parking garages, in accordance with
207 Chapter 21.55 HCC;
208 q. Manufacturing of electronic equipment, electrical devices, pottery,
209 ceramics, musical instruments, toys, novelties, small molded products
210 and furniture;
211 r. Publishing, printing and bookbinding;
212 s. Recreation vehicle sales, rental, service and repair;
213 t. Retail businesses;
214 u. Trade, skilled or industrial schools;
215 v. Wholesale businesses, including storage and distribution services
216 incidental to the products to be sold;
217 w. Welding and mechanical repair;
218 x. Parks and open space;
219 y. Appliance sales and service;
220 z. Warehousing, commercial storage and mini-storage;
221 aa. Banks, savings and loans, credit unions and other financial
222 institutions;

Added language Deleted language stricken through.]

- 223 bb. Customary accessory uses to any of the permitted uses listed in the
- 224 GC1 district; provided, that no separate permit shall be issued for the
- 225 construction of any type of accessory building prior to that of the main
- 226 building;
- 227 cc. Dry cleaning, laundry, and self-service laundries;
- 228 dd. Taxi operation;
- 229 ee. Mobile food services;
- 230 ff. Itinerant merchants, provided all activities shall be limited
- 231 to uses permitted outright under this zoning district;
- 232 gg. Recreational vehicle parks, provided they shall conform to the
- 233 standards in Article II of Chapter 21.54 HCC;
- 234 hh. Day care homes; provided, that a conditional use permit was
- 235 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
- 236 areas must be fenced;
- 237 ii. Rooming house and bed and breakfast;
- 238 jj. Dormitory;
- 239 kk. As an accessory use, one small wind energy system per lot.
- 240 **ll. Marijuana cultivation facilities, manufacturing facilities, retail**
- 241 **facilities, and testing facilities as defined by state law.**
- 242

243 Section 4. Homer City Code Chapter 21.26 is amended as follows:

244 Section 21.26.020 Permitted uses and structures.

245 The following uses are permitted outright in the General Commercial 2
246 District, except when such use requires a conditional use permit by reason of
247 size, traffic volumes, or other reasons set forth in this chapter:

- 248 a. Production, processing, assembly and packaging of fish, shellfish and
- 249 seafood products;
- 250 b. Construction, assembly and storage of boats and boat equipment;
- 251 c. Manufacture and assembly of pottery and ceramics, musical
- 252 instruments, toys, novelties, small molded products, electronic
- 253 instruments and equipment and electrical devices;
- 254 d. Research and development laboratories;
- 255 e. Trade, skills or industrial schools;
- 256 f. Publishing, printing and bookbinding facilities;

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

- 257 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
258 rentals, service and repair, excluding storage of vehicles or equipment
259 that is inoperable or in need of repair;
- 260 h. Storage and distribution services and facilities, including truck
261 terminals, warehouses and storage buildings and yards, contractors'
262 establishments, lumberyards and sales, or similar uses;
- 263 i. Airports and air charter operations;
- 264 j. Underground bulk petroleum storage;
- 265 k. Cold storage facilities;
- 266 l. Parking lots and parking garages, in accordance with
267 Chapter 21.55 HCC;
- 268 m. Mobile commercial structures;
- 269 n. Accessory uses to the uses permitted in the GC2 district that are
270 clearly subordinate to the main use of the lot or building, such as
271 wharves, docks, restaurant or cafeteria facilities for employees; or
272 caretaker or dormitory residence if situated on a portion of the
273 principal lot; provided, that separate permits shall not be issued for the
274 construction of any type of accessory building prior to that of the main
275 building;
- 276 o. Taxi operation;
- 277 p. Mobile food services;
- 278 q. Itinerant merchants, provided all activities shall be limited
279 to uses permitted outright under this zoning district;
- 280 r. Recreational vehicle parks, provided they shall conform to the
281 standards in Chapter 21.54 HCC;
- 282 s. Hotels and motels;
- 283 t. Dormitory;
- 284 u. As an accessory use, one small wind energy system per lot;
- 285 v. Open air business.
- 286 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
287 **facilities, and testing facilities as defined by state law.**

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

291 Section 5. Homer City Code Chapter 21.27 is amended to read as follows:

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Section 21.27.020 Permitted uses and structures.

The following uses are permitted outright in the East End Mixed Use District, except when such use requires a conditional use permit by reason of size, traffic volumes, or other reasons set forth in this chapter:

- a. Auto, trailer, truck, recreational vehicle and heavy equipment sales, rentals, service and repair;
- b. Drive-in car washes;
- c. Building supply and equipment sales and rentals;
- d. Garden supplies and greenhouses;
- e. Boat and marine equipment sales, rentals, manufacturing, storage yard, service and repair;
- f. Welding and mechanical repair;
- g. Restaurants, including drive-in restaurants, clubs and drinking establishments;
- h. Religious, cultural, and fraternal assembly;
- i. Studios;
- j. Personal services;
- k. Agricultural activities, including general farming, truck farming, nurseries, tree farms and greenhouses;
- l. Private stables;
- m. Storage of heavy equipment, vehicles or boats;
- n. Plumbing, heating and appliance service shops;
- o. Home occupations on a lot whose principal permitted use is residential, provided they conform to the requirements of HCC 21.51.010;
- p. Mortuaries and crematoriums;
- q. Open air businesses;
- r. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- s. Manufacturing, fabrication and assembly;
- t. Retail businesses;
- u. Trade, skilled or industrial schools;
- v. Wholesale businesses, including storage and distribution services incidental to the products to be sold;
- w. Parks and open space;
- x. Warehousing, commercial storage and mini-storage;
- y. Recreational vehicles, subject to the standards in HCC 21.54.320(a), (b) and (c);
- z. Dry cleaning, laundry, and self-service laundries;
- aa. Mobile food services;

Added language Deleted language ~~stricken through.~~

- 334 bb. As an accessory use, one small wind energy system per lot;
- 335 cc. Production, processing, assembly and packaging of fish, shellfish
- 336 and seafood products;
- 337 dd. Research and development laboratories;
- 338 ee. Storage and distribution services and facilities, including truck
- 339 terminals, warehouses and storage buildings and yards, contractors'
- 340 establishments, lumberyards and sales, or similar uses;
- 341 ff. Cold storage facilities;
- 342 gg. Mobile commercial structures;
- 343 hh. Single-family and duplex dwellings, only as an accessory use
- 344 incidental to a permitted principal use; provided, that no permit shall
- 345 be issued for the construction of an accessory dwelling prior to the
- 346 establishment of the principal use;
- 347 ii. The repair, replacement, reconstruction or expansion of a single-
- 348 family or duplex dwelling, including a mobile home, that existed
- 349 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,
- 350 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
- 351 provided, that a mobile home may not be used to replace or expand
- 352 such a dwelling;
- 353 jj. Customary accessory uses to any of the uses permitted in the EEMU
- 354 district that are clearly subordinate to the main use of the lot
- 355 or building, including without limitation wharves, docks, storage
- 356 facilities, restaurant or cafeteria facilities for employees; or caretaker or
- 357 employee dormitory residence if situated on a portion of the same lot
- 358 as the principal use; provided, that no permit shall be issued for the
- 359 construction of any type of accessory building prior to the
- 360 establishment of the principal use;
- 361 kk. Taxi operation;
- 362 ll. Itinerant merchants, provided all activities shall be limited to uses
- 363 permitted outright under this zoning district;
- 364 mm. More than one building containing a permitted principal use on
- 365 a lot;
- 366 nn. The outdoor harboring or keeping of dogs, small animals and fowl
- 367 as an accessory use to a residential use in a manner consistent with the
- 368 requirements of all other provisions of the Homer City Code and as long
- 369 as such animals are pets of the residents of the dwelling and their
- 370 numbers are such as not to unreasonably annoy or disturb occupants of
- 371 neighboring property.
- 372 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
- 373 **facilities, and testing facilities as defined by state law.**
- 374
- 375
- 376

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

377 Section 6. Chapter 21.62 is hereby enacted as follows:

378

379 **Chapter 21.62**

380

381 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**

382

383 **Sections:**

384 **21.62.010 Scope.**

385 **21.62.020 Intent**

386 **21.62.030 Definitions**

387 **21.62.040 Pre-application conference.**

388 **21.62.050 Costs**

389 **21.62.060 Safety and Security Plan**

390 **21.62.070 Buffers.**

391 **21.62.080 General restrictions on all marijuana facilities.**

392

393 **21.62.010 Scope**

394

395 **a. This chapter applies to the operation of all marijuana cultivation,**
396 **manufacturing, retail , and testing facilities within the city boundaries.**

397 **b. This chapter in no way protects marijuana facilities from enforcement of**
398 **federal law nor is it intended to sanction conduct or operations prohibited by law.**
399 **All persons engaged in the marijuana industry within the city operate at their**
400 **own risk and have no legal recourse against the City in the event that city laws**
401 **are preempted, negated or otherwise found unenforceable based upon federal**
402 **law prohibiting the sale, distribution, consumption or possession of marijuana.**

403

404 **21.62.020 Intent**

405

406 **a. This chapter is intended to impose regulations that prevent:**

407

- 408 **1. The distribution of marijuana to minors;**
409 **2. Revenue from the sale of marijuana from going to criminal enterprises,**
410 **gangs, and cartels;**
411 **3. The diversion of marijuana from states where it is legal under state law in**
412 **some form to other states where it is unlawful;**
413 **4. State-authorized marijuana activity from being used as a cover or pretext**
414 **for the trafficking of other illegal drugs or other illegal activity;**
415 **5. Violence and the use of firearms in the cultivation and distribution of**
416 **marijuana;**
417 **6. Drugged driving and the exacerbation of other adverse public health**
418 **consequences associated with marijuana use;**
419 **7. The growing of marijuana on public lands and the attendant public safety**

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

420 and environmental dangers posted my marijuana production on public
421 land; and

422 **8. Marijuana possession or use on federal property.**

423
424 **21.62.030 Definitions [reserved]**

425
426 **21.62.040 Pre-application Conference.**

427
428 **21.57.050 Costs.**

429
430 The cost of all permits, studies and investigation required under this
431 chapter shall be borne by the applicant.

432
433 When Title 21 requires a conditional use permit for a marijuana facility, the
434 applicant must meet with the City Planner to discuss the conditional use
435 permit process and any issues that may affect the proposed conditional
436 use. This meeting is to provide for an exchange of general and preliminary
437 information only and no statement made in such meeting by either the
438 applicant or the City Planner shall be regarded as binding or authoritative
439 for the purposes of this title.

440
441 **21.62.060 Safety and Security Plan**

442
443 A conditional use permit for a marijuana facility required by this title shall
444 include an analysis of the ways in which the intent and purpose of this
445 chapter have been met and the safety concerns identified in Sections
446 21.62.010 and 21.62.020 will be addressed.

447
448 **21.62.070 Buffers**

449
450 a) The Commission may require buffers, including berms, fences, trees, and
451 shrubs, to minimize impacts to adjacent property. A landscaped buffer or
452 combination of landscaping and berms of no less than ten feet in width will
453 be required where the property with a marijuana facility adjoins districts
454 in which marijuana facilities are prohibited or permitted only as a
455 conditional use.

456
457 b) The following buffer zones shall be applied to all marijuana facilities in all
458 districts:

- 459
460 1. Schools 1000 feet
461 2. Churches 500 feet
462 3. Jail 500 feet

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

- 463 **4. Youth/rec. center 500 feet**
- 464 **5. Library 200 feet**

465

466 **c) Marijuana facilities abutting the Jack Gist Municipal Park, Karen Hornaday**
467 **Municipal Park, Bayview Municipal Park, or Ben Walters Municipal Park**
468 **must have 1000 feet or more buffers measured from the boundary of the**
469 **park.**

470

471 **d) For purposes of this section, “schools” mean property primarily used as a**
472 **private or public elementary or secondary education facility or property**
473 **primarily used as a post-secondary education facility, including but not**
474 **limited to private, faith-based, and public colleges and universities.**

475

476 **21.62.80 General restrictions applied to all marijuana facilities.**

477

478 **a) All marijuana facilities in all districts shall comply with Section 21.59.030**
479 **of this title.**

480

481 **b) An application for a conditional use permit under this chapter shall not be**
482 **approved if the location of the facility violates the regulatory intent in**
483 **Section 21.62.020.**

484

485 Section 7. This ordinance shall take effect upon certification of a majority vote
486 **rejecting the proposition to prohibit marijuana establishments in the City at the regular**
487 **election to be held in the City on October 4, 2016 a special election to be held in the city**
488 **on April 19, 2016.**

489

490 Section 8. This ordinance is of a permanent and general character and shall be
491 included in the City code.

492

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

495

496 CITY OF HOMER

497

498

499 _____

500 MARY E. WYTHE, MAYOR

501 ATTEST:

502

503

504 _____

505 JO JOHNSON, MMC, CITY CLERK

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

506 AYES:
507 NOES:
508 ABSTAIN:
509 ABSENT:
510
511
512
513 First Reading:
514 Public Reading:
515 Second Reading:
516 Effective Date:
517
518
519
520 Reviewed and approved as to form:
521
522 _____
523 Mary K. Koester, City Manager
524
525 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

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(f) 907-235-3143

Memorandum 16-016

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: JANUARY 19, 2016
SUBJECT: RESULTS OF BALLOT MEASURE 2 TO LEGALIZE RECREATIONAL MARIJUANA FOR CITY OF HOMER VOTERS

Official election results from the General Election of November 4, 2014 of Ballot Measure 2 to legalize recreational marijuana for City of Homer voters are as follows:

BALLOT MEASURE 2	YES	NO	TOTAL VOTES
Homer No. 1	492	417	909
Homer No. 2	358	324	682
Totals	850	741	1,591

There were 4,499 registered voters in Homer No. 1 and 2 precincts with 1,591 people voting on Ballot Measure 2 for a 35% turnout.

53% of votes cast were YES for legalized recreational marijuana; 47% of votes cast were NO.

Informational only.



City of Homer

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(f) 907-235-3143

Memorandum 16-032

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: FEBRUARY 12, 2016
SUBJECT: HISTORY OF ORDINANCE 16-04(A)(S) – IDENTIFYING ZONING DISTRICTS
PERMITTING MARIJUANA FACILITIES

This summary is meant to provide the history of Ordinance 16-04(A)(S) to clarify the actions Council has taken, along with future actions the Council will consider.

January 25, 2016 – Ordinance 16-04 introduced and amended:

- ✓ Removed the Conditional Use Permit requirement from the Central Business District to allow marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by state law to be permitted outright.
- ✓ Designated that Marine Commercial be a no sale zone.

(Ordinance 16-04 becomes 16-04(A))

February 8, 2016 – Ordinance 16-04(A) public hearing and Substitute Ordinance 16-04(A)(S) adopted:

- ✓ Added limited marijuana cultivation facility in Rural Residential as defined in state law subject to the following provisions:
 1. The facility shall only be located on lots greater than 20,000 square feet.
 2. The facility shall comply with HCC 21.59, Off-site Impacts.
 3. The facility shall be setback 50 feet from the lot line.

(Ordinance 16-04(A) becomes 16-04(A)(S))

February 10, 2016 – Reconsideration of Ordinance 16-04(A)(S) issued timely by Councilmember Aderhold.

February 22, 2016 – Ordinance 16-04(A)(S) before Council for reconsideration. If reconsideration passes Ordinance 16-04(A)(S) will come back for further consideration and action under Public Hearings. If reconsideration fails, Ordinance 16-04(A)(S) stands as decided February 8th.

February 22, 2016 – Second Substitute Ordinance 16-04(A)(S-2) to be introduced by Mayor Wythe to add the following provision to marijuana zoning: **to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 2016.**

Public testimony is welcome for Ordinance 16-04(A)(S) and 16-04(A)(S-2) on February 22nd.

Informational only.



City of Homer

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Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 16-017

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
 THROUGH: KATIE KOESTER, CITY MANAGER
 FROM: RICK ABBOUD, CITY PLANNER
 DATE: JANUARY 14, 2016
 SUBJECT: DRAFT ORDINANCE PROPOSING TO ZONE MARIJUANA RELATED ACTIVITIES WITHIN THE CITY OF HOMER

The Planning Commission has been working on this item since August. It has been an agenda item at six meetings, two of which have been public hearings. This proposed ordinance deals specifically with zoning regulations for the four activities defined by the state: Cultivation; Limited (small - under 500 square feet) and Standard (large - more than 5000 square feet), Manufacturing, Retail, and Testing. The best way to express this is the table below and the map attached. At this point, there is no distinction for zoning purposes between limited and standard cultivation operations.

Our goal with this ordinance is to provide a place to start with the regulation of the industry and to have some options available prior to the date when the state is scheduled to accept applications, February 24th. This will allow the City Council to introduce and hold two public hearing prior to this date. The Planning Commission wants to allow the industry to start in a somewhat limited area until we gain more experience, with the thought it would be much easier to loosen rules in the future rather than try to ratchet it back later and leave nonconformities behind. If the Council recommends something that needs to be review by the Planning Commission, I recommend passing the parts of the ordinance that are acceptable to the Council, so that entrepreneurs have reasonable options to apply for a license February 24th. If no ordinance is adopted, commercial marijuana will be an unlisted use, meaning every application will be a conditional use with a fairly high threshold for approval. This is an unreasonable expectation.

It is important to consider the regulation that is proposed by the state when considering the regulations proposed by the city. We may not propose anything that is more liberal than what the state proposes. A brief summary of the state regulation is provided and attached is the regulation proposed at the time of this report.

A = Allowed (reviewed by the Planning Office). C = Conditional Use Permit needed (hearing before the Planning Commission required).

Table 1. Cannabis Activity by Zoning

Activity	District					
	CBD	GC1	GC2	EEMU	MC	
Retail	C	A	A	A	C	
MFG	C	A	A	A		
Testing	A	A	A	A		
Cultivation						
small	C	A	A	A		
large	C	A	A	A	45	

The Planning Commission also proposes some buffer distances in addition to the state provisions. These buffers are based on the federal governments' double penalty zone as defined in US Code. This includes 1000 feet buffers from the two colleges, the Alaska Bible Institute and the Kenai Peninsula College. 1000 feet buffers from Karen Hornaday, Jack Gist, Bayview, and Ben Walters Parks are also recommended. Another recommendation is a 200 foot buffer from the library. The language used by the state and the federal government does not describe a library, but after a request from the Library Advisory Board, the commission did recommend a 200 foot buffer. This buffer with the buffer extended from the college and consideration of the uses and ownership of nearby properties realistically ensures that operations will not be proposed anywhere in close proximity to the library. The combination of the library and college buffers, and existing land uses and land ownership (post office, banks) realistically ensures that operations will not be proposed anywhere close to the library.

You will surely be made aware of a petition that proposes that limited cultivation be allowed outright in the Rural Residential District and that marijuana activities be allowed outright in the Central Business District. Both of these subjects have been discussed at length by the Planning Commission. The commission believes that the limited cultivation in the Rural Residential District is too commercial to meet the purpose of the district. A limited cultivation operation is required by the state to have exterior lighting to facilitate surveillance (including within 20 feet of each entrance), a security alarm on all windows and doors, and continuous video monitoring. Approval for a commercial business from the Fire Marshal is required. All persons dealing with the product must have a marijuana handler permit. There must be a plan for odor control to ensure that it is not detectable off the premises. This is just a sampling of the many requirements of the state licensing requirements found in the final regulations through 12-1-15. Another concern about limited cultivation in the Rural Residential District is density. Because of the city regulations for lot size, many lots that have access to water and sewer are small. In any event, the commission would not entertain commercial activities on lots less than 20,000 square feet (about half an acre). In addition, there was discussion about the minimum distance between a commercial grow operation, and the adjoining property. In the end, commercial cultivation was not recommended for the district.

The Commission also thought that cannabis activities in the Central Business District would be best with additional review of the Planning Commission and an opportunity for neighbors to be noticed and participate in the hearing.

State of Alaska

While the City is looking at regulating relatively small aspects of the industry, the meat of requirements are found in the proposed regulations of the state. These regulations are quite extensive. There are requirements (Article 7) that apply to all of the activities along with more specific requirements that address each of the 4 individual licensing areas individually. One really needs to understand the state regulations to get an accurate picture of what these businesses may look like when approved. There are 127 pages that compose articles 1-9 of the proposed state regulations. I have highlighted some of these below, and draw particular attention to those that are a relevant consideration for zoning.

Many aspects of marijuana businesses are regulated by the state including:

- All waste disposal
- Transportation of the product
- Signage and advertising
- Inventory tracking
- No odor may be detectable off site

- None of the product may be consumed in any licensed facility (with the exception of the newly proposed consumption component of the retail license-more rules to come)
- No facilities may reduce or expand without board approval
- No delivery off-site
- No operation between the hours of 5 am and 8 am
- All business activities must be secured. This means that cameras and lighting needs to be adequate to identify those inside the facility and anyone within 20 feet of the outside entrances.
- Commercial grade locks will need to be installed.
- State application procedures require announcement in the newspaper for 3 consecutive weeks and announcements on the radio twice a week for 3 consecutive weeks, as well as on-site and nearby postings.

The state has proposed buffers such as:

- 500 feet from a school, a recreation or youth center, a building which religious services are regularly conducted, or a correctional facility.

Other aspects of the industry not addressed

During our conversation with the commission we received testimony and talked about other aspects of the industry not related to zoning such as; public consumption, driving under the influence, and a host of other concerns related to consumption. These items are for the police. Another item that came up frequently is the cannabis club or cafe. I put this in two categories.

I consider the cannabis club as a fraternal organization of sorts. This is not open to the general public in the sense that you have to be a member to enter, think ELKs. In this case, I would treat this use as the 'run-of-the-mill' fraternal assembly. The fraternal assembly may do anything that is not against the law. If they break the law, it would be the business of law enforcement to address.

I would describe a cannabis café as a place open to the general public where sales and consumption take place. The state is working on an allowance for a retail marijuana store to have a place for consumption. We do not have the specifics of this yet, but it is in the realm of a state licensed activity. I will not propose provision in city code for an activity that is not recognized by the state. If the state rules change in the future, the City can address it at that time.

Att.

1. Ordinance 16-04
2. Commercial Cannabis Cultivation Map 1/25/16
3. Commercial Cannabis Retail and Manufacturing Map, 1/25/16
4. State Regulations



City of Homer

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Planning

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Memorandum 16-023

TO: MAYOR WYTHE AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: FEBRUARY 1, 2016
SUBJECT: DRAFT ORDINANCE 16-04(A)(S) PROPOSING TO ZONE MARIJUANA
RELATED ACTIVITIES WITHIN THE CITY OF HOMER

Council Member Lewis proposes a substitute ordinance to Ordinance 16-04(A). This leaves the ordinance as amended intact. What it does is add Limited Cultivation (under 500 square feet of cultivation area) as a permitted use in the Rural Residential District when proposed within a few parameters (found on lines 112-117):

1. It shall be located on a lot greater than 20,000 square feet (a bit less than ½ an acre).
2. It shall comply with HCC 21.59, Off-site Impacts (This section of code is our nuisance standards that are applied to businesses in commercial districts from Residential Office to General Commercial 2. There are no nuisance standards in the Urban Residential and Rural Residential. It is and has been a subject of discussion. In general, we would not expect business located in these districts to present much of a nuisance).
3. It shall be located 50 feet from the lot line (some lots of irregular shapes, especially those closer to 20,000 square feet may be challenged to meet the standard).

Att.

1. Ordinance 16-04(A)(S)



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 16-036

DATE: February 16, 2016
TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
SUBJECT: Marijuana Legalization Impacts

Last week you requested that I research the possible impacts of the legalization of marijuana for the council's consideration. Based on meetings and various presentations I have attended I have some knowledge of the subject but I do not have any firm statistical data to present. I spoke with and emailed public safety agencies in Colorado and Washington, requesting arrest and contact data for marijuana related offenses both pre and post legalization. I have also tried to obtain data relating to the impact of legalization on juveniles. To date; I have not yet received any replies to my inquiries.

This is one subject where internet searches can be counted on to result in erroneous and corrupted results. There are dozens and dozens of internet sites proclaiming to be presenting the real facts and honest data relating to legalization. Close examination reveals the information to be at best a misinterpretation of crime statistics and in some cases simply concocted information. I attended a presentation by a captain from the Washington State Patrol last year. He warned our group about the vast amount of false data on the internet relating to marijuana. I think if we are going to base any decisions on realized statistics, the statistics need to come from a reliable source. Another important factor to consider is the relative newness of legalized marijuana to the scene. After just one year of legalization, can we blame legalization for any increase in crime rates? Normal crime statistic studies generally require five years of data before any causation factors are considered to be relevant.

Based on a presentation I attended at the crime conference last spring, Denver Police statistics show that the crime rate is up almost 7% post legalization. This is a summation across all crime types, about 35 in all. They showed drug violations to be up 20% and public use violations to be up 237%. Many statistical comparisons that would be very interesting to know do not exist because the categories were not tracked prior to legalization. Officials from Denver and Washington State both reported an increase in the amount of use by juveniles but no statistics were provided. Both also reported that the required security at licensed facilities seemed to be a deterrence to crime but they have experienced robberies and burglaries at all types of marijuana related businesses. Our local marijuana social club has been burglarized once, about two weeks ago.



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 16-037

DATE: February 1st 2016
TO: City Manager Koester
FROM: Mark Robl, Chief of Police, Bob Painter Fire Chief
SUBJECT: Second Hand Marijuana Smoke

Current proposals from the state will allow marijuana to be smoked in retail establishments. Marijuana Social Clubs are illegal under state law but how to conduct enforcement against them is not clearly defined. Clubs exist and are operating in Homer, Anchorage and Fairbanks. Nothing exists in state law to regulate the amount of smoke in these establishments, prescribe limits on smoke, or require ventilation.

We ask that the Council take into consideration the safety and potential exposure hazard of second hand smoke to City employees and volunteers when considering permitting the smoking of marijuana in retail establishments, marijuana social clubs or any public venue in the City of Homer. It is our responsibility to limit the exposure to second hand smoke of all types by our firefighters, police officers and EMS personnel whenever possible. Second hand marijuana smoke is arguably more dangerous than second hand cigarette smoke as it contains elements that may impair a person if subjected to excessive smoke for too long a period of time. The decision by the state to allow public smoking in retail stores and not to address it in social club situations without ventilation requirements or smoke concentration level restrictions produces potentially hazardous response situations and liability concerns for us. We would not want to send a police officer or firefighter into a dangerous scene after any exposure to second hand marijuana smoke, especially if they've been in a setting where the smoke level was very elevated. There is no known acceptable exposure level to second hand marijuana smoke for first responders. Any level of THC discovered in a police officer could result in their decertification by the Alaska Police Standards Council. The city passed an ordinance several years ago to ban cigarette smoking on any city owned property to protect city employees from second hand smoke.



City of Homer

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Office of the City Clerk

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Memorandum 16-040

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: FEBRUARY 25, 2016
SUBJECT: UPDATE ON COUNCIL ACTIONS RELATING TO COMMERCIAL MARIJUANA

February 22, 2016 – Ordinance 16-06 prohibiting commercial marijuana activity in the City failed.

February 22, 2016 – Ordinance 16-07(A) was introduced. This ordinance proposes the following proposition come before the voters at a Special Election to be held in the City on April 19, 2016:

PROPOSITION NO. 1

Shall the City of Homer adopt a local option to prohibit the sale and importation for sale of marijuana and any marijuana product; the operation of any marijuana establishment, including one or more of the following license types: a retail marijuana store; a cultivation facility; a marijuana product manufacturing facility; or a marijuana testing facility?

YES NO

A “YES” vote would prohibit the operation of any commercial marijuana establishments, including cultivation facilities, testing facilities, manufacturing facilities, and retail stores or facilities from operating within the boundaries of the City of Homer.

A “NO” vote would permit the City of Homer City Council to permit operations of commercial marijuana establishments, including cultivation facilities, manufacturing facilities, testing facilities, and/or retail stores or facilities within the boundaries of the City of Homer.

March 14, 2016 - A public hearing on this ordinance will be held at the City Council meeting. Public testimony is welcome at the public hearing. The public may also provide written comment to the City Clerk if they are unable to attend.

February 22, 2016 – Reconsideration of Ordinance 16-04(A)(S) passed

- ✓ The motion to substitute Ordinance 16-04(A)(S) for Ordinance 16-04(A) back to Council under public hearings.
- ✓ After hearing public testimony and discussion the motion to substitute failed.
- ✓ Ordinance 16-04(A) was back on the floor for consideration
- ✓ A motion was made to substitute Ordinance 16-04(A)(S-2) for Ordinance 16-04(A)

February 22, 2016 – Ordinance 16-04(A)(S-2) adopted as amended:

- ✓ Included all the language proposed in 16-04(A)(S)
- ✓ Amended to add Chapter 21.62 “Marijuana Facilities” regarding land use requirements for marijuana cultivation, manufacturing, testing, and retail facilities to be effective only upon certification of a majority vote rejecting the Proposition to prohibit marijuana establishments in the City at a Special Election to be held in the City on April 19, 2016.

(Ordinance 16-04(A) becomes 16-04(A)(S-2(A))

February 23, 2016 – Reconsideration of Ordinance 16-04(A)(S-2)(A) issued timely by Councilmember Reynolds.

A summary of the history of Ordinance 16-04 prior to February 22, 2016 can be found in Memorandum 16-032 dated February 12, 2016.

Informational only.



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Memorandum 16-046

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK
DATE: MARCH 3, 2016
SUBJECT: RECONSIDERATION OF ORDINANCE 16-04(A)(S-2)(A)

At the February 22nd City Council meeting Council took the following actions on Ordinance 16-04(A)(S) relating to the zoning for marijuana:

Under Reconsideration

- Voted yes to reconsider Ordinance 16-04(A)(S).

Under Public Hearing

- Voted no to substitute Ordinance 16-04(A)(S) for Ordinance 16-04(A)
- Moved to substitute Ordinance 16-04(A)(S-2) for Ordinance 16-04(A)
- Amended Ordinance 16-04(A)(S-2) to change the dates from the regular election in October to a special election in April

After that Council kept redirecting itself to Ordinance 16-04(A) and proceeded to propose amendments calling it A-2.

The motion to substitute 16-04(A)(S-2) was never amended to remove the allowance in rural residential or to go back to Ordinance 16-04(A) so when Council voted at the end of the public hearing, they voted on the Ordinance 16-04(A)(S-2) version as amended. If the goal of the council is to go back to the version of 16-04(A) then it is recommended that the following actions are taken:

Under Reconsideration

- Vote yes to reconsider Ordinance 16-04(A)(S-2)(A).

Under Pending Business

- Vote no to substitute Ordinance 16-04(A)(S-2)(A). That will put Ordinance 16-04(A) back on the floor.

A copy of Ordinance 16-04(A-2) is provided to show the amendments that were made at the February 22, 2016 meeting.

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

4 Planning Commission

5 **ORDINANCE 16-04(A-2)**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.18, CENTRAL BUSINESS
9 DISTRICT; HOMER CITY CODE 21.24, GENERAL COMMERCIAL 1;
10 HOMER CITY CODE 21.26, GENERAL COMMERCIAL 2; HOMER CITY
11 CODE 21.27, EAST END MIXED USE; HOMER CITY CODE 21.40 TO
12 IDENTIFY THE ZONING DISTRICTS PERMITTING MARIJUANA
13 FACILITIES AND ADOPTING CHAPTER 21.62 ENTITLED
14 "MARIJUANA FACILITIES" REGARDING GENERAL LAND USE
15 REQUIREMENTS FOR MARIJUANA CULTIVATION,
16 MANUFACTURING, TESTING, AND RETAIL FACILITIES **TO BE**
17 **EFFECTIVE ONLY UPON CERTIFICATION OF A MAJORITY VOTE**
18 **REJECTING THE PROPOSITION TO PROHIBIT MARIJUANA**
19 **ESTABLISHMENTS IN THE CITY AT A SPECIAL ELECTION TO BE**
20 **HELD IN THE CITY ON APRIL 19, 2016.**
21 .

22
23 WHEREAS, It is in the City's best interest to draft comprehensive regulations regarding
24 the use of property within the City to cultivate, manufacturer marijuana or to operate a retail
25 store selling marijuana **and the proposition to prohibit marijuana establishments in the**
26 **city at the special election to be held on April 19, 2016;** and
27

28 WHEREAS, The City is dedicated to drafting regulations that prevent the distribution of
29 marijuana to minors; prevents revenue from the sale of marijuana from going to criminal
30 enterprises, gangs, and cartels; prevents the diversion of marijuana from states where it is
31 legal under state law in some form to other states; prevents state-authorized marijuana
32 activity from being used as a cover or pretext for the trafficking of other illegal drugs or other
33 illegal activity; prevents violence and the use of firearms in the cultivation and distribution of
34 marijuana; prevents drugged driving and the exacerbation of other adverse public health
35 consequences associated with marijuana use; prevents the growing of marijuana on public
36 lands and the attendant public safety and environmental dangers posed by marijuana
37 production on public land; and prevents marijuana possession or use on federal property.
38

39 THE CITY OF HOMER ORDAINS:

40
41 Section 1. Homer City Code Chapter 21.18 is amended as follows:

42 Section 21.18.020 Permitted uses and structures.
.....

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

43 The following uses are permitted outright in the Central Business District,
44 except when such use requires a conditional use permit by reason of size, traffic
45 volumes, or other reasons set forth in this chapter:

- 46 a. Retail business where the principal activity is the sale of merchandise
47 and incidental services in an enclosed building;
- 48 b. Personal service establishments;
- 49 c. Professional offices and general business offices;
- 50 d. Restaurants, clubs and drinking establishments that provide food or
51 drink for consumption on the premises;
- 52 e. Parking lots and parking garages, in accordance with
53 Chapter 21.55 HCC;
- 54 f. Hotels and motels;
- 55 g. Mortuaries;
- 56 h. Single-family, duplex, and multiple-family dwellings,
57 including townhouses, but not including mobile homes;
- 58 i. Floatplane tie-up facilities and air charter services;
- 59 j. Parks;
- 60 k. Retail and wholesale sales of building supplies and materials, only if
61 such use, including storage of materials, is wholly contained within one
62 or more enclosed buildings;
- 63 l. Customary accessory uses to any of the permitted uses listed in the
64 CBD district; provided, that a separate permit shall not be issued for the
65 construction of any detached accessory building prior to that of
66 the main building;
- 67 m. Mobile homes, provided they conform to the requirements set forth
68 in HCC 21.54.100;
- 69 n. Home occupations, provided they conform to the requirements of
70 HCC 21.51.010;
- 71 o. Ministorage;
- 72 p. Apartment units located in buildings primarily devoted to business or
73 commercial uses;
- 74 q. Religious, cultural, and fraternal assembly;
- 75 r. Entertainment establishments;

Added language Deleted language ~~stricken through.~~

- 76 s. Public, private and commercial schools;
- 77 t. Museums and libraries;
- 78 u. Studios;
- 79 v. Plumbing, heating and appliance service shops, only if such use,
80 including the storage of materials, is wholly within an
81 enclosed building;
- 82 w. Publishing, printing and bookbinding;
- 83 x. Recreational vehicle parks only if located south of the
84 Sterling Highway (Homer Bypass) from Lake Street west to the
85 boundary of the Central Business District abutting Webber Subdivision,
86 and from Heath Street to the west side of Lakeside Village Subdivision,
87 provided they shall conform to the standards in HCC 21.54.200 and
88 following sections;
- 89 y. Taxi operation limited to a dispatch office and fleet parking of no
90 more than five vehicles; maintenance of taxis must be conducted within
91 an enclosed structure, and requires prior approval by the City Planner
92 of a site, access and parking plan;
- 93 z. Mobile food services;
- 94 aa. Itinerant merchants, provided all activities shall be limited
95 to uses permitted outright under this zoning district;
- 96 bb. Day care homes and facilities; provided, however, that outdoor play
97 areas must be fenced;
- 98 cc. Rooming house, bed and breakfast and hostel;
- 99 dd. Auto repair and auto and trailer sales or rental areas, but only on
100 Main Street from Pioneer Avenue to the Sterling Highway,
101 excluding lots with frontage on Pioneer Avenue or the Sterling Highway,
102 subject to the following additional requirements: Vehicles awaiting
103 repair or service, inoperable vehicles, vehicles for parts, and vehicles
104 awaiting customer pickup shall be parked indoors or inside a fenced
105 enclosure so as to be concealed from view, on all sides. The fence shall
106 be a minimum height of eight feet and constructed to
107 prohibit visibility of anything inside of the enclosure. The portion of any
108 vehicle exceeding eight feet in height may be visible outside of the

Added language ~~Deleted language stricken through.~~

- 109 fence. Vehicle parts (usable or unusable), vehicle service supplies, and
110 any other debris created in the repair or servicing of vehicles shall also
111 be stored indoors or inside the fenced enclosure out of view of the
112 public;
113 ee. Farmers' market;
114 ff. Dormitory;
115 gg. Financial institutions;
116 hh. As an accessory use, one small wind energy system per lot having a
117 rated capacity not exceeding 10 kilowatts;
118 ii. One detached dwelling unit, excluding mobile homes, as
119 an accessory building to a principal single-family dwelling on a lot.
120 **jj. Marijuana cultivation facilities, manufacturing facilities, retail**
121 **facilities, and testing facilities as defined by state law.**
122

123 Section 2. Homer City Code Chapter 21.24 is amended as follows:

124 Section 21.24.020 Permitted uses and structures.

125 The following uses are permitted outright in the General Commercial 1
126 District, except when such use requires a conditional use permit by reason of
127 size, traffic volumes, or other reasons set forth in this chapter.

- 128 a. Air charter operations and floatplane tie-up facilities;
129 b. General business offices and professional offices;
130 c. Dwelling units located in buildings primarily devoted to
131 business uses;
132 d. Auto repair;
133 e. Auto and trailer sales or rental areas;
134 f. Auto fueling stations and drive-in car washes;
135 g. Building supply and equipment sales and rentals;
136 h. Restaurants, including drive-in restaurants, clubs and drinking
137 establishments;
138 i. Garden supplies and greenhouses;
139 j. Heavy equipment and truck sales, rentals, service and repair;
140 k. Hotels and motels;
141 l. Lumberyards;

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

- 142 m. Boat and marine equipment sales, rentals, service and repair;
- 143 n. Mortuaries;
- 144 o. Open air businesses;
- 145 p. Parking lots and parking garages, in accordance with
- 146 Chapter 21.55 HCC;
- 147 q. Manufacturing of electronic equipment, electrical devices, pottery,
- 148 ceramics, musical instruments, toys, novelties, small molded products
- 149 and furniture;
- 150 r. Publishing, printing and bookbinding;
- 151 s. Recreation vehicle sales, rental, service and repair;
- 152 t. Retail businesses;
- 153 u. Trade, skilled or industrial schools;
- 154 v. Wholesale businesses, including storage and distribution services
- 155 incidental to the products to be sold;
- 156 w. Welding and mechanical repair;
- 157 x. Parks and open space;
- 158 y. Appliance sales and service;
- 159 z. Warehousing, commercial storage and mini-storage;
- 160 aa. Banks, savings and loans, credit unions and other financial
- 161 institutions;
- 162 bb. Customary accessory uses to any of the permitted uses listed in the
- 163 GC1 district; provided, that no separate permit shall be issued for the
- 164 construction of any type of accessory building prior to that of the main
- 165 building;
- 166 cc. Dry cleaning, laundry, and self-service laundries;
- 167 dd. Taxi operation;
- 168 ee. Mobile food services;
- 169 ff. Itinerant merchants, provided all activities shall be limited
- 170 to uses permitted outright under this zoning district;
- 171 gg. Recreational vehicle parks, provided they shall conform to the
- 172 standards in Article II of Chapter 21.54 HCC;

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

- 173 hh. Day care homes; provided, that a conditional use permit was
174 obtained for the dwelling, if required by HCC 21.24.030; all outdoor play
175 areas must be fenced;
176 ii. Rooming house and bed and breakfast;
177 jj. Dormitory;
178 kk. As an accessory use, one small wind energy system per lot.

179 **ll. Marijuana cultivation facilities, manufacturing facilities, retail**
180 **facilities, and testing facilities as defined by state law.**
181

182 Section 3. Homer City Code Chapter 21.26 is amended as follows:

183 Section 21.26.020 Permitted uses and structures.

184 The following uses are permitted outright in the General Commercial 2
185 District, except when such use requires a conditional use permit by reason of
186 size, traffic volumes, or other reasons set forth in this chapter:

- 187 a. Production, processing, assembly and packaging of fish, shellfish and
188 seafood products;
189 b. Construction, assembly and storage of boats and boat equipment;
190 c. Manufacture and assembly of pottery and ceramics, musical
191 instruments, toys, novelties, small molded products, electronic
192 instruments and equipment and electrical devices;
193 d. Research and development laboratories;
194 e. Trade, skills or industrial schools;
195 f. Publishing, printing and bookbinding facilities;
196 g. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
197 rentals, service and repair, excluding storage of vehicles or equipment
198 that is inoperable or in need of repair;
199 h. Storage and distribution services and facilities, including truck
200 terminals, warehouses and storage buildings and yards, contractors'
201 establishments, lumberyards and sales, or similar uses;
202 i. Airports and air charter operations;
203 j. Underground bulk petroleum storage;
204 k. Cold storage facilities;
205 l. Parking lots and parking garages, in accordance with
206 Chapter 21.55 HCC;

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

- 207 m. Mobile commercial structures;
- 208 n. Accessory uses to the uses permitted in the GC2 district that are
- 209 clearly subordinate to the main use of the lot or building, such as
- 210 wharves, docks, restaurant or cafeteria facilities for employees; or
- 211 caretaker or dormitory residence if situated on a portion of the
- 212 principal lot; provided, that separate permits shall not be issued for the
- 213 construction of any type of accessory building prior to that of the main
- 214 building;
- 215 o. Taxi operation;
- 216 p. Mobile food services;
- 217 q. Itinerant merchants, provided all activities shall be limited
- 218 to uses permitted outright under this zoning district;
- 219 r. Recreational vehicle parks, provided they shall conform to the
- 220 standards in Chapter 21.54 HCC;
- 221 s. Hotels and motels;
- 222 t. Dormitory;
- 223 u. As an accessory use, one small wind energy system per lot;
- 224 v. Open air business.
- 225 **w. Marijuana cultivation facilities, manufacturing facilities, retail**
- 226 **facilities, and testing facilities as defined by state law.**

227
228 Section 4. Homer City Code Chapter 21.27 is amended to read as follows:

229
230 Section 21.27.020 Permitted uses and structures.

231
232 The following uses are permitted outright in the East End Mixed Use
233 District, except when such use requires a conditional use permit by reason of
234 size, traffic volumes, or other reasons set forth in this chapter:

- 235 a. Auto, trailer, truck, recreational vehicle and heavy equipment sales,
- 236 rentals, service and repair;
- 237 b. Drive-in car washes;
- 238 c. Building supply and equipment sales and rentals;
- 239 d. Garden supplies and greenhouses;
- 240 e. Boat and marine equipment sales, rentals, manufacturing,
- 241 storage yard, service and repair;
- 242 f. Welding and mechanical repair;
- 243 g. Restaurants, including drive-in restaurants, clubs and drinking

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

- 244 establishments;
- 245 h. Religious, cultural, and fraternal assembly;
- 246 i. Studios;
- 247 j. Personal services;
- 248 k. Agricultural activities, including general farming, truck farming,
- 249 nurseries, tree farms and greenhouses;
- 250 l. Private stables;
- 251 m. Storage of heavy equipment, vehicles or boats;
- 252 n. Plumbing, heating and appliance service shops;
- 253 o. Home occupations on a lot whose principal permitted use is
- 254 residential, provided they conform to the requirements of
- 255 HCC 21.51.010;
- 256 p. Mortuaries and crematoriums;
- 257 q. Open air businesses;
- 258 r. Parking lots and parking garages, in accordance with Chapter 21.55
- 259 HCC;
- 260 s. Manufacturing, fabrication and assembly;
- 261 t. Retail businesses;
- 262 u. Trade, skilled or industrial schools;
- 263 v. Wholesale businesses, including storage and distribution services
- 264 incidental to the products to be sold;
- 265 w. Parks and open space;
- 266 x. Warehousing, commercial storage and mini-storage;
- 267 y. Recreational vehicles, subject to the standards in HCC 21.54.320(a),
- 268 (b) and (c);
- 269 z. Dry cleaning, laundry, and self-service laundries;
- 270 aa. Mobile food services;
- 271 bb. As an accessory use, one small wind energy system per lot;
- 272 cc. Production, processing, assembly and packaging of fish, shellfish
- 273 and seafood products;
- 274 dd. Research and development laboratories;
- 275 ee. Storage and distribution services and facilities, including truck
- 276 terminals, warehouses and storage buildings and yards, contractors'
- 277 establishments, lumberyards and sales, or similar uses;
- 278 ff. Cold storage facilities;
- 279 gg. Mobile commercial structures;
- 280 hh. Single-family and duplex dwellings, only as an accessory use
- 281 incidental to a permitted principal use; provided, that no permit shall
- 282 be issued for the construction of an accessory dwelling prior to the
- 283 establishment of the principal use;
- 284 ii. The repair, replacement, reconstruction or expansion of a single-
- 285 family or duplex dwelling, including a mobile home, that existed
- 286 lawfully before its inclusion in the GC1, GC2 or EEMU zoning districts,

Added language Deleted language stricken through.

287 notwithstanding any provision of Chapter 21.61 HCC to the contrary;
288 provided, that a mobile home may not be used to replace or expand
289 such a dwelling;
290 jj. Customary accessory uses to any of the uses permitted in the EEMU
291 district that are clearly subordinate to the main use of the lot
292 or building, including without limitation wharves, docks, storage
293 facilities, restaurant or cafeteria facilities for employees; or caretaker or
294 employee dormitory residence if situated on a portion of the same lot
295 as the principal use; provided, that no permit shall be issued for the
296 construction of any type of accessory building prior to the
297 establishment of the principal use;
298 kk. Taxi operation;
299 ll. Itinerant merchants, provided all activities shall be limited to uses
300 permitted outright under this zoning district;
301 mm. More than one building containing a permitted principal use on
302 a lot;
303 nn. The outdoor harboring or keeping of dogs, small animals and fowl
304 as an accessory use to a residential use in a manner consistent with the
305 requirements of all other provisions of the Homer City Code and as long
306 as such animals are pets of the residents of the dwelling and their
307 numbers are such as not to unreasonably annoy or disturb occupants of
308 neighboring property.
309 **oo. Marijuana cultivation facilities, manufacturing facilities, retail**
310 **facilities, and testing facilities as defined by state law.**

311
312 Section 5. Chapter 21.62 is hereby enacted as follows:
313

314 **Chapter 21.62**

315
316 **Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities**

317
318 **Sections:**

319 **21.62.010 Scope.**

320 **21.62.020 Intent**

321 **21.62.030 Definitions**

322 **21.62.040 Pre-application conference.**

323 **21.62.050 Costs**

324 **21.62.060 Safety and Security Plan**

325 **21.62.070 Buffers.**

326 **21.62.080 General restrictions on all marijuana facilities.**

327
328 **21.62.010 Scope**

329
[Bold and underlined added. Deleted language stricken through.]

330 **a. This chapter applies to the operation of all marijuana cultivation,**
331 **manufacturing, retail , and testing facilities within the city boundaries.**

332
333 **b. This chapter in no way protects marijuana facilities from enforcement of**
334 **federal law nor is it intended to sanction conduct or operations prohibited by law.**
335 **All persons engaged in the marijuana industry within the city operate at their**
336 **own risk and have no legal recourse against the City in the event that city laws**
337 **are preempted, negated or otherwise found unenforceable based upon federal**
338 **law prohibiting the sale, distribution, consumption or possession of marijuana.**

339
340 **21.62.020 Intent**

341
342 **a. This chapter is intended to impose regulations that prevent:**

- 343
344 **1. The distribution of marijuana to minors;**
345 **2. Revenue from the sale of marijuana from going to criminal enterprises,**
346 **gangs, and cartels;**
347 **3. The diversion of marijuana from states where it is legal under state law in**
348 **some form to other states where it is unlawful;**
349 **4. State-authorized marijuana activity from being used as a cover or pretext**
350 **for the trafficking of other illegal drugs or other illegal activity;**
351 **5. Violence and the use of firearms in the cultivation and distribution of**
352 **marijuana;**
353 **6. Drugged driving and the exacerbation of other adverse public health**
354 **consequences associated with marijuana use;**
355 **7. The growing of marijuana on public lands and the attendant public safety**
356 **and environmental dangers posted my marijuana production on public**
357 **land; and**
358 **8. Marijuana possession or use on federal property.**

359
360 **21.62.030 Definitions [reserved]**

361
362 **21.62.040 Pre-application Conference.**

363
364 **21.57.050 Costs.**

365
366 **The cost of all permits, studies and investigation required under this**
367 **chapter shall be borne by the applicant.**

368
369 **When Title 21 requires a conditional use permit for a marijuana facility, the**
370 **applicant must meet with the City Planner to discuss the conditional use**
371 **permit process and any issues that may affect the proposed conditional**
372 **use. This meeting is to provide for an exchange of general and preliminary**

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

373 **information only and no statement made in such meeting by either the**
374 **applicant or the City Planner shall be regarded as binding or authoritative**
375 **for the purposes of this title.**
376

377 **21.62.060 Safety and Security Plan**

378
379 **A conditional use permit for a marijuana facility required by this title shall**
380 **include an analysis of the ways in which the intent and purpose of this**
381 **chapter have been met and the safety concerns identified in Sections**
382 **21.62.010 and 21.62.020 will be addressed.**
383

384 **21.62.070 Buffers**

385
386 a) **The Commission may require buffers, including berms, fences, trees, and**
387 **shrubs, to minimize impacts to adjacent property. A landscaped buffer or**
388 **combination of landscaping and berms of no less than ten feet in width will**
389 **be required where the property with a marijuana facility adjoins districts**
390 **in which marijuana facilities are prohibited or permitted only as a**
391 **conditional use.**
392

393 b) **The following buffer zones shall be applied to all marijuana facilities in all**
394 **districts:**

- | | | |
|-----|------------------------------------|-------------------------|
| 395 | 1. <u>Schools</u> | <u>1000 feet</u> |
| 396 | 2. <u>Churches</u> | <u>500 feet</u> |
| 397 | 3. <u>Jail</u> | <u>500 feet</u> |
| 398 | 4. <u>Youth/rec. center</u> | <u>500 feet</u> |
| 399 | 5. <u>Library</u> | <u>200 feet</u> |

400
401
402 c) **Marijuana facilities abutting the Jack Gist Municipal Park, Karen Hornaday**
403 **Municipal Park, Bayview Municipal Park, or Ben Walters Municipal Park**
404 **must have 1000 feet or more buffers measured from the boundary of the**
405 **park.**
406

407 d) **For purposes of this section, “schools” mean property primarily used as a**
408 **private or public elementary or secondary education facility or property**
409 **primarily used as a post-secondary education facility, including but not**
410 **limited to private, faith-based, and public colleges and universities.**
411

412 **21.62.80 General restrictions applied to all marijuana facilities.**

413
414 a) **All marijuana facilities in all districts shall comply with Section 21.59.030 of this**
415 **title.**

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

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b) **An application for a conditional use permit under this chapter shall not be approved if the location of the facility violates the regulatory intent in Section 21.62.020.**

~~Section 7. This ordinance shall take effect upon its adoption by the Homer City Council.~~ **This ordinance shall take effect only upon certification of a majority vote rejecting the proposition to prohibit marijuana establishments in the City at the Special Election to be held in the City on April 19, 2016.**

Section 8. 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:

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

459 _____
460 Mary K. Koester, City Manager
461
462 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

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

CONSENT AGENDA

Session 16-04 a Regular Meeting of the Homer City Council was called to order on February 22, 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

STAFF: CITY MANAGER KOESTER
ACTING CITY CLERK JACOBSEN
CITY ATTORNEY DAVIES
POLICE CHIEF ROBL
PUBLIC WORKS DIRECTOR MEYER
CITY PLANNER ABBOUD
PERSONNEL DIRECTOR BROWNING

Council met for a Worksession from 4:00 p.m. to 4:55 p.m. to discuss Homer Accelerated Water and Sewer Program (HAWSP) and Homer Accelerated Roads and Trails Program (HART), Memorandum 16-030 from City Manager, Memorandum 16-022 from Deputy City Clerk, Memorandum 15-099 from Economic Development Advisory Commission, and Memorandums 15-193 and 16-027 from Public Works Director as backup. Council met as a Committee of the Whole from 5:00 p.m. to 5:49 p.m. to discuss **Ordinance 16-07**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. **Ordinance 16-04(A)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.28, Marine Commercial; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Planning Commission; **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis; Memorandum 16-016 from City Clerk and Memorandums 16-017 and 16-023 from City Planner as backup, and **Ordinance 16-04(A)(S-2)**, **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending **Homer City Code 21.12, Rural Residential**; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **To Be Effective Only Upon Certification Of A Majority**

Vote Rejecting The Proposition To Prohibit Marijuana Establishments In The City At The General Election To Be Held In The City On October 4, 2016. Mayor.

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.)

Written Public Comments On Ordinance 16-05(S)(A) Beach Regulations, Ordinance 16-06 Prohibiting Commercial Marijuana, Ordinance 16-04(A)(S) Zoning For Commercial Marijuana, Resolution 16-013 And 16-014 Homer Enterprise Spit Leases, And 16-016 Public Safety Building, Memorandum 16-039 From The Police Chief As Backup To Resolution 16-016 On The Public Safety Building; Under City Manager's Report Aml Legislative Meeting Report From Councilmember Zak And A Lobbyist Report And Under Resolutions, Substitute Resolution 16-021(S) And Memorandum 16-038 From Public Works Director As Backup.

The amended agenda was approved by consensus of the Council.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Bumppo Bremicker, city resident, commented against banning driving on city beaches and that we just need to support and enforce the reasonable laws we already have.

Michael Crawford, city resident, commented in opposition to Ordinance 16-07 and in support of allowing commercial activity so people who want to do it can get started. He also supports allowing retail on the spit.

Robert Townsend commented in support of keeping the beaches open for vehicles to allow people who heat with coal the ability to go out and collect the coal they need. He supports keeping the area open in front of Mariner Park to the left and right from October to March.

Jill Gann, non-resident, commented regarding Hickerson Cemetery. She expressed her appreciation for the neighborhood meeting and the neighbors requests that were brought up included a treed buffer, not removing any trees on the west portion and plant additional ones, improve the image of the existing cemetery, downsize the footprint of the proposed expansion by 50%, inquire about moving the American Legion's pavilion and use that land for additional plots, change code to require vaults and use something besides chain link for the fencing.

Kevin Hogan, city resident, commented in support of renewing both leases in Resolution 16-013 and 16-014. Petro Marine has been a good neighbor and provides a lot of jobs for the community.

Roberta Highland, city resident, commented that she supports the beach ordinance that passed last time which limits motorized use in a lot of areas. Regarding not allowing cannabis in rural residential encourages a slower process and will allow us to see what it's going to look like in our community.

Jeremiah Emerson, non-resident, apologized for his inflammatory comments of Facebook and recognizes the need to work together on this. He does not support Ordinance 16-07 putting this back

to the voters but to allow commercial activity in the city. He thinks there will be enough growers outside the city to support business here and that restricting in the Rural Residential district is a good compromise to give it some time and more public education.

Scott Adams, city resident, expressed concern about the beach ordinance because it's hard to keep up with the changes. He reviewed the actions taken previously and disagrees with closing Homer beaches that have been used historically and traditionally and supports the seasonal allowance. He also commented in support of renewing the leases for Petro Marine, they are a good partner at the harbor.

Jordan Michelle commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her in dealing with her medical issues.

Smokey Norton, Petro Marine Sales Terminal and Marketing VP, requested the council renew both leases before the Council tonight noting his letter in the packet. Petro isn't bothered by the idea of competition, but that they have huge investment and not renewing both leases impedes any additional improvement they can do.

Carrie Harris, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She cited the current availability through the black market and black market growers who want to become legal, also loss of city revenue.

Lela Ryterksi, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. We need to decriminalize it and tax it. Alcohol is worse, and the ballot language is hard to understand.

Rebecca Jones, non-resident, echoed Mr. Bremmicker's comments to keep the beaches open and enforcing the rules in place. She is a frequent beach user and hasn't felt threatened or that users are disrespectful. She does not support the beach ordinance.

Robert Archibald, city resident, commented in support of the beach ordinance. He agrees there is a need for the coalers to be able to get out in the winter. Regarding commercial marijuana, he would like to see grow operations prohibited in Rural Residential in the city, there are a lot of questions that haven't been answered yet. He also supports limiting the number of licenses issued for commercial marijuana.

Lindainne Sarno, city resident, commented that she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. The vote is another form of a ban and creates divisiveness. She talked about people who will benefit from it and encouraged not making businesses wait.

Mike Kennedy, city resident, commented Alaska allows burial anywhere in the state and recently rescinded the prohibition on transporting a body not embalmed. Burying someone isn't a pollutant unless they are embalmed. He commented about green burial movement and what should be banned is embalming. He appreciates the beach effort but does not support closing the beaches.

Ruth Swearingen commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her husband in dealing with his medical issues.

James Donally, city resident commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Big pharma is looking at marijuana and at places that look like a good market for them. He wants to make sure we are ready and can't let them in.

Mila Chaney, non-resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana in the city. She explained how marijuana has benefitted her in dealing with her medical issues.

Mike Fairman, city resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. He encouraged everyone to do the research to see why it was banned in the first place.

David Harris, city resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Bringing it to the voters again proves the council can't do their job.

Kimberly Ketter, city resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. Alcohol is a worse business than marijuana.

Christie Hill, non-resident, commented she does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. She explained how marijuana has benefitted her husband in dealing with his medical issues and the challenges with getting prescribed medication due to Medicare requirements.

Michael McGuire, non-resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. He understands they are in a tough position but encouraged becoming better educated on the topic and not putting it to another vote.

Ray Kranich, city resident, commented in support of renewing the leases in Resolutions 16-013 and 16-014. He commented about the beach ordinance and would like the access north and east of the airport open back up. He doesn't support restricting beach access, but if that is what they decide to do then leave the designated area open in the winter.

August Weber commented against restricting access to the beach. Families should be allowed to collect coal anytime and it's unfair to put that burden on them in the winter when they may want to do other activities.

Kevin Walker, non-resident, commented he does not support Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city. The city needs the revenue.

Ryan Walker, non-resident, opposes restricting vehicle access on the beach. He also opposes Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city.

Tim Clark, city resident, opposes restricting beach access; they need to be open year round for people to collect coal. He also opposes Ordinance 16-07 putting the question back to the voters and supports allowing commercial marijuana sales in the city.

Larry Garvey, city resident, opposes restricting beach access and asked they consider keeping it open so people can collect coal to heat their homes.

Mayor Wythe called for a recess at 7:15 p.m. and the meeting reconvened at 7:25 p.m.

RECONSIDERATION

A. Reconsideration issued by Councilmember Lewis:

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

Mayor Wythe called for a motion for the reconsideration of Ordinance 16-05(S)(A) by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Councilmember Lewis commented we won't make everyone happy but opening the area near Mariner Park from October to March is a fair trade.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

B. Reconsideration issued by Councilmember Aderhold:

Ordinance 16-04(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities"

Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Reynolds/Aderhold.

Memorandums 16-016 and 16-032 from City Clerk as backup.
Memorandums 16-017 and 16-023 from City Planner as backup.

Mayor Wythe called for a motion for the reconsideration of Ordinance 16-04(A)(S) by reading of title only.

ADERHOLD/REYNOLDS SO MOVED.

Councilmember Aderhold commented she looked back through the Planning Commission's evaluation of rural residential and reasoning for leaving out the district. One reason being the strict requirements associated with a limited cultivation facility would be much more of a commercial operation than anything that occurs in rural residential.

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

Motion carried.

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 February 8, 2016. City Clerk. Recommend adoption.
- B. **Memorandum 16-033**, from Mayor Wythe, Re: Appointment of Cassandra Peterson to the Economic Development Advisory Commission and Jacque Peterson to the Library Advisory Board. Recommend adoption.
- C. **Resolution 16-022**, A Resolution of the Homer City Council Noting the Insufficiency of the Petition for Road Reconstruction and Paving for Shelford Street. City Clerk. Recommend adoption.
- D. **Resolution 16-023**, A Resolution of the City Council of Homer, Alaska, Approving and Accepting the Donation from the Homer Animal Friends of a Bronze Dog by Alaskan Artist Steve Kelly to be Placed at the Memorial Garden at the Animal Shelter. City Clerk. Recommend adoption.
Memorandum 16-034 from Police Chief as backup.
- E. **Resolution 16-020**, A Resolution of the Homer City Council Awarding the Contract for the Chip Pad Fence Demolition Project to the Firm of Alaska Marine Excavation, LLC of Anchor Point, Alaska, in the Amount of \$14,700 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend adoption.

Memorandum 16-035 from Public Works Director as backup.

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

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- A. South Peninsula Hospital, Service Area Board, Ralph Brosches, 10 minutes.

Ralph Broches gave a historical overview of the hospital since it first opened in Homer. He addressed the hospital's service area and provided information showing the demographics of the aging population in the area. Mr. Broches explained the responsibilities of the service area board and reviewed financial information including tax revenues, expenses, general obligation bonds and examples of capital purchases. Lastly he touched on the role of the hospital in our community and informed the Council that a Healthcare Task Force was appointed by the Borough Mayor to to analyze the current hospital service area structure and evaluate whether changes should be recommended to better serve all residents of the Kenai Peninsula. Additionally, the Task Force will collect and analyze information regarding the healthcare system operations, practices, service delivery and costs within the Kenai Peninsula Borough.

ANNOUNCEMENTS/PRESENTATIONS/BOROUGH REPORT/COMMISSION REPORTS

- A. Letter of appreciation to Councilmember Zak from Governor Walker
- B. Borough Report
- C. Commissions/Board Reports:
1. Library Advisory Board
 2. Homer Advisory Planning Commission
 - a. Minutes of February 3, 2016

Planning Commissioner Roberta Highland reported the Commission is working on a draft ordinance to simplify some language relating to accessory dwellings in the Rural Residential Zoning District. She noted that the amendment does not propose any property use changes. She also reported they have begun looking at the Comprehensive Plan update and started with the energy chapter. Their goal is to produce a plan that has a more logical and easy flow to it. The energy chapter has some

implementation tables that may not be realistic and the commission will review the content, discuss why things haven't moved forward, and what it might take to become realistic.

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

Parks and Recreation Advisory Commissioner Robert Archibald reported that the Early Childhood Coalition spoke to the Commission about needed improvements at Bayview Park, particularly the picket fence. The Coalition is fundraising to collect money to fix the fence and may be looking to the City for some funding for that. The Friends of Woodard Creek and Karen Hornaday Park are going to finance a survey of the east property line of Hornaday Park to find out where the line is and look at putting a trail there. The Commission is going to amend the bylaws so the Chair can vet agenda items to help make it easier on staff. They are also going to review the Strategic Plan to bring it more in line with the Homer Recreational and Cultural Needs Assessment. Lastly \$20,000 has been raised so far for the water trail pavilion.

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

PUBLIC HEARING(S)

- A. **Ordinance 16-06**, An Ordinance of the City Council of Homer, Alaska, Enacting Homer City Code Chapter 6.18, Marijuana Establishments, Prohibiting the Operation of Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, and Retail Marijuana Stores in the City. Smith/Van Dyke. Introduction February 8, 2016, Public Hearing and Second Reading February 22, 2016.

Mayor Wythe opened the public hearing.

Stuart Schmutzler, non-resident, commented in opposition of Ordinance 16-06. He shared the history of how cannabis became illegal many years ago explaining up until the 20th century the federal government supported it and in the late 30's 1930's two major manufactures were key in creating this great fear of the product due to their fear of competition. He added that allowing commercial sales will allow for additional revenue and won't increase availability to the youth, it already is there.

Christin Fankhouser, city resident, commented in support of Ordinance 16-06. She shared statistics of harmful impacts of marijuana and that legalization may encourage more youth to experiment with it. In her profession as a Salvation Army officer, which includes work as a pastor and social worker, she sees the effects on a daily basis.

Walter Swearingen commented in opposition to Ordinance 16-06. He commented that by legalizing marijuana we can control it, educate, and improve in keeping away the criminal element. He finds it disturbing how it seems they are ignoring the people who use it medically. This has already been voted on and passed.

Roberta Highland, city resident, commented about things she has learned related to marijuana. She said the state said the city can limit the number licenses as a city, but the attorney says it could open us up to a suit, which she doesn't understand. There are a lot of questions and that probably means we should slow down a little. She thinks it's worth discussion that it's still illegal federally. There has been nasty social media going around and some people aren't here tonight because they are afraid. She doesn't support an all-out ban but does want a limit on numbers and supports a slower approach.

David Harris, city resident, cited HCC 1.18.010(a) and that by voting the councilmembers in, voters are putting their trust in them to represent. If council can't follow this section in code and a vote where 53% of Homer approves something then you don't need to be in office.

Susan Killfoile, non-resident, commented she provided a list of documentaries and wondered if anyone had watched. She commented that for every study there is a counter study. She appreciates what they are doing but encouraged keeping an open mind and look at some of the documentaries because the information is crucial.

Jerimiah Emmerson, non-resident, commented about the importance of public education and is willing to do a presentation to the Council on commercial cannabis. He explained timelines, tracking, and cash handling, adding that retail stores wouldn't open until September or October.

Mayor Wythe asked Mr. Emmerson to contact the Clerk's office about being scheduled as a visitor on a Council agenda.

Kimberly Ketter, city resident, commented she studies the social work field, substance abuse and the mental health association. Years ago weed was only seen as an issue because it's a gateway drug and where she came from in Pennsylvania when pot was hard to get a hold of, kids started on heroin. She noted the bust that just happened and as big as it was, no one knew about it, that's how mellow it could be. She also commented the elderly is a vulnerable population and she doesn't know why that would be suggested.

Rebecca Jones, non-resident, commented in opposition to Ordinance 16-06. Personally she doesn't use marijuana but believes in the democratic process. People are already using it and have access to it. She commented about her experience having lived on the Mexican border and seen first-hand the effects of smuggling. She asked Council to allow it at the local level citing economic benefit and help our vulnerable neighbors to the south.

Mako Haggerty, non-resident, thanked Mr. Schmutzler the background information he shared. He opposes Ordinance 16-06. Legal marijuana has increased revenues in Colorado with little or no adverse effects to the social health of that state. He suggests councilmembers make themselves aware of the numbers. The City will be the biggest loser if this passes.

Ryan Walker, non-resident, commented in opposition to Ordinance 16-06. The rights for people who use a plant are no different than, women's rights, freeing blacks from slavery, or gay rights. People's ideas have been wrong before. We are users of a plant and have rights as a culture; we aren't going away and aren't going to back down. He asked that they please respect the vote.

Ruth Swearingen commented in opposition of Ordinance 16-06. She used to work with the Salvation Army and has helped with a lot of people and did a lot of volunteer work. She commented on her faith and family, reiterating the benefits of marijuana for her husband's health issues.

Joni Wise, city resident, commented we aren't debating medical marijuana, it is legal. We are debating dispensaries in city limits. To say allowing them will help control it, has forgotten how that has worked with alcohol. She commented about the rude behavior directed at council, the law is the council that has been elected to make these decisions, and that those who disagree can run for office. Council is trying to make the best decision for the city as a whole.

Logan Jensen, city resident, commented in opposition to Ordinance 16-06 and shared his experience in San Francisco as a medical cannabis patient. He's disappointed that despite legal medical marijuana there isn't any place to buy it legally. He's also disappointed that the Council isn't confident enough in the vote of the people to pass an ordinance or get educated on this issue that is important to the community.

Dan Miotke, city resident, commented that none of us think marijuana is new to town and know that it readily available if you want it, and now it's okay to grow it yourself and use it. His concern is whether we want to open it free reins at this point. He encouraged slowing down and putting it to a vote.

Carrie Harris, city resident, commented in opposition of Ordinance 16-06. She isn't worried about the results of the vote. She heard a lot about tourism at the last meeting and said do not discount our local tourist from the area and around the state who spend money here. So don't discount what they have to say.

Michael McGuire, non-resident, commented in opposition to Ordinance 16-06. He encourage that there is urgency upon us to treat each other better. We need to learn from this and get better educated on all areas including personal use, medical use, and commercial benefits.

Terry Reed, city resident, does not support Ordinance 16-06. We have already voted on this and she want to see green cross dispensaries with people who are knowledgeable about their products and what will be most helpful for a person's needs.

Megan Anderson, non-resident, noted community groups she's involved with and that she is commenting on her own beliefs. She opposes Ordinance 16-06. The black market industry has been flourishing and will continue regardless. We're at a crossroads where we can continue to spend resources we don't have or embrace the voter's wishes and generate tax revenue we desperately need. She encouraged keeping an open mind and giving it a chance.

Mike Fairman, city resident, commented in opposition to Ordinance 16-06 and proposes getting educated on the topic.

Mike Kennedy, city resident, commented that he doesn't think the hostility over all this is directed personally, but at the frustration at the process. He doesn't support Ordinance 16-06. He encouraged people to understand this is an herb, not a drug. It's used medically and recreationally. He asked people to use liberal thinking and interpretation for the City to put forward commercialization of marijuana and don't overlook the potential of it.

Tim Clark, city resident, commented he does not support Ordinance 16-06. Banning it throws away opportunities for jobs, opportunities to better themselves, and opportunities to regulate and know where it's at. This has been all over social media and local media so people are aware and his personal perspective is a lot more people are for it.

August Weber commented against Ordinance 16-06. People are already doing it and banning won't stop it. Allowing commercial marijuana could do a lot for the community.

Mark Landwer, non-resident, commented in opposition to Ordinance 16-06. He thinks the Council is giving up their responsibility to proactively handle this and rejecting the public's desire to handle this in an open way. He talked about an opportunity he had with a building that he let go of.

Christie Hill, non-resident, commented in opposition to Ordinance 16-06. She commented about the benefits of being able to tax it and current cuts that are being made at the high school. It would be great to say no to this ordinance so we can get the tax dollars here.

Scott Owens commented in opposition to Ordinance 16-06. He spoke about the local cannabis club and that it has 150 members. He commented about the revenue the city could see if they legalize commercial activities and also about how marijuana has benefitted him as one who suffers from PTSD and how it can help others.

Frank Hodnik, city resident, commented in opposition to Ordinance 16-06. He commented that there are a lot of the professionals in town who support commercial marijuana but won't testify because we've been dealing with 70 years of prohibition. He spoke briefly about how marijuana can help people and benefits he has seen particularly working with veterans.

There were no further comments and the public hearing was closed.

Mayor Wythe called for a motion for the adoption of Ordinance 16-06 by reading of title only for second and final reading.

VAN DYKE SO MOVED.

Motion failed for lack of a second.

B. **Ordinance 16-04(A)(S)**, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled "Marijuana Facilities" Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities. Lewis. Introduction January 25, 2016, Public Hearings February 8 and 22, 2016, and Second Reading February 22, 2016.

Ordinance 16-04(A)(S-2), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 21.12, Rural Residential; Homer City Code 21.18, Central Business District; Homer City Code 21.24, General Commercial 1; Homer City Code 21.26, General Commercial 2; Homer City Code 21.27, East End Mixed Use; Homer City Code 21.40 to Identify the Zoning

Districts Permitting Marijuana Facilities and Adopting Chapter 21.62 Entitled “Marijuana Facilities” Regarding General Land Use Requirements for Marijuana Cultivation, Manufacturing, Testing, and Retail Facilities **to be Effective Only Upon Certification of a Majority Vote Rejecting the Proposition to Prohibit Marijuana Establishments in the City at the Regular Election to be Held in the City on October 4, 2016.** Mayor.

Memorandums 16-016 and 16-032 from City Clerk as backup.

Memorandums 16-017 and 16-023 from City Planner as backup.

Memorandum 16-036 from Police Chief as backup.

Memorandum 16-037 from Police Chief and Fire Chief as backup.

Mayor Wythe called for a recess at 8:55 p.m. The meeting reconvened at 9:00 p.m.

Mayor Wythe opened the public hearing.

Roberta Highland, city resident, commented as a reminder that the vote allowed cities to opt out and quite a few cities have done that. The City council is doing their job and encouraged people to be respectful about that. She commented in support of holding off on rural residential just to get a feel for this in the beginning. This is new territory.

Mike Kennedy, city resident, commented this amendment is kind of a back door approach to making an election. He doesn't support a special election and it's a no brainer that it will pass. He thinks the council should take the responsibility and not pass it on to us. He recalled elections for the city center that got voted down and a special election about smoking and Homer voted smoking in, they voted for choice, also the food tax is another good example.

David Harris, city resident, commented Ordinance 16-04 needs to pass but the amendment needs to go down tonight, it needs to end. The majority voted on it and you all are here to represent the majority of the voters.

Carrie Harris, city resident, said yes to 16-04 as it is. That's the compromise. No to 16-04 (A)(S-2) the ordinance to bring it to a vote. If you bring it to a vote, you will pay in a lot more ways than just with the cannabis public initiative she will put forth tomorrow morning.

Robert Archibald, city resident, commented that the vote for this did not count the major majority of the population of Homer so it's not a mandate. He appreciates Council being a little cautious on this and entertaining another vote. From all the discussion that has been going on, he thinks the discussion that has gone on; there is a better educated public. If the majority votes for commercial marijuana, so be it. That's the will of the people.

Jeremiah Emerson, non-resident, commented in support of Ordinance 16-04(A). He doesn't like the S-2 version. He suggested the City begin looking forward to how they will deal with the excise tax. Right now he believes the state is going to take it and decide how to allocate it and the City could make a resolution or letter to the Department of Revenue asking for a certain percentage. That is where most of the financial benefit will come to the city. He said he is available and will do his part to answer questions and help educate the public.

There were no further comments and the public hearing was closed.

With approval of the reconsideration, the following motion is on the floor:

LEWIS/REYNOLDS SO MOVED TO SUBSTITUTE ORDINANCE 16-04(A)(S) FOR ORDINANCE 16-04(A).

There was discussion clarifying that if they vote down 16-04(A)(S) that 16-04(A) is back on the floor and then a motion can be made to substitute 16-04(A)(S-2).

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

Motion failed.

SMITH/VAN DYKE MOVED TO SUSPEND THE RULES AND DISCUSS ORDINANCE 16-07.

There was no discussion.

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

Motion carried.

After the introduction of Ordinance 16-07 as amended, discussion resumed on Ordinance 16-04(A)

Mayor Wythe called for a motion for the substitution of Ordinance 16-04 (A)(S-2).

ZAK/VAN DYKE SO MOVED.

Councilmember Aderhold commented that S-2 includes the rural residential zoning, which they want to remove. She asked if they need to vote down what they just did.

Mayor Wythe said they want to get rid of rural residential, so it would be A-2 so we keep the language about the vote certification.

City Manager Koester explained that to be consistent with the action that has been taken two categories of amendment need to happen. One would be to change the date from a regular election in October to a special election in April. The second would be to take it back to version A which didn't allow limited cultivation in rural residential. She said Attorney Davies is working on an amendment to the substitute to do that.

Mayor Wythe called for a motion on page 163 line 20 to delete the October 4th and insert April 19th, and again on page 175, line 502 delete regular election to be held in the City on October 4th and insert Special Election to be held in the City on April 19th.

ZAK/VAN DYKE SO MOVED.

There was brief discussion this makes it consistent with ordinance 16-07(A).

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Wythe commented that Attorney Davies is still working on an amendment and asked for a motion to suspend the rules to hear the City Manager's report while she completes the amendment.

LEWIS/ADERHOLD MOVED TO START ON THE CITY MANAGER'S REPORT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

After completion of the City Manager's Report discussion resumed on Ordinance 16-04(A)(S-2).

City Manager Koester asked for confirmation that the Council is working on version 16-04(A)(S-2).

Acting City Clerk Jacobsen confirmed that is correct.

Based on comments some members the discussion was directed to version 16-04(A).

City Manager Koester asked for clarification on amendments made thus far.

Acting City Clerk Jacobsen replied that the motion was to substitute 16-04(A)(S-2) and it was amended to change the date from October to April for the election, so the next change would be to address rural residential zoning. Mayor Wythe interjected to bring it back to 16A.

Attorney Davies said she went back to the A version which doesn't contain the rural residential language and added the enactment language to the title and last section. She asked to confirm that is what Council is at. Mayor Wythe said she thinks that's where Council thinks they are as well.

REYNOLDS/LEWIS MOVED TO ADD TO THE TITLE ON STARTING ON LINE 16 TO BE EFFECTIVE ONLY UPON CERTIFICATION OF A MAJORITY VOTE REJECTING 16-07. ON LINE 20 WHICH ENDS OPERATE A RETAIL STORE SELLING MARIJUANA AND, ADD THE WORDS THE PROPOSITION TO PROHIBIT MARIJUANA ESTABLISHMENTS IN THE CITY AT THE SPECIAL ELECTION TO BE HELD ON APRIL 19, 2016. LASTLY, LINE 415 SECTION 7 READ THIS ORDINANCE SHALL TAKE EFFECT ONLY UPON CERTIFICATION OF A MAJORITY VOTE REJECTING THE PROPOSITION TO PROHIBIT MARIJUANA ESTABLISHMENTS IN THE CITY AT THE SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016.

Mayor Wythe asked if there if there was any objection to the adoption of 16-04(A-2)

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ORDINANCE(S)

- A. **Ordinance 16-07**, An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. Recommended dates: Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016.

Mayor Wythe called for a motion for the introduction of Ordinance 16-07 by reading of title only.

SMITH/VAN DYKE SO MOVED.

LEWIS/REYNOLDS MOVED TO AMEND TO DELETE LINE 9 AND 10 THE REGULAR ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016, AND INSERT A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016

Councilmember Lewis commented if this ordinance passes the people who support commercial marijuana deserve to have the vote as soon as possible.

Mayor Wythe agreed. She explained the reason she brought this forward is there are people on the other side of the issue who think it's a bad idea. If the Council were to move this forward it has a chance of moving more quickly than if the community moves it forward. Regardless of the decision the council would make today there will likely be a referendum before them. She feels like the six Councilmembers and the Mayor shouldn't necessarily be the ones making the decision this time. She understands people voted for it at the state election. She understands that if she has to break a tie, her vote will likely be no, so she is trying to give this an opportunity for a second chance. She expressed her disagreement with comments that the Council isn't doing their job here. She added that the comments that have come out these last few weeks have caused a lot of people to step back. The negative and ugly comments of the supporters in social media and at the meetings isn't helping the cause but solidifying perspective of the people who don't support it.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LEWIS/ZAK MOVED ON LINE 37 DELETE OCTOBER 4, 2016 REGULAR MUNICIPAL ELECTION AND ADD APRIL 19, 2016.

There was no discussion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was discussion on the amendments provided to Council by Attorney Davies at the Committee of the Whole.

Mayor Wythe called for a motion to amend to add Section 2. Commercial Marijuana establishments shall not be permitted within the boundaries of the City of Homer; and section 4. This ordinance shall become effective immediately upon its enactment except for section 2 of this ordinance which shall be effective upon the passage of proposition 1.

ZAK/VAN DYKE SO MOVED.

Mayor Wythe commented that these amendments were recommended so that the ordinance, if it moves forward, will have the parameters that will work with the zoning ordinance.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Councilmember Reynolds thinks the voters have spoken and there won't be a problem passing it. She doesn't think we need to go through the expense of an election and that it will prolong division of the community. She doesn't think there is a need to step outside respectful communication about any of the things we discuss here, even when emotions run high. She acknowledged people who are interested in getting started in the industry and this caught them unaware and is probably where it stemmed from. She is puzzled about the possibility of referendum, but she does feel they were elected to hear the points of view and make a decision.

Councilmember Lewis commented if this passes the City gains nothing but will lose tax revenue. The businesses will be right outside city limits and those areas are still called Homer, so this won't accomplish a whole lot. We aren't putting the beach policy to a vote and this shouldn't be either.

Councilmember Smith commented that the ballot measure people voted on provided for this discussion to be part of the process. He appreciates the communities input and thinks it's important to talk about legalization and commercial operation. They aren't questioning the medical benefits or the legality of having it, they are addressing the commercialization. The language wouldn't be there if it weren't to be considered.

Councilmember Zak asked about how this impacts the zoning ordinance.

There was discussion that they can pass a version of the zoning ordinance 16-04 tonight so it will be in place once the election is certified.

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

Mayor Wythe voted yes to break the tie.

Motion carried.

CITY MANAGER'S REPORT

A. City Manager's Report

City Manager Koester noted:

- The Library received a grant for books and supplies from the Rasmussen Foundation.
- Having a working group of Councilmembers who can touch base with the lobbyist in Juneau once a week. Councilmembers will check in with the City Manager to sign up and participate.

Councilmember Lewis commented regarding the issues last time there was a jack up rig at the dock. He questioned if we should vote to have a rig tied up at the harbor.

There was brief discussion on scheduling the Councilmember lunches and Councilmember Smith's conflict on Monday's when the Council is scheduled to meet.

Councilmember Lewis initiated the discussion about the requests that came from the Hickerson Cemetery meeting. He thinks if the property owners in the area want something special we should start discussing cost sharing. He also touched on whether there can be a requirement that embalmed bodies must be in a vault.

City Manager Koester suggested one way to proceed would be to send the project to the Planning Commission for some vetting provided the Council accompanies it with specific directives. They could also choose the option to move forward with the project with a policy for burials. Other things to address are raising the cost of a plot to help offset increased cost of making a more aesthetically pleasing cemetery and conversation about the no build option as the city incurs costs to maintain the cemetery.

Brief comments were made regarding if a fence is required, disrepair of the current fence, raised headstones despite the code language that the must be flat, and if it's viable to expect someone else to take over the business.

Councilmember Aderhold raised the point they need to decide if the City wants to expand the cemetery and continue running it.

Councilmember Smith suggested there are other options noting that at cemeteries in other countries there are a lot of urn holders used for entire families and they are very beautiful. It doesn't have to be putting bodies in the ground.

City Manager Koester said she spoke to the funeral home about a Niche Wall that is being built up the road for about \$25,000. She couldn't recall the capacity and it is something that can be researched further. She will ask the Planning Commission to look the Niche Wall, the no build option, and addressing requirements for a vault if a body is embalmed and not requiring if the body isn't embalmed.

Lastly, City Manager Koester talked to the Council about the Homer Volunteer Fire Departments request for a councilmember to participate with setting their strategic planning goals. Councilmember Smith expressed interest, depending on when they plan to meet.

B. Bid Report

CITY ATTORNEY REPORT

- A. City Attorney Report

COMMITTEE REPORT

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

Public Safety Building Committee Chair Ken Castner encourage Council to make a decision tonight on an option and target a price when they take up Resolution 16-016.

13. PENDING BUSINESS

- A. **If Reconsideration passes:**

Ordinance 16-05(S)(A), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Reynolds/Aderhold.

Ordinance 16-05(S)(A)(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, Enacting Homer City Code Chapter 7.16, Vehicles in Beach Areas, and Repealing Homer City Code Chapter 19.16, Vehicles on Homer Spit Beach, to Restrict the Operation, Stopping and Parking of Motor Vehicles in Beach Areas. Lewis.

Memorandum 16-018 from City Manager as backup.

Memorandum 16-031 from City Attorney as backup.

After reconsideration the following motion is on the floor:

ADOPTION OF ORDINANCE 16-05(S) AS AMENDED FOR SECOND AND FINAL READING

Mayor Wythe called for a motion for the substitution of Ordinance 16-05(S)(A)(S) for Ordinance 16-04(S)(A)

LEWIS/ADERHOLD SO MOVED.

Councilmember Lewis acknowledged tonight's testimony on the beach. Opening the area of the beach from October 1 through March 31 is a compromise that will allow people to get out and collect coal.

Councilmember Van Dyke commented when this first came to council over a year ago it was to address a problem people were having at Bishops Beach and now it's escalated into all the beaches in Homer being closed off for vehicular traffic. He doesn't think that's right. He thinks they should fix the problem on the beach that has the problem and leave the rest alone.

Councilmember Aderhold appreciates Mr. Van Dyke's comments but wants to honor the work of the Parks and Recreation Commission and their best recommendation based on a number of public hearings. She thinks there are issues on our beaches and we need to be cognizant of that.

Councilmember Smith added that growing up here he has used the beaches for a lot of the same reasons people use them. He thinks it's a public space and for us to be deciding whose recreational needs more important is too much sometimes. He thinks we should have open spaces for a lot of different uses. He hates to have to limit it. He's in favor of this change opening more of the beach. After talking with a member of the public he thinks the boundaries defined in the ordinance should be changed slightly to keep people from going all the way to the mouth.

There was brief discussion to define the area Mr. Smith is referring to.

SMITH/REYNOLDS MOVED TO AMEND IT TO BE FROM THE SOUTH END OF MARINER PARK BEACH ACCESS TO THE EAST END OF THE SEAWALL.

There was brief discussion.

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

Motion carried.

There was no further discussion on the motion to adopt Ordinance 16-05(S)(A)(S) as amended.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- B. **Resolution 16-013**, A Resolution of the Homer City Council Concerning the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease for Lot 8-E-1 Homer Spit #6 and Directing that it be Canceled at the Term of the Lease December 1, 2018, and that the Property be Advertised for Lease in a Request for Proposals. City Manager. Postponed from January 25, 2016.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

The motion on the floor from January 25, 2016:

LEWIS/VAN DYKE SO MOVED THE ADOPTION OF RESOLUTION 16-013 BY READING OF TITLE ONLY.

Councilmember Lewis commented he has spent a summer working at this fuel dock. It's basically an overflow dock and to allow it to go to bid could mess things up on the dock. He respects what the Port and Harbor Advisory Commission wants, but if Petro Marine loses the lease they would remove their tanks, building, ramp, and wooden dock, leaving a couple of pilings there. He doesn't think anyone else could afford to put in the infrastructure and run a dock. He suggests voting it down and sending it back to the lease committee and Commission to work something out with Petro Marine.

Councilmember Smith supports the RFP process for us to do what's in the best interest of the community. He agrees it will be difficult to compete with Petro Marine in the process. He recalled his experience with an RFP at the airport and the city lost two clients and the spaces sat empty. We have to be careful when we have people willing to invest the time and resources, sometimes it's good policy and good form to extend them invitation to continue to do business here.

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

Motion failed.

- C. **Resolution 16-014**, A Resolution of the Homer City Council Amending the Harbor Enterprises, dba Petro 49, (Formerly Petro Marine Services) Lease on the Coal Point Fuel Float and the Terminal Tank Farm on the Coal Point Lot (Sec 1 T7S, R13W, S.M.) and to Enter Into a New 20-Year Term Lease With the City, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Postponed from January 25, 2016.

Memorandum 16-012 from Port and Harbor Advisory Commission as backup.

The motion is on the floor from January 25, 2016:

LEWIS/REYNOLDS SO MOVED THE ADOPTION OF RESOLUTION 16-014 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- D. **Resolution 16-016**, A Resolution of the City Council of Homer, Alaska, in Support of the Homer Public Safety Building as Presented by the Public Safety Building Review Committee. Mayor. Postponed from January 25, 2016.

The motion on the floor from January 25, 2016:

LEWIS/REYNOLDS SO MOVED THE ADOPTION OF RESOLUTION 16-016 BY READING OF TITLE ONLY.

Councilmember Van Dyke does not support any of the three options regardless of the work that has been done and the cost of it is prohibitive.

VAN DYKE/SMITH MOVED TO AMEND TO A BOND REQUEST FOR AN OPTION TO BE DEVELOPED BY THE COMMITTEE FOR THE CONSTRUCTION OF A POLICE DEPARTMENT ONLY NOT TO EXCEED SEVEN MILLION DOLLARS.

Councilmember Reynolds is not supportive of this and has an amendment to propose.

Councilmember Smith commented about the new Fire Station built in Nikiski five years ago for six million dollars, including the land acquisition. He supports looking at options in a lower price range. He doesn't discount the work that has gone in to a needs assessment, but there is also the community needs assessment that comes along with the price tag that we need to consider as well. He agrees it needs to move forward but we don't want it to fail at the ballot because of the cost.

Councilmember Lewis doesn't think you can compare a police stations needs to a fire station, particularly with jail cells, communication center, and emergency areas.

Mayor Wythe concurred with Mr. Lewis regarding the differences between police and fire stations, noting air handling equipment needed for a jail facility when trying to mitigate airborne diseases and so forth. There are mechanicals required costing up to five million dollars that wouldn't necessarily be part of a fire hall.

Councilmember Aderhold added this amendment doesn't address the fire hall.

Councilmember Van Dyke commented that the building proposed will last 300 years at our present growth rate and he thinks it can be scaled back making it more affordable. In option 3 the police building is ten million dollars at 24,000 square feet. He questions why we can't build a 15,000 square feet for six million dollars.

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

Mayor Wythe voted no to break the tie.

Motion failed.

REYNOLDS/LEWIS MOVED TO AMEND LINE 39 TO READ OPTION 3 AND REMOVING OPTION 2 AND OPTION 1; AND LINE 40, CONSTRUCTION OF A REDUCED SIZE PHASED PUBLIC SAFETY CAMPUS WITH POLICE STATION ONLY TO THE VOTERS OF THE CITY OF HOMER DURING THE GENERAL ELECTION IN 2016 IN THE AMOUNT NOT TO EXCEED TWELVE MILLION DOLLARS.

Councilmember Reynolds commented based on information from last week's worksession and other meetings she has attended, this would be a good way to get started on the police station. She also noted the memorandum from the Fire Chief explaining that refurbishments to the fire hall to extend the life about ten years would cost one million dollars.

Question was raised if the 12 million includes the one million for the fire station. Ms. Reynolds replied no, but it could.

Discussion ensued regarding previous talk that the police station could be done for 10 million dollars. Comment was made that it was bonding for 10 million dollars and coming up with additional monies from funds that may be available through the city.

They also briefly addressed monies already allocated and expended.

Mayor Wythe commented about language being omitted regarding bringing this to the voters of the City of Homer during the General Election October 2016 and it should be added back.

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

Motion carried.

There was further discussion that \$650,000 has been authorized to be expended and are currently under contract for \$490,000.

ZAK/VAN DYKE MOVED TO AMEND THE 12 MILLION TO 11.5 MILLION

Councilmember Smith asked if this would include the improvements to the existing fire hall. Mr. Zak said yes, it would.

Further discussion clarified that the resolution is only setting the budget not the building size. After the resolution is adopted, it will be up to the committee to work with the architect to work to create a building in the size that will work in the allocated budget.

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

Mayor Wythe voted no to break the tie.

Mayor Wythe called for a motion to add back the language bringing this to the voters of the City of Homer during the General Election October 2016 and it should be added back.

LEWIS/ADERHOLD SO MOVED.

Councilmember Reynolds noted it wasn't her intention to remove that language in her original motion.

VOTE (Amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

There was no further discussion.

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

Motion carried.

14. NEW BUSINESS

15. RESOLUTIONS

- A. **Resolution 16-021**, A Resolution of the Homer City Council Awarding the Contract for the Deep Water Dock Uplands Improvements 2016 Project to a Firm to be Named in an Amount to be Announced and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk/Public Works Director.

Councilmember Smith disclosed that his father works for Puffin Electric, the firm being awarded the contract.

Mayor Wythe ruled that he does not have a conflict of interest as he does not benefit directly from the award of the contract. Councilmembers did not raise objection to her ruling.

Mayor Wythe called for a motion adoption of Resolution 16-021 by reading of title only.

LEWIS/REYNOLDS SO MOVED.

Mayor Wythe called for a motion for the substitute of Resolution 16-021(S) for Resolution 16-021.

LEWIS/REYNOLDS SO MOVED.

There was no discussion.

VOTE (Substitution): NON OBJECTION: UNANIMOUS CONSENT.

There was brief discussion regarding the difference between the amount of in the resolution to award and the actual bid amount in the memorandum. City Manager Koester explained that there is a very strict budget on the project because it's a legislative grant and it cannot exceed one million dollars. Minor adjustments had to be made to the project cost bringing the cost down from the original bid amount to the amount in the substitute resolution.

VOTE (Main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

16. COMMENTS OF THE AUDIENCE

Carrie Harris, city resident, commented every time you over regulate you create a larger mentality that there is nothing we can do about it. It causes people not to participate in government and results in lower voter turnout. Bringing this back makes the voters question, why bother. She asked how much of a majority of a majority do they need? If she's offended the council on social media, in the new paper, on the street, or anywhere else, she suggests they toughen up a little bit because she doesn't sugar coat anything.

Kimberly Ketter, city resident, commented that the pot thing is silly and ridiculous and she's wondering, do we vote on the cop building? We voted against the trail fund, she can't find the break down, and asked where the transparency is because she can't see where funds go. We want to talk commercial marijuana in the city, but yet there is business being done in residential marked areas in the city and people living in commercially marked areas in the city limits. She lives in the city and it's expensive to pay all the utilities and stuff, and we get taxed heavy to take care of the tourists. She can

use the sidewalk to bike and walk but the sidewalks aren't taken care of. They are taken care of in the summer for the tourists while we're slipping and falling on the ice. She was told that comes out of the general fund not the trail fund. She commented additionally about trails that aren't complete and how quickly building a road will use up the three million dollars in the account.

Mayor Wythe commented that the budget is available on the City of Homer website.

Mike Kennedy, city resident, is disappointed this majority decision is going back for a re-do, it insults the voters that voted before. He supports democracy and we voted. To make another vote and call it democracy is a ruse. If we are going to have a special election we should save some money and put the public safety building up now. Lets do about a dozen advisory votes since we are going to spend \$6,000 on a special election. Why not vote on annexation, and where was the council when we had a chance to vote on the natural gas assessments? Why not vote on a bed tax and to re-do the grocery tax. The city voted down a civic center, let's put up the public safety building. Dave Lewis had a great idea to vote on whether to have drill rigs come into Kachemak Bay and tie up again. Why didn't we vote on the \$100,000 spent on the emergency generator for the library. Democracy isn't pick and choose. If you want a real democracy, vote on all of this because obviously there is a lot of controversy.

Scott Adams, city resident, thanked council for reconsidering the beach ordinance, it will help a lot of people. He sees a different twist on the special election vote, the state allowed us to vote on allowing it legal in Alaska and cities were the ones to decide if it's legal in the city limits. Wasilla went through the city council process and voted it down. Council has given people the the vote for it and he appreciates that too. Regarding the public safety building, he would like to see some skin from the city when we bond for it. We just did a twelve million dollar gas line assessment and bond. He would like the see the wording for the special election to say yes, you want it and no, you don't want it. The wording is not straight forward. He isn't sure what the borough is doing relating to marijuana. He would like to see \$1 million to the fire department, the bond be \$10 million total, and the city put some skin in it.

Ken Castner, city resident, thanked the Council for doing something with the public safety building. He is fiscally conservative. There will be some costs incurred along the way and what he would like them to do is to take care of the Fire Department soon and get going as a project. He would be upset if it was tied into a bond proposition later as these are all deferred maintenance items. It will be a challenge to do what needs to be done with the police station project; the costs aren't in the square footage of the building but in electrical and mechanical costs. The Committee will get to work to bring something back to council fairly quickly with new ideas that will make it work.

Mark Landwer, non-resident, commented about the HERC building giving them the additional challenge of knocking down a white elephant. The lot Gus mentioned down on Mr. Waddell's property is vacant and someone commented building on the lot they have. He commented on his experience helping build a building around a machine. You've got that good property there and you don't want to separate the two. It's interesting that there is a flight to money, to bonds. He commented about the state budget cuts and refiguring how they value things and falling oil costs.

Ryan Walker, non-resident, commented thinks it's silly to re-vote. What if in April we re-voted on all the council positions to make sure we like you all? The vote was 53 to 47 with a pretty big turnout for

voters. He isn't sure what the turnout was when the council members were voted in. He read the quote "Incapable of Discouragement" from JohnA Passaro.

17. COMMENTS OF THE CITY ATTORNEY

Attorney Davies had no comment.

18. COMMENTS OF THE CITY CLERK

Deputy City Clerk Jacobsen commented the city councils of Palmer and Wasilla banned commercial marijuana sales activities in their cities. It's something to think about.

19. COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Wythe commented it's important for the voters to work through this process. Just as easily as bringing it to a vote she could have voted no and it would be just as done as Wasilla and Palmer but we have a different path to resolve that. If your method of approaching and dealing with that is a referendum to recall the council or mayor, that is up to the voters as well. In regard to public comment about the budget, it can be found on the website along with an accounting tool to look closer at expenditures and so forth. She thanked the Council for their work tonight.

21. COMMENTS OF THE CITY COUNCIL

Councilmember Lewis clarified the Wasilla City Council voted it down and the city voters had voted it down, Palmer residents had voted yes and the City Council, lead by the Mayor who was against it, voted no. He thanked the plow drivers who came through his neighborhood on Sunday. They did a good job of clearing and not leaving a berm in front of his driveway.

Councilmember Smith also recognized the city workers did a fine job on Sunday. He thanked the public for testifying tonight, last meeting, and talking to him directly or by email. He wants to respect all the walks of life and we wouldn't be having this discussion if ballot measure two did not have the provision to explore this option. That would have been a definitive yes/no, but the language that exists provides the option, so we need to do our due diligence and make sure we have a definitive answer. He knows it may present itself as aggravating but choosing to be insulted is a personal choice. We are trying to work to the best benefit of the City.

Councilmember Aderhold also appreciates the people who have testified. She reminded the public that the ordinance for a special election was only introduced tonight. There will be a public hearing on it at the March 14th meeting so people can testify about it at that time.

Councilmember Van Dyke said goodnight.

Councilmember Zak commented it won't be until October when we vote on the public safety building so it will be better aware of what the state is looking at. He was trying to be a bit conservative tonight

and cut back a little. He commented about Sunday's Daytona 500 being the closest race ever and a photo finish race. It was a close vote when the voters of Alaska voted to approve marijuana and it left the ability to make the decision at the local level. Now could be the opportunity to vote again on April 19th to get it before the voters sooner than later. It wasn't easy tonight, probably one of the toughest council meetings, but interesting in listening to all the people and hearing the benefits of marijuana who are using it in a way that changes their lives. We are really going to have to decide what's reasonable in our community.

Commissioner Reynolds echoed a thank you to the people who testified. It's easier for her when people participate because she doesn't have to wonder what they are thinking. She finds it perplexing the idea that the City and City Council are different than property owners, because they aren't, like the skin in the game part when talking about the public safety building and reallocating funds. She feels like there are some questions that need to be answered on 16-04(A)(S-2), particularly what happens if they don't move forward with the vote. Lastly she commented about getting to spend some time riding fat tire bikes with some travel agents who were here from China as part of the Go West Summit in Anchorage this week.

ADJOURNMENT

There being no further business to come before the Council, Mayor Wythe adjourned the meeting at 11:37 p.m. The next Regular Meeting is Monday, March 14, 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, March 21, 2016 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

MELISSA JACOBSEN, CMC, ACTING CITY CLERK

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-041

TO: HOMER CITY COUNCIL
FROM: MARY E. WYTHE, MAYOR
DATE: MARCH 8, 2016
SUBJECT: REAPPOINTMENT OF MARCIA KUSZMAUL TO THE LIBRARY ADVISORY BOARD AND APPOINTMENTS OF PATRICK BROWN, RICK MALLEY, LINDA MUNNS, TESS DALLY, AND COUNCILMEMBER DONNA ADERHOLD TO THE AMERICANS WITH DISABILITIES ACT COMPLIANCE COMMITTEE.

Marcia Kuszmaul is reappointed to the Library Advisory Board for a three-year term to expire April 1, 2019.

Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold are appointed to the newly formed Americans With Disabilities Act Compliance Committee.

RECOMMENDATION:

Confirm the reappointment of Marcia Kuszmaul to the Library Advisory Board and appointments of Patrick Brown, Rick Malley, Linda Munns, Tess Dally, and Councilmember Donna Aderhold to the ADA Compliance Committee.

Fiscal Note: N/A

From: [Renee Krause](#)
To: [Jo Johnson](#)
Subject: FW: Request to Reappoint
Date: Monday, March 07, 2016 3:03:32 PM

From: marcia kuszmaul [mailto:mkuszmaul@hotmail.com]
Sent: Monday, March 07, 2016 3:03 PM
To: Renee Krause
Subject: Request to Reappoint

Renee -- With this e-mail, I am requesting to be reappointed to the Library Advisory Board for another term.
It is a privilege to serve with fellow residents and library enthusiasts, and I would be thrilled to continue.

Best,

Marcia Kuszmaul



CITY OF HOMER
 COMMISSION, COMMITTEE, BOARD AND TASK FORCE
 APPLICATION FORM

CITY CLERK'S OFFICE
 CITY OF HOMER
 491 E. Pioneer Avenue
 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

Received by the Clerk's Office

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

Name: PATRICK BROWN Date: 2/10/2016

Physical Address: 40996 WOODMAN LANE HOMER ALASKA 99603

Mailing Address: SAME

Phone Number: _____ Cell #: 907-775-4638 Work #: _____

Email Address: PBrown5@yahoo.com

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

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
PARKS & RECREATION ADVISORY COMMISSION	3 RD THURSDAY OF THE MONTH AT 5:30 P.M.
PORT & HARBOR ADVISORY COMMISSION	4 TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM
PERMANENT FUND COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
PUBLIC ARTS COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
CITY COUNCIL	2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
OTHER - PLEASE DESIGNATE	ADA Committee

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

I AM STATE 1ST VICE PRESIDENT NATIONAL FEDERATION OF THE BLIND OF ALASKA

Please answer following if you are applying for the Advisory Planning Commission: Have you ever developed real property, other than your personal residence, if so briefly describe? N/A

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

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

N/A Commercial

N/A Recreational

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

ONE PROJECT I AM WORKING ON IS VOTER REGISTRATION AND PARTICIPATION FOR INDIVIDUALS WITH DISABILITIES STATEWIDE. HERE IN HOMER THE CITY INVESTED IN ACCESSIBLE VOTING MACHINES BY PURCHASING UNITS TO ASSIST IN ALL PUBLIC ELECTIONS AT LOCAL, BOROUGH, STATE AND FEDERAL LEVELS. THE GOAL IS TO HAVE EVERYONE VOTE AND TO INCLUDE PRIVACY AND SECURITY AS ALL OTHER NON-DISABLED VOTERS EXERCISE AS THEIR CONSTITUTIONAL RIGHTS. I ONLY APOLOGIZE FOR NOT IMPLEMENTING THIS SOLUTION BEFORE THE CITY PURCHASED THE UNITS FROM THE CITY BUDGET.

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



CITY OF HOMER
 COMMISSION, COMMITTEE, BOARD AND TASK FORCE
 APPLICATION FORM

CITY CLERK'S OFFICE
 CITY OF HOMER
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 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

FEB 12 2016

Received by the Clerk's Office

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

Name: Rick Malley Date: 2/9/16
 Physical Address: 117 Lee Drive, Apt# 2-c
 Mailing Address: same
 Phone Number: _____ Cell #: 399-1962 Work #: 235-7911
 Email Address: rmalley@peninsulailc.org

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

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
<input type="checkbox"/>	PARKS & RECREATION ADVISORY COMMISSION	3 RD THURSDAY OF THE MONTH AT 5:30 P.M.
<input type="checkbox"/>	PORT & HARBOR ADVISORY COMMISSION	4 TH WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 P.M. MAY - SEPTEMBER 6:00 PM
<input type="checkbox"/>	PERMANENT FUND COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:15 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	CITY COUNCIL	2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
<input checked="" type="checkbox"/>	OTHER - PLEASE DESIGNATE	ADA Committee

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

I am presently employed at Independent Living Center

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force: ADA Specialist in my current employment, 25 years working with Seniors

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long: Yes, I organized and chaired two ADA committee's in Massachusetts including the Cities of Boston

Why are you interested in serving on the indicated commission, committee, board or task force? To make Homer Alaska a model community for inclusion of Seniors and People with Disabilities.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on? My employment is directly related to the mission of this Committee.

Please answer the following if you are applying for the Advisory Planning Commission:
Have you ever developed real property, other than your personal residence, if so briefly describe? _____

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

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

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



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 FAX 907-235-3143

Received by the Clerk's Office

BRADLEY HOLLIS RK

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

Name: Linda Munns Date: 2/25/15
 Physical Address: 167 W. Bayview Ave. #1 - Homer, AK
 Mailing Address: P.O. Box 3361 - Homer, AK - 99603
 Phone Number: 907-235-8361 Cell #: 907-299-1175 Work #: _____
 Email Address: munnski51@gmail.com

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

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a V

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
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<input type="checkbox"/>	PUBLIC ARTS COMMITTEE	2 ND THURSDAY OF THE MONTH AT 5:00 P.M. FEBRUARY, MAY, AUGUST & NOVEMBER
<input type="checkbox"/>	LIBRARY ADVISORY BOARD	1 ST TUESDAY OF THE MONTH AT 5:00 P.M.
<input type="checkbox"/>	CITY COUNCIL	2 ND AND 4 TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 P.M. COMMITTEE OF THE WHOLE AT 5:00 P.M. REGULAR MEETING AT 6:00 P.M.
<input type="checkbox"/>	OTHER - PLEASE DESIGNATE <i>ADA (Americans w/ disabilities Act)</i>	

I have been a resident of the city for 34 yrs ___ mos. I have been a resident of the area for 44 yrs ___ mos.

I am presently employed at retired - state of Alaska

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

I've had Multiple Sclerosis for almost 30 years
I served on the board for Independent Living Cntr. - 10 yrs

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

I've served on many boards over the years but not for the city. ie: Community Mental Health (Now called The Center)
South Peninsula Women's Svcs. (Now called Haven House)

Why are you interested in serving on the indicated commission, committee, board or task force?

Since my M.S. has progressed, I find many obstacles to access here in Homer. Several businesses responded positively
Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on? over →
(Previously Independent Living Center)

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

Have you ever developed real property, other than your personal residence, if so briefly describe? _____

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

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

Commercial

Recreational

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

Living with extremely limited mobility certainly reveals areas needing improvement to provide access for ALL residents and visitors to our community

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

to requests for handicapped parking designations



CITY OF HOMER
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 CITY OF HOMER
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 Homer, AK 99603
 PH. 907-235-3130
 FAX 907-235-3143

MAR - 3 2016

Received by the Clerk's Office

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

Name: Tess Dally Date: 03/02/16

Physical Address: 56245 Glenn Rd., Homer, AK

Mailing Address: P.O. Box 284, Homer, AK 99603

Phone Number: _____ Cell #: (907) 299-2436 Work #: _____

Email Address: tessdally@gmail.com

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

Please indicate the commission(s), committee(s), board or other that you are interested in serving on by marking with and X or a v

<input type="checkbox"/>	ADVISORY PLANNING COMMISSION	1 ST & 3 RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM
<input type="checkbox"/>	ECONOMIC DEVELOPMENT ADVISORY COMMISSION	2 ND TUESDAY OF THE MONTH AT 6:00 P.M.
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<input checked="" type="checkbox"/>	OTHER - PLEASE DESIGNATE	Homer ADA committee

I have been a resident of the city for 0 yrs 0 mos. I have been a resident of the area for 15 yrs 7 mos.

I am presently employed at Retired

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

Master's of Social Work, a retired clinical social worker with experience advocating for individuals with disabilities. I have a disability. I am aware of the many challenges regarding accessibility in the city of Homer.

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

Not that I recall

Why are you interested in serving on the indicated commission, committee, board or task force?

I am a person with a disability. I am skilled at advocating for individuals and groups with disabilities. I am aware of the many challenges regarding accessibility in the city of Homer.

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

No

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

Have you ever developed real property, other than your personal residence, if so briefly describe? No

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

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

Commercial Recreational

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

~~Thank you for your time.~~
~~Tess Dally~~

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



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Received by the Clerk's Office

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Name: _____ Date: _____

Physical Address: _____

Mailing Address: _____

Phone Number: _____ Cell #: _____ Work #: _____

Email Address: _____

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

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	OTHER – PLEASE DESIGNATE	

I have been a resident of the city for ___ yrs ___ mos. I have been a resident of the area for ___ yrs ___ mos.

I am presently employed at _____

Please list any special training, education, or background you may have which is related to your choice of commission, committee, board or task force:

Have you ever served on a similar commission, board, committee or task force? If so please list when, where and how long:

Why are you interested in serving on the indicated commission, committee, board or task force?

Do you currently belong to any organizations specifically related to the area of your choice(s) you wish to serve on?

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

Have you ever developed real property, other than your personal residence, if so briefly describe? _____

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

Do you use the Homer Port and/or Harbor on a regular basis? What is your primary use?

_____ Commercial _____ Recreational

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

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

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-08

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 19.08.030, Parking or Camping Prohibited-Enforcement, Regarding Winter Camping.

Sponsor: Aderhold

1. Council Regular Meeting March 14, 2016 Introduction
 - a. Memorandum 16-050 from City Manager as backup

1 CITY OF HOMER
2 HOMER, ALASKA

Aderhold

3
4 ORDINANCE 16-08

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 19.08.030, PARKING OR CAMPING
8 PROHIBITED-ENFORCEMENT, REGARDING WINTER CAMPING.
9

10 THE CITY OF HOMER ORDAINS:

11
12 Section 1. Homer City Code 19.08.030, Parking or Camping Prohibited-Enforcement, is
13 amended to read as follows:

14 19.08.030, Parking or Camping Prohibited-Enforcement.

15
16
17 a. No person shall park any motor vehicle or camper or otherwise camp on any City-
18 owned or City-controlled property where any official sign prohibits parking or camping.
19

20 b. Camping, as defined in HCC 19.08.020, is prohibited in areas other than those so
21 designated by the City, except where campers camping on private property have written
22 permission to do so from the property owner.
23

24 c. Persons who refuse to remove themselves and their personal property from
25 unregulated camping areas upon request by an authorized representative of the City shall be
26 removed, together with their personal property, from the areas using such force as may be
27 necessary under the circumstances.
28

29 d. Camping in a closed campground is prohibited. **All City campgrounds shall be**
30 **closed outside of the camping season.** ~~Except in the winter the Spit camping area is~~
31 ~~designated as the parking area immediately northwest of the Mariner Memorial¹ and on the~~
32 ~~same side of the Spit Road. **Except winter camping may be allowed in a City owned**~~
33 **campground on the Homer Spit as designated by the City Manager. All normal camping**
34 **fees and rules will apply to winter camping areas.** ~~when a campground is opened under a~~
35 ~~directive entered pursuant to this subsection, all City campgrounds shall be closed outside~~
36 ~~the camping season. The City Manager may, for cause, enter a written directive that one or~~
37 ~~more City campgrounds will be opened or closed up to 30 days before and 30 days after the~~
38 ~~camping season, or for any other period of time specified in the directive. As used in this~~
39 ~~subsection, “cause” includes, but is not limited to, emergencies, tourist caravans, and other~~
40 ~~tourist demand outside the camping season.~~
41

42 Section 2. This Ordinance is of a permanent and general character and shall be
43 included in the City Code.
44

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

47
48
49
50

CITY OF HOMER

51
52
53

MARY E. WYTHE, MAYOR

54 ATTEST:

55
56
57

JO JOHNSON, MMC, CITY CLERK

58
59
60

61 AYES:

62 NOES:

63 ABSTAIN:

64 ABSENT:

65
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67 First Reading:

68 Public Hearing:

69 Second Reading:

70 Effective Date:

71
72

73 Reviewed and approved as to form:

74
75

76 _____
77 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

78
79

Date:_____

Date:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 16-050

TO: Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: March 9, 2016
SUBJECT: Ordinance 16-08

Ordinance 16-08 closes a loop hole in City Code that allowed off-season camping at the Seafarer's Memorial parking lot when no other City campgrounds were open. The intent of allowing off-season camping at the time was to accommodate shoulder season visitors when our other campgrounds are closed. Unfortunately long term campers have been abusing this and occupying the parking area long term. The City has opened up the Pier One campground as an alternate location for off-season campers, and is charging fees. This has cleared out the Seafarer's Memorial parking lot. Ordinance 16-08 gets rid of Seafarer's Memorial as an alternate camping destination while allowing the City Manager to keep a campground open out of season, subject to all normal camping rules and fees.

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-09

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$39,300 From Port and Harbor Reserves for the Construction of the Sport Fishing Trailer Parking Lot Drainage Improvement and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work.

Sponsor: City Manager/Port and Harbor Director

1. Council Regular Meeting March 14, 2016 Introduction
 - a. Memorandum 16-042 from Port and Harbor Director as backup

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

3 City Manager/
4 Port and Harbor Director

5 **ORDINANCE 16-09**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2016 OPERATING BUDGET BY
9 APPROPRIATING FUNDS IN THE AMOUNT OF \$39,300 FROM
10 PORT AND HARBOR RESERVES FOR THE CONSTRUCTION OF THE
11 SPORT FISHING TRAILER PARKING LOT DRAINAGE
12 IMPROVEMENT AND AUTHORIZING THE CITY MANAGER TO
13 EXECUTE ALL APPROPRIATE DOCUMENTS NECESSARY TO
14 COMPLETE THE WORK.

15
16 WHEREAS, The sport fishing trailer parking lot currently water ponds over much of the
17 area making it difficult for lot users to use the area effectively; and

18
19 WHEREAS, Grant funds have become available to provide the materials needed to
20 install a pipe storm drain system serving the parking lot (see Memorandum 16-042), if City
21 funds to install the improvements can be appropriated; and

22
23 WHEREAS, The Port and Harbor Advisory Commission is in support of this project.

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

26
27 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
28 appropriating \$39,300 from Port and Harbor Reserves for the construction of the sport fishing
29 trailer parking lot drainage improvements.

30
31 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
415-0001	Drainage Improvements Sport Fishing Trailer Parking Lot	\$39,300

32
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35 Expenditure:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
456-0380	Drainage Improvements	\$39,300

Sport Fishing Trailer Parking Lot

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

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

CITY OF HOMER

MARY E. WYTHE, MAYOR

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

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum 16-042

To: Katie Koester, City Manager
From: Bryan Hawkins, Harbormaster
Date: February 24, 2016
Subject: **Expenditure Authorization**
Sport Fishing Trailer Parking Lot Drainage Improvements

The City is due a credit from the Contractor completing the Homer Small Boat Harbor Launch Ramp Renovations project. The grant agency, Alaska Fish and Game, has required that the credit be applied to a project that will benefit sport fisherman near the Launch Ramp project. Improving drainage in the sport fishing trailer parking area (see attached map) has been determined to be the project best suited to receive these funds.

The topography in the parking area is flat; currently water ponds over much of the area making it difficult for lot users to use the area effectively. The Port and Harbor Advisory Commission is in support of this project.

The project, as originally conceived, consisted of the Contractor providing the materials and the City providing for installation. After the design (prepared by Public Works) was complete, it appears that the Contractor's credit will fund a portion of the installation.

Project costs are summarized below:

Contractor supplied Materials	\$ 47,120
Contractor Cash Contribution	<u>\$ 11,880</u>
Total Contractor Contribution	\$ 58,000
City Share of Installation Costs	\$ 39,300
Final Grading (by Public Works)	\$ 15,000
Total Project Costs	\$112,300

Recommendation:

City Council pass an ordinance amending the FY 2016 Operating Budget by appropriating funds in the amount of \$39,300 from the Port and Harbor Reserves to complete the construction of the Sport Fishing Trailer Parking Lot Drainage Improvement project and

authorizing the City Manager to execute all appropriate documents necessary to complete this project.

Fiscal Note - 456-0380

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
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.

Sponsor: City Manager/Public Works Director

1. Council Regular Meeting March 14, 2016 Introduction
 - a. Memorandum 16-043 w/named streets, construction costs, and maps from Public Works Superintendent as backup

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 16-10**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2016 OPERATING BUDGET TO ALLOW FOR THE
9 COMPLETION OF THE 2016 STREETS REPAVING PROJECT
10 UTILIZING HOMER ACCELERATED ROADS AND TRAILS (HART)
11 FUNDS IN AN AMOUNT NOT TO EXCEED \$638,000.
12

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

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

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

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

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

30 Expenditure:

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

31
32
33

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

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

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

Date: _____

Date: _____



**CITY OF HOMER
PUBLIC WORKS DEPARTMENT**

Dan Gardner, PW Superintendent
3575 Heath St.
Homer, Alaska 99603

Telephone: (907)235-3170

Fax: (907)235-3145

EMAIL : dgardner@ci.homer.ak.us

Memorandum 16-043

To: Katie Koester, City Manager
From: Dan Gardner, Superintendent
Thru: Carey Meyer, PW Director
Date: February 16, 2016
Subject: PROPOSED STREETS REPAVING PROGRAM - 2016

Discussion

In 2006, 2009, and 2012, the Public Works Department successfully completed three much needed repaving projects which encompassed 13 streets totaling 4.52 miles. The majority of these streets were originally paved in 1983/84 era.

We are again proposing a 2016 Repaving Project which will include another 9 streets, seven of which were originally paved between 1983/93 and two streets that were originally paved in 1999.

Project Costs Estimates

Streets Repaving: \$578,788 (includes design, admin and construction costs)

Attached please find two spreadsheets with detailed project costs estimates.

Recommendation

1. Expend an amount “not to exceed” \$638,000.00 this fiscal year from the H.A.R.T. fund for the design & construction to include grinding of existing asphalt and repave the streets as identified on the attached spreadsheets. This amount has a 10 percent contingency to the attached estimate.

Fiscal Note

Currently the HART Fund contains approximately 7 million dollars as of end of year 2015.

It is recommended that as any discussion takes place where ending or modifying the HART program takes place, that the continual funding of asphalt replacement is part of that discussion. If this program is ever dissolved, a depreciation fund should be firmly established to replace failing asphalt as operations budgets have not been able to support the needed paving projects.

Enc: Recommended streets to repave
Estimated construction costs
Maps

City of Homer - Public Works Department
2016 Roads Resaving Program

Year Paved	From	To	Asphalt Condition	Roadway Length Linear Feet	Pavement Width Feet	Total Sq Yds
1988	Main St.	Beluga Plaza	poor	700	24	1,680
1999	E. Burnett	Parking Lot	poor	600	24	1,440
1983/84	Mark White Ave.	Aspen Lane	poor	730	24	1,752
1983/84	Rochelle Rd.	Early Spring St	poor	360	24	864
1989	Fairview Aves.	Soundview Aves	poor	650	24	1,560
1993	East End Road	End of Road	poor	1,320	24	3,168
1993	Clover Lane	Cul-de-Sac	poor	305	24	732
1993	Clover Lane	Cul-de-Sac	poor	210	24	504
1993	Bayview Ave	North end of road	poor	850	24	2,040
				5,725	Total	15,357

Priority 1
Gravel "A"

2016

City of Homer - Public Works Department
2016 Roads Replacing Program

Construction Cost

Construction Costs (Grind 4" depth, regrade, adjust utilities & repave @ 2" new asphalt)

Is - Repave

Total Sq Yds	Grind @ \$5.25/sy	Regrade @ \$0.50/sy	Level Course @ \$30/ton	2" AC Repave @ \$17.50/sy	(1.1 SSMH's) Adjust \$5/SMMH \$500 ea	(12 GV's) Adjust Valve Box \$500 ea	Striping @ 1.25/MT	Mobile @ 20% Const
1,867	\$ 9,800.00	\$ 833.33	\$ 2,000.00	\$ 32,666.67	\$ 2,000.00	\$ 1,000.00	\$	\$ 9,600.00
1,600	\$ 8,400.00	\$ 800.00	\$ 2,000.00	\$ 28,000.00	\$	\$	\$ 3,781.25	\$ 9,752.00
1,947	\$ 10,220.00	\$ 973.33	\$ 2,000.00	\$ 34,066.67	\$ 500.00	\$ 1,000.00	\$ 3,375.00	\$ 5,164.00
960	\$ 5,040.00	\$ 480.00	\$ 2,000.00	\$ 16,800.00	\$ 1,000.00	\$ 2,000.00	\$ 3,312.50	\$ 9,080.00
1,733	\$ 9,165.00	\$ 866.67	\$ 2,500.00	\$ 30,333.33	\$ 500.00	\$ 500.00	\$	\$ 17,268.00
3,520	\$ 18,480.00	\$ 1,760.00	\$ 2,500.00	\$ 61,600.00	\$ 1,500.00	\$ 500.00	\$	\$ 4,182.00
813	\$ 4,270.00	\$ 406.67	\$ 1,000.00	\$ 14,233.33	\$ 500.00	\$ 500.00	\$	\$
560	\$ 2,940.00	\$ 280.00	\$ 1,000.00	\$ 9,800.00	\$ 500.00	\$	\$	\$
2,267	\$ 11,900.00	\$ 1,133.33	\$ 3,000.00	\$ 39,866.67	\$ 1,000.00	\$ 1,500.00	\$ 10,458.75	\$ 66,746.00
15,267	\$ 80,150.00	\$ 7,633.33	\$ 19,000.00	\$ 267,166.67	\$ 7,500.00	\$	Traffic Control LS	\$ 11,840.00

Estimated Total Project Costs (construction, design & admin overhead)

Construction Costs	\$ 457,539.23
Design/inspect @ 10%	\$ 45,753.92
Admin @ 15%	\$ 75,493.97
Total Pave/Repave Project	\$ 578,787.12

Total Construction
10% Contingency
Grand Total Construction



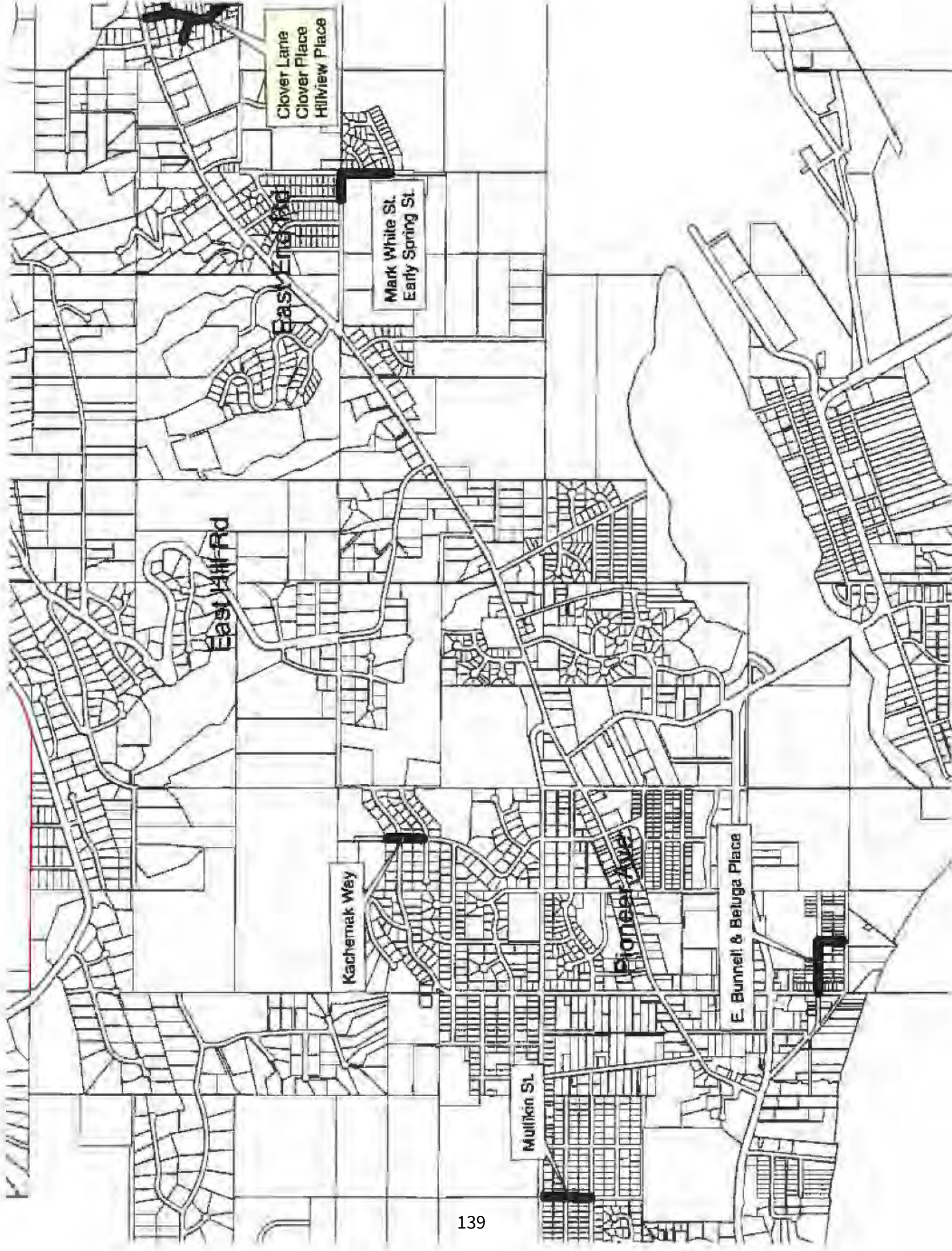
Clover Lane
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Hillview Place

Mark White St.
Early Spring St.

Kachemak Way

Mullikin St.

E. Bunnell & Beluga Place



Clover Lane
Clover Place
Hillview Place

Mark White St.
Early Spring St.

East Hill Rd

East Hill Rd

Kachemak Way

Pioneer Ave

E. Bunnell & Beluga Place

Mulliken St

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-11

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 1.16.040, Disposition of Scheduled Offenses—Fine Schedule, and Enacting Homer City Code 10.04.085 Use of Load and Launch Ramp, to Regulate the Use of the Load and Launch Ramp in the Small Boat Harbor.

Sponsor: City Manager

1. Council Regular Meeting March 14, 2016 Introduction

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

City Manager

3
4 **ORDINANCE 16-11**

5 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
6 AMENDING HOMER CITY CODE 1.16.040, DISPOSITION OF
7 SCHEDULED OFFENSES—FINE SCHEDULE, AND ENACTING
8 HOMER CITY CODE 10.04.085 USE OF LOAD AND LAUNCH RAMP,
9 TO REGULATE THE USE OF THE LOAD AND LAUNCH RAMP IN THE
10 SMALL BOAT HARBOR.
11

12
13 WHEREAS, The City recently reconstructed and upgraded the load and launch ramp in
14 the Homer Small Boat Harbor; and

15
16 WHEREAS, Beginning on April 1 through October 15, individuals using the load and
17 launch ramp in the Homer Small Boat Harbor must pay a daily fee or obtain a seasonal permit
18 in accordance with the fee schedule found in the harbor tariff, which is payable at a booth
19 with an attendant or an unmanned kiosk at the load and launch ramp; and

20
21 WHEREAS, It is in the best interest of the City and Small Boat Harbor users to provide
22 a penalty for failing to pay the fee for the use of the load and launch ramp.

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

25
26 Section 1. Subsection (c) of Homer City Code 1.16.040, Disposition of scheduled
27 offenses—fine schedule, is amended by adding new lines to read as follows:
28

Code Section	Description of Offense	Fine
10.04.085(b)	Failure to pay fee for use of load and launch ramp- First Offense	\$100
10.04.085(b)	Failure to pay fee for use of load and launch ramp- Second Offense	\$200
10.04.085(b)	Failure to pay fee for use of load and launch ramp- Third and Subsequent Offenses	\$300

29
30 Section 2. Homer City Code 10.04.085, Use of Load and Launch Ramp, is enacted to

31 read as follows:

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10.04.085 Use of Load and Launch Ramp

(a) Terms and conditions for use of the Small Boat Harbor load and launch ramp are provided in the Homer port and harbor tariff as amended from time to time.

(b) No person who is obligated to pay a fee for using the Small Boat Harbor load and launch ramp may use the Small Boat Harbor load and launch ramp without first paying the fee prescribed for its use.

(c) A person who is obligated to pay a fee for using the Small Boat Harbor load and launch ramp must make the ticket verifying payment available upon request, or display the seasonal permit on the port side of the permit holder's vessel.

Section 3. This ordinance shall take effect upon its adoption by the Homer City Council.

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:

73 Reviewed and approved as to form.

74

75 _____

76 Mary K. Koester, City Manager

77

78 Date: _____

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81 Fiscal Note: N/A

82

Thomas Klinkner, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-12

An Ordinance of the City Council of Homer, Alaska, Amending the FY 2016 Operating Budget by Appropriating Funds in the Amount of \$89,000 From Homer Accelerated Roads and Trails Fund for the Design of the Storm Drain Rehabilitation Project and Authorizing the City Manager to Execute All Appropriate Documents Necessary to Complete the Work.

Sponsor: City Manager/ Public Works Director

1. Council Regular Meeting March 14, 2016 Introduction
 - a. Memorandum 16-049 from Public Works Director as backup
 - b. Map

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 16-12**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE FY 2016 OPERATING BUDGET BY APPROPRIATING
9 FUNDS IN THE AMOUNT OF \$89,000 FROM HOMER ACCELERATED
10 ROADS AND TRAILS FUND FOR THE DESIGN OF THE STORM DRAIN
11 REHABILITATION PROJECT AND AUTHORIZING THE CITY MANAGER
12 TO EXECUTE ALL APPROPRIATE DOCUMENTS NECESSARY TO
13 COMPLETE THE WORK.
14

15 WHEREAS, This winter, storm drain piping in Bunnell Avenue and Main Street failed
16 creating “sinkholes” that undermined pavement and threatened the safety of the motoring
17 public; and

18 WHEREAS, Upon investigation, it has become clear that much of the City’s storm drain
19 system installed in the 1980’s has deteriorated to the point that replacement is necessary (see
20 Memorandum 16-049); and

21
22 WHEREAS, Public Works believes that the most cost effective method of repairing
23 these storm drains is to slip-line them (similar to what was done on the sanitary sewer system
24 a few years ago).

25
26 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
27

28 Section 1. The Homer City Council hereby amends the FY 2016 Operating Budget by
29 appropriating \$89,000 from the Homer Accelerated Road and Trails Program (HART) for the
30 construction of the storm drain rehabilitation improvements.
31

32 Revenue:

<u>Account</u>	<u>Description</u>	<u>Amount</u>
160-0766	Storm Drainage Improvements	\$89,000

37 Expenditure:

38 <u>Account</u>	39 <u>Description</u>	40 <u>Amount</u>
151-0001	Storm Drainage Improvements	\$89,000

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

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

45
46 CITY OF HOMER

47
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49 _____
50 MARY E. WYTHE, MAYOR

51
52 ATTEST:

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55 _____
56 JO JOHNSON, MMC, CITY CLERK

57
58 AYES:

59 NOES:

60 ABSTAIN:

61 ABSENT:

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63
64 First Reading:

65 Public Reading:

66 Second Reading:

67 Effective Date:

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69 Reviewed and approved as to form:

70
71 _____
72 Mary K. Koester, City Manager

Thomas F. Klinkner, City Attorney

73
74 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

Memorandum 16-049

To: Katie Koester, City Manager
From: Carey Meyer, Public Works Director
Date: March 9, 2016
Subject: **Expenditure Authorization
Storm Drain Slip Lining Design**

This winter, storm drain piping in Bunnell Avenue and Main Street failed creating “sinkholes” that undermined pavement and threatened the safety of the motoring public. Upon investigation, it has become clear that much of the City’s storm drain system installed in the 1980’s has deteriorated to the point that replacement is necessary. See attached map showing the location of the subject storm drain system.

Public Works believes that the most cost effective method of repairing these storm drains is to slip-line them (similar to what was done on the sanitary sewer system a few years ago). This method of replacement can be accomplished without removal of surface improvements, has minimum impacts to the traveling public, and has proven to be the most cost effective way of replacing underground piping. Public Works proposes to utilize the same engineering firm that completed the previous slip-lining improvements in Homer – Stephl Engineering of Anchorage, Alaska, and will request permission to issue a sole-source contract. Public Works proposes to utilize HART funds to compete design and construction efforts.

Project design costs are summarized below:

Site Visit and Inspection of existing storm drains	\$ 14,500
Prepare preliminary design and cost estimate	\$ 24,500
Prepare final plans and bid documents	\$ 41,000
Contingency (10%)	<u>\$ 9,000</u>
 Total Project Design Costs	 \$ 89,000

Once construction costs have been determined, Public Works will request City Council appropriation of construction funds.

Recommendation:

City Council pass an ordinance amending the FY 2016 Operating Budget by appropriating funds in the amount of \$89,000 from the Homer Accelerated Roads and Trails (HART) Program to complete

the design of the Homer Storm Drain Rehabilitation Project and Authorizing the City Manager to execute all appropriate documents. (Fiscal Note - 456-0380)



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All Pioneer 1985
ADOT

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ADOT 1985

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Earling Hwy

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Public Works

1985

Two Sisters

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 16-025

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
EXPRESSING SUPPORT FOR THE CONTINUATION OF WELDING
COURSES AND THE VOCATIONAL-TECHNICAL PROGRAM AT
HOMER HIGH SCHOOL.

WHEREAS, Alaska’s maritime sector employs a workforce of over 70,000 skilled workers, making the maritime sector the largest private sector employer in Alaska; and

WHEREAS, Homer’s harbor and associated maritime trade sector are critical components in a vibrant local and regional economy; and

WHEREAS, Many of the marine sector jobs require a high degree of technical and professional skill and pay family-sustaining wages; and

WHEREAS, Alaska maritime employers are contending with a 'graying' workforce, and seek to expand the number of Alaskans throughout the state who have the employability and technical skills, expertise and motivation to be competitive in the job market; and

WHEREAS, The City of Homer supports the Alaska Maritime Workforce Development Plan, an implementation strategy for industry, educators and governments to collectively keep this economic sector vibrant, to grow the number of Alaskans comprising this workforce and to ensure Alaskans are qualified to fill the skilled and well-paid Alaska maritime positions; and

WHEREAS, Strengthening the marine trades, including mariculture and shipping industries is prioritized in Homer’s Comprehensive Plan; and

WHEREAS, One of the Comprehensive Plan’s implementation strategies to strengthen the marine trades sector is to support adequate funding for Kenai Peninsula Borough School District operations in Homer, with an expansion of vocational-technical education; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby expresses its support for Homer High School Welding Courses and urges continued Kenai Peninsula Borough School District financial support for the vocational-technical program.

PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2016.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

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

3 City Clerk/
4 Fire Chief

5 **RESOLUTION 16-026**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 CONTRACT FOR THE AMBULANCE REPLACEMENT TO THE FIRM OF
9 ROCKY MOUNTAIN AMBULANCE SALES AND SERVICE OF
10 PARAGONAH, UTAH, IN THE AMOUNT OF \$167,000.00 AND
11 AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE
12 DOCUMENTS.

13
14 WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
15 advertised in the Homer Tribune on January 27 and February 3, 2016, the Anchorage Dispatch
16 News on January 24 and 31, 2016, posted on the Clerk's home page, and sent to two in-state
17 plans rooms; and

18
19 WHEREAS, Additionally the Invitation to Bid was sent to twelve vendors throughout
20 the United States that specialize in ambulance sales; and

21
22 WHEREAS, Bids were due by 2:00 p.m. on Friday, February 26, 2016 and three bids
23 were received by the City Clerk's Office; and

24
25 WHEREAS, Bids were publicly opened and read on February 26, 2016 and the firm of
26 Rocky Mountain Ambulance Sales and Service of Paragonah, Utah, was determined to be the
27 low responsive bidder in the amount of \$167,000.00; and

28
29 WHEREAS, Rocky Mountain Ambulance Sales and Service is qualified to complete the
30 work; and

31
32 WHEREAS, This award is not final until written notification is received by Rocky
33 Mountain Ambulance Sales and Service of Paragonah, Utah, from the City of Homer.

34
35 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
36 the contract award for the ambulance replacement to the firm of Rocky Mountain Ambulance
37 Sales and Service of Paragonah, Utah, in the amount of \$167,000.00 and authorizes the City
38 Manager to execute the appropriate documents.

39
40 PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2016.
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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: Funded under account 415-924.



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Memorandum 16-045

TO: Katie Koester, City Manager

FROM: Robert Painter, Fire Chief

DATE: March 4, 2016

SUBJECT: Ambulance Bid Award and Options

On September 28, 2015, the Homer City Council adopted Ordinance 15-33 approving and allocating a budget of \$180,000 for the purchase of a new ambulance for the fire department. \$95,500 of this funding is being provided by a State of Alaska "Code Blue" grant, with \$25,500 of that total coming from available funds provided by the USDA. The council also agreed to fund the balance of the estimated cost of the ambulance from Fire Department Fleet Reserves of \$84,500.

On February 26, 2016 three sealed proposals were opened, as advertised, in Council Chambers. Of the three proposals opened, one contained just a letter explaining that the company declined to prepare a bid for the ambulance, the second contained a proposal from Sawtooth Emergency Vehicles of Boise, Idaho, representing Osage Ambulances for an amount of \$175,500, and the third proposal, from Rocky Mountain Ambulance Sales and Service of Paragonah, Utah, representing Wheeled Coach Industries, for a price of \$167,000.

In evaluating the two actual proposals, it was determined that the proposal from Sawtooth Emergency Vehicles was for a 2016 F-450 chassis with a "Liquid Air" Suspension System installed (both of which were beyond the bid specifications). As such, and with the agreement of Southern Region EMS Council, representing the State of Alaska and the USDA, found that the proposal from Sawtooth was unresponsive thus the successful bidder should be Rocky Mountain Ambulance Sales and Service.

I recommend that the bid for the new ambulance be awarded to the firm of Rocky Mountain Ambulance Sales and Service for the sum of \$167,000. The balance of the total project budget, \$13,000, will be allocated for the purchase of necessary equipment for the new ambulance.

INVITATION TO BID
By the City of Homer, Alaska, for the
Ambulance Replacement

JAN 19 2016

Sealed bids for the manufacture of a new ambulance 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. Friday, February 26, 2016**, at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List and to be considered responsive. Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>

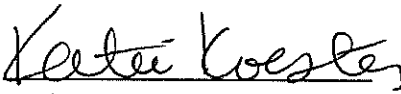
The project is partially funded with State of Alaska Code Blue Grant monies. The project will replace a Type I, 4 wheeled drive ambulance with a new, state of the art unit.

Please direct all technical questions regarding this project to: Robert Painter, Fire Chief, at (907) 235-3155, or (907) 399-4490. Email is rpainter@ci.homer.ak.us

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 \$10.00. 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 19th day of January, 2016.

CITY OF HOMER


Katie Koester, City Manager

Publish: Homer Tribune January 27 and February 3, 2016
Anchorage Daily News January 24 & January 31, 2016

Fiscal Note: 415-924

BID TALLY SHEET: **PROJECT:** New Ambulance Invitation to Bid
Due Date and Time: February 26, 2016 @ 2:00 p.m. **PROJECT No:** 415-0924
City Clerk's Office

Bidder No.	Bidder Name and Address	Bid Amount /Additive Alternate Amt.
1.	Rocky Mountain Ambulance 312 S. Main Paragonah, UT 84760	\$167,000 no optional equipment included
2.	Braun Industries, Inc. Hughes Fire Equipment 1170 Production Drive 910 Shelley Street Van Wert, OH 45891 Springfield, OR 97477	No Bid
3.	Sawtooth Emergency Vehicles 5726 N Morpheus Way Meridian, ID 83646	\$175,500 no optional equipment included
4.		
5.		
6.		

City Engineer's Estimate if applicable: _____

Staff Present: Chief Bob Painter, Lori Sorrows and Renee Krause

Comments: _____

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

3 City Clerk/
4 Public Works Director

5 **RESOLUTION 16-027**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 CONTRACT FOR WADDELL WAY ROAD AND WATER MAIN
9 IMPROVEMENTS 2016 PROJECT TO THE FIRM OF EAST ROAD
10 SERVICES, INC. OF HOMER, ALASKA, IN THE AMOUNT OF
11 \$925,570.00 AND AUTHORIZING THE CITY MANAGER TO EXECUTE
12 THE APPROPRIATE DOCUMENTS.

13
14 WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
15 advertised in the Homer Tribune on January 27 and February 3, 2016, the Peninsula Clarion
16 on January 31, 2016, posted on the Clerk's home page, and sent to two in-state plans rooms;
17 and

18
19 WHEREAS, Bids were due by 2:00 p.m. on Thursday, March 3, 2016 and seven bids were
20 received by the City Clerk's Office; and

21
22 WHEREAS, Bids were publicly opened and read on March 3, 2016 and the firm of East
23 Road Services, Inc. of Homer, Alaska, was determined to be the low responsive bidder in the
24 amount of \$925,570.00; and

25
26 WHEREAS, East Road Services, Inc. is qualified to complete the work; and

27
28 WHEREAS, The work is funded by a State Legislative grant and the Homer Accelerated
29 Roads and Trails Program (HART), the purpose of which is to make road improvements to
30 Waddell Way (see Ordinances 14-42(S) and 15-30); and

31
32 WHEREAS, The low bid is within the project budget approved by the City Council.

33
34 WHEREAS, This award is not final until written notification is received by East Road
35 Services, Inc. of Homer, Alaska, from the City of Homer.

36
37 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves
38 the contract award for Waddell Way Road and Water Main Improvements 2016 Project to the
39 firm of East Road Services, Inc. of Homer, Alaska, in the amount of \$925,570.00 and authorizes
40 the City Manager to execute the appropriate documents.

41
42 PASSED AND ADOPTED by the Homer City Council this 14th day of March, 2016.

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CITY OF HOMER

MARY E. WYTHE, MAYOR

ATTEST:

JO JOHNSON, MMC, CITY CLERK

Fiscal Note: 151-7002 (Waddell Way Legislative Grant); 160-0766 (HART Fund)



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

Memorandum 16-048

To: Katie Koester, City Manager
From: Carey Meyer, PW Director
Date: March 4, 2016
Subject: **Award of Construction Contract
Waddell Way Road and Water Main Improvement**

On March 3, 2016, bids were received for the **Waddell Way Road and Water Main Improvement** project. This work was advertised in the Homer Tribune - January 27 and February 3, 2016; and in the Peninsula Clarion - January 31, 2016. Procurement procedures were in accordance with the City's procurement regulations.

This project consists of the construction of 1500 LF of road and water main along Waddell Way from Lake Street to Heath Street, including sidewalk, bike lanes, street lighting, pavement markings and drainage improvements. The project is funded through a State Legislative grant and the HART Program (per Ordinances 14-42(S) and 15-30).

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

Responsive Bidder's Names	Local Bidder?	Amount
Arno Construction	Yes	\$ 1,063,193.45
Clark Management	No	\$ 1,005,575.97
East Road Services, Inc.	Yes	\$ 925,570.00
Mass Excavation, Inc.	No	\$ 1,085,524.60
GMC Contracting, Inc.	No	\$ 1,127,608.50
South Central Construction, Inc.	No	\$ 1,132,149.40
Herndon Construction, LLC	Yes	\$ 986,015.18
Engineer's Estimate		\$ 1,179,920.00

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 Spring and be complete by August 15.

Recommendation:

City Council pass a resolution awarding the construction contract for the Waddell Way Road and Water Main Improvement project in the amount of \$925,570.00 to East Road Services, Inc. of Homer, Alaska, and authorizing the City Manager to execute all appropriate documents necessary to complete this project. (Fiscal Note – Waddell Way Road and Water Main project #151-7002 and HART account # 160-0766)

JAN 22 2016

INVITATION TO BID
By the City of Homer, Alaska, for the
Waddell Way Road and Water Main Improvements 2016

Sealed bids for the construction of the **Waddell Way Road and Water Main Improvements 2016** project 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, March 3, 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 Mandatory Pre-Bid Conference will be held at **1:30 p.m., Wednesday, February 17, 2016** in the City Hall Second Floor Conference Room (491 E Pioneer Avenue) to answer bidder's questions.

The project is funded by a State Legislative Grant and the Homer Accelerated Roads and Trails Fund (HART). The City's local bidder's 5% preference requirements do apply; State prevailing wage rates will apply. The work includes, but is not limited to the following:

Construction of paved road, curb and gutter, drainage improvements, water main, street lighting and other items as indicated within the bid documents and plan set.

Please direct all technical questions regarding this project to: Carey Meyer, 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 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 22nd day of January, 2016.

CITY OF HOMER

Jo Johnson, Acting City Manager

Publish: Homer Tribune - January 27 and February 3, 2016
Peninsula Clarion - January 31, 2016

Fiscal Note: 151-7002

CITY OF HOMER

BID TALLY SHEET: **PROJECT:** Waddell Way Road & Water Main Improvements

Due Date and Time: March 3, 2016 @ 2:00 p.m. **PROJECT No:** 151-7002
City Clerk's Office

Bidder No.	Bidder Name and Address	Part B / Part A	Bid Amount / Additive Alternate Amt.
1.	Mass Excavation, Inc. P.O. Box 241093 Anchorage, AK 99524	✓ / ✓	\$1,085,524.60
2.	GMC Contracting Inc. 351 E International Airport Road Anchorage, AK 99518	✓ / ✓	\$1,127,608.50
3.	Arno Construction, Inc. P.O. Box 1772 Homer, AK 99603	✓ / ✓	\$1,064,043.55
4.	East Road Services, Inc. 33740 Jones Drive Homer, AK 99603	✓ / ✓	\$925,570.00
5.	Clark Management, Inc. P.O. Box 962 Anchor Point, AK 99559	✓ / ✓	\$1,005,575.90
6.	Southcentral Construction, Inc. 205 E Dimond Blvd. PMB 555 Anchorage, AK 99515	✓ / ✓	\$1,132,149.40
7.	Herndon Construction, LLC P.O. Box 262 Homer, AK 99603	✓ / ✓	\$986,015.18

City Engineer's Estimate if applicable: \$1,179,920.00

Staff Present: Public Works Director Carey Meyer; Finance Department, Lori Sorrows, Deputy City Clerk Renee Krause

Comments: _____

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 15-30**

6
7 AN ORDINANCE OF THE HOMER CITY COUNCIL AMENDING THE FY
8 2015 OPERATING BUDGET BY APPROPRIATING A 25% MATCH TO
9 THE WADDELL ROAD IMPROVEMENT LEGISLATIVE GRANT IN THE
10 AMOUNT OF \$357,500 FROM THE HOMER ACCELERATED ROADS
11 AND TRAIL PROGRAM (HART) FUND; AUTHORIZING THE PURCHASE
12 OF THE WADDELL PROPERTY IN SUPPORT OF THE WADDELL ROAD
13 IMPROVEMENT PROJECT; AND AUTHORIZING THE CITY MANAGER
14 TO EXECUTE ALL APPROPRIATE DOCUMENTS.

15
16 WHEREAS, The City Council accepted and appropriated a Legislative Grant (Ordinance
17 14-42(S)) in the amount of \$1,430,000 for the Waddell Road Improvements; and
18

19 WHEREAS, The grant covers design, utilities, property acquisition, and construction
20 costs for the Waddell Road Improvement project; and
21

22 WHEREAS, The grant application indicated that a 25% match from the Homer
23 Accelerated Road and Trail Fund would be provided to facilitate the completion of the road
24 project; and
25

26 WHEREAS, The project requires the purchase of Tract 2-A Waddell Park Subdivision
27 1985 Replat, referred to herein as the Waddell property (see Memorandum 15-134); and
28

29 WHEREAS, The property was been determined by appraisal to have a value of
30 \$855,000; and
31

32 WHEREAS, The aforementioned legislative grant will cover 75% (\$641,250) and the City
33 match will cover 25% (\$213,750) of the cost of the property purchase; and
34

35 WHEREAS, The funds generated from the sale of the remaining parcel and the cabins
36 will be distributed back into the grant project account and the HART Fund in generally the
37 same proportions.

38 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

39

40 Section 1. The Homer City Council approves the purchase of the Waddell property.

41

42 Expenditure:

43 <u>Account Number</u>	<u>Description</u>	<u>Amount</u>
44 160-0766	HART Fund	\$213,750
45 151-7002	Waddell Way Road Grant	\$641,250

46

47 Section 2. The Homer City Council hereby amends the FY 2015 Operating Budget by
48 appropriating \$357,500 from the HART Program as a 25% match to the Waddell Way Road
49 Improvement Legislative grant:

50

51 Expenditure:

52 <u>Account Number</u>	<u>Description</u>	<u>Amount</u>
53 160-0766	HART Fund	\$357,500

54

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

57

58 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 24 day of
59 August 2015.

60

61 CITY OF HOMER

62

63

64

65

Mary E Wythe
MARY E. WYTHE, MAYOR

66 ATTEST:

67

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69

Melisa Jacobson, Acting City Clerk
JO JOHNSON, MMC, CITY CLERK

70

71

72

73 YES: 6

74 NO: 8

75 ABSTAIN: 0

76 ABSENT: 0



77 First Reading: 8/10/15
78 Public Hearing: 8/24/15
79 Second Reading: 8/24/15
80 Effective Date: 8/25/15

81
82

83 Reviewed and approved as to form:

84

85

86 Mary K. Koester

87 Mary K. Koester, City Manager

88

89

90 Date: 8.27.15

Thomas F. Klinkner

Thomas F. Klinkner, City Attorney

Date: 9-1-15

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 14-42(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, ACCEPTING AND APPROPRIATING A LEGISLATIVE GRANT IN THE AMOUNT OF \$1,430,000 FOR WADDELL WAY ROAD IMPROVEMENT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City has been awarded a Legislative Grant in the amount of \$1,430,000 for Waddell Way Road Improvement; and

WHEREAS, It is in the City's best interest to accept and appropriate the grant.

NOW, THEREFORE, BE IT ORDAINED by the City of Homer:

Section 1. The Homer City Council hereby accepts and appropriates a Legislative Grant in the amount of \$1,430,000 for Waddell Way Road Improvement as follows:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7002	Waddell Way Road Improvement	\$1,430,000

Section 2. This ordinance is a budget amendment only, is not of a permanent nature, and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 25th day of August, 2014.

CITY OF HOMER



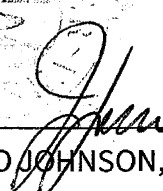
FRANCIE ROBERTS, MAYOR PRO TEMPORE

38 ATTEST:

39

40

41

42 
JO JOHNSON, MMC, CITY CLERK

43

44 YES: 6

45 NO: ~~0~~

46 ABSENT: ~~0~~

47 ABSTAIN: ~~0~~

48

49 First Reading: 8/21/14

50 Public Hearing: 8/25/14

51 Second reading: 8/25/14

52 Effective Date: 8/26/14

53

54 Reviewed and approved as to form:

55

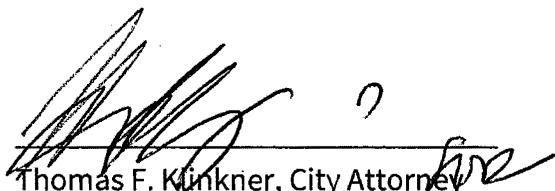
56 
Walt Wrede, City Manager

58

59 Date: _____

60

61


Thomas F. Klinkner, City Attorney

Date: 9/1/14

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

3 Reynolds

4 **RESOLUTION 16-028**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 RESPECTFULLY REQUESTING THE ALASKA LEGISLATURE
8 CONSIDER LESS SEVERE CUTS TO THE ALASKA PUBLIC
9 BROADCASTING COMMISSION IN THE FY17 BUDGET.

10
11 WHEREAS, KBBI Public Radio (Kachemak Bay Broadcasting, Inc.) provides important
12 news and information services 24 hours a day, 365 days a year, serving lower Cook Inlet
13 residents from Clam Gulch to Nanwalek, and Chinitna Bay to the west side of Kodiak Island;
14 and

15
16 WHEREAS, KBBI provides essential public service in times of emergency and natural
17 disasters. At 1:30 a.m. on Sunday, January 24, 2016, a 7.1 earthquake struck the west side of
18 Cook Inlet, 47 miles across Cook Inlet from Anchor Point and 60 miles from Homer. Within 20
19 minutes KBBI staff were on the air with earthquake information and provided regular updates
20 until 6:00 a.m. The effort continued into the afternoon, including information from the
21 Central Kenai Peninsula area where the most severe physical damage took place; and

22
23 WHEREAS, KBBI has invested significant financial resources to purchase and install
24 backup propane generators at the studio and transmitter locations to provide vital
25 information to communities when disaster threatens. This can come in the form of
26 earthquakes, tsunamis, volcano eruptions, wildfire, or floods. In the past 25 years the
27 southern Kenai Peninsula has experienced each of these events multiple times; and

28
29 WHEREAS, KBBI's high level of response led the City of Homer to invite KBBI's
30 participation in the City's *All Hazard Mitigation Plan* committee. KBBI also participated in the
31 *Coastal Community Resilience Training* in October 2015, a disaster preparedness training
32 offered by NOAA; and

33
34 WHEREAS, KBBI's ability to broadcast to the central Kenai Peninsula via KDLL, Kenai
35 has been important in emergency response situations; and

36
37 WHEREAS, Cuts to all segments of Alaska government budgets are anticipated for
38 FY17; and

39 WHEREAS, The proposed reduction to the budget for public radio seems
40 disproportionate and will adversely affect service across Alaska; especially to Bush and rural
41 residents where public radio may be the primary source of regional and emergency
42 information.

43
44 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska,
45 respectfully requests the Alaska Legislature consider less severe cuts to the Alaska Public
46 Broadcasting Commission in the FY17 budget.

47
48 PASSED AND ADOPTED by the Homer City Council on this 14th day of March, 2016.

49
50 CITY OF HOMER
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54 _____
55 MARY E. WYTHE, MAYOR

56 ATTEST:
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58
59 _____
60 JO JOHNSON, MMC, CITY CLERK

61
62 Fiscal Note: N/A
63
64

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

Reynolds

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4 **RESOLUTION 16-029**

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6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE BEACH POLICY FOR OPERATING, STOPPING OR
8 PARKING OF MOTOR VEHICLES IN BEACH AREAS PROHIBITED TO
9 ADD AN EXCEPTION TO THE SOUTHERN END OF THE VACATED
10 EASEMENT FORMALLY KNOWN AS SHIRLENE CIRCLE AND THE
11 AREA WEST OF BISHOP'S BEACH PARK ACCESS BETWEEN THE
12 SOUTH END OF MARINER PARK BEACH TO THE EAST END OF THE
13 SEAWALL FROM OCTOBER 31 THROUGH MARCH 1 SOLELY FOR
14 THE PURPOSE OF GATHERING SAND AND COAL.
15

16 WHEREAS, The Homer City Council adopted Ordinance 16-05(S-2)(A-2) at the February
17 22, 2016 regular council meeting; and
18

19 WHEREAS, Ordinance 16-05(S-2)(A-2) amended the exceptions to operating, stopping
20 or parking of motor vehicles in beach areas prohibited to allow motor vehicles in the
21 southern end of the vacated easement formally known as Shirlene Circle and the area west of
22 Bishop's Beach and to the east end of the seawall from October 31 through March 1 solely for
23 the purpose of gathering sand and coal; and
24

25 WHEREAS, Ordinance 16-05(S-2)(A-2) also prohibits a person to operate, stop or park a
26 motor vehicle within or upon privately owned property in a beach area without the
27 permission of the property owner.
28

29 WHEREAS, It is necessary to amend the Beach Policy to incorporate these
30 amendments.
31

32 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
33 amends the Beach Policy for operating, stopping or parking of motor vehicles in beach areas
34 prohibited to add an exception to the southern end of the vacated easement formally known
35 as Shirlene Circle and the area west of Bishop's Beach park access between the south end of
36 Mariner Park beach to the east end of the seawall from October 31 through March 1 solely for
37 the purpose of gathering sand and coal.
38

39 PASSED AND ADOPTED by the Homer City Council on this 14th day of March, 2016.

40

41

CITY OF HOMER

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MARY E. WYTHE, MAYOR

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47 ATTEST:

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51 JO JOHNSON, MMC, CITY CLERK

52

53 Fiscal Note: N/A

54

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City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 16-047

TO: MAYOR WYTHER AND CITY COUNCIL
FROM: JO JOHNSON, MMC, CITY CLERK
DATE: MARCH 9, 2016
SUBJECT: AMENDMENTS TO THE BEACH POLICY

At the February 22, 2016 meeting the Council adopted Ordinance 16-05(S-2)(A-2) amending provisions of operating, stopping, or parking a motor vehicle within and upon the beach areas.

Resolution 16-029 incorporates those amendments into the Beach Policy to define the areas where motor vehicles are permitted.

RECOMMENDATION:

Informational only.

Fiscal Note: N/A

City of Homer Beach Policy

200716



Table of contents

1. Purpose and Intent

2. Definitions

3. General Policy Recommendations

4. Specific Area Recommendations

5. Beach Policy History

Beach Area Map

Section Line Easement Diagram

State Attorney General Opinion

Appendix A: Beach Access Notes

Appendix B: Mainland public access points to Kachemak Bay

1. Purpose and Intent

This document is an update to the Beach Policy Task Force Final Recommendations, adopted June 25th 2001. Since 2001, the City of Homer has annexed more land and beaches, and implemented parts of the original plan. The purpose of this document is to update the Beach Policy and make recommendations for future actions. The intent of the Beach Policy is to keep Homer's beaches safe and enjoyable for all users, and preserve natural environment.

Goals

Education

Educate beach users by provide signage and beach information at convenient locations.

Prevention

Limit conflicts between motorized users and pedestrians by encouraging courtesy and common sense.

Protect sensitive beach habitat and wildlife from inappropriate use of beaches – i.e. keep motorized vehicles out of lagoon areas.

Enforcement

Ensure adequate staffing on holiday weekends.

2. Definitions

a. **“Berm”** means a natural, linear mound or series of mounds ~~of sand or gravel~~, **in a beach area composed of sand, gravel**, or both, generally paralleling the water at or landward of the **elevation of mean** ~~line of ordinary high tide~~ **water**.

b. **“Storm berm”** – means a berm formed by the upper reach of storm wave surges or the highest tides. Storm berms generally include an accumulation of seaweed, driftwood, and other water-borne materials. A beach **area** may have more than one storm berm.

Example: Grassy areas of Mariner Lagoon and Beluga Slough where highest tides and storm deposit logs and driftwood. Tall grasses grow there most of the time, and only at the highest tides and largest storms are logs thrown up on the beach.

c. **“Submerged land”** means **land covered by tidal water from the elevation of mean low water seaward to the corporate boundary of the city.**

d. **“Tideland”** means **land that is periodically covered by tidal water between the elevation of mean high water and mean low water.**

e. **“Beach area”** means **all of the following, whether publicly or privately owned: submerged land, tideland, and the zone of sand, gravel and other unconsolidated**

materials that extends landward from the elevation of mean high water to the place where there is a marked change in material or physiographic form.

f. “Motor vehicle” means a device in, upon, or by which a person or property may be transported or drawn upon or immediately over land, that is self propelled except by human or animal power.



3. General Recommendations for all Homer Beaches

1. Identify and improve beach access points. Heavy impacts are created by a large number of people accessing the beach at a small number of places. By finding, improving and publishing all public beach access points, we will diffuse the impacts and provide a more enjoyable experience to all.

A. Improve Access via: Crittenden Dr., Ocean Dr., Spit, Kachemak Dr.

B. Provide signage at all public access points.

1. Specifically, signage shall be maintained at Bishop’s beach park, Ocean Drive Loop, the parking areas on the east side of the Homer Spit, on the Airport Beach Road, and Kachemak Drive.

C. Appendix A documents other public access points and the pros and cons of their development. The appendix should be expanded to include Homer Spit public access points, particularly on the east side of the spit.

2. Signage should be positive and informative.

A. Sign examples for the Mud Flats, Berms & Driftwood

1) Help build our beach berms and protect our critical habitat areas.

2) Please do not drive on or remove any material from the storm berms. The grasses growing here provide habitat and are an important part of berm stabilization. Driftwood plays an important role in building and protecting our berms.

3) The Mud Flats are fragile and important habitat for wildlife. They are hazardous and off-limits to vehicles and foot traffic.

4) Encouraging courtesy to other users.

B. Examples for private property:

1) Please be aware that private property extends 100' or more toward the water from the high tide line.

3. Ask for City Attorney opinion on location of seaward property lines. Although many people believe property lines stop at a water boundary, it has become apparent this is not the case in Kachemak Bay. Normal property lines next to the ocean are established at mean high tide, and slow erosion does change boundaries. The 1964 earthquake caused the sinking of the Spit and Homer area. The sea flowed over the lowered land. This sudden change is called avulsion and legally does not change land boundaries. (See attached opinion by State Attorney General)

4. Encourage better enforcement of applicable existing state and local laws. Examples of applicable laws include: HCC 19.08 Campgrounds, HCC ~~19.16 Vehicles on Homer Spit Beach,~~ **7.16 Vehicles in Beach Areas;** HCC 18.28.200 Waste or injury to land, and Alaska State Traffic Regulations regarding: DWI, Reckless Driving, Negligent Driving, Basic Speed, and Littering.

A) More evening enforcement in City campgrounds, and encourage/post quiet hours.

B) More enforcement of city driving laws on city beaches.

5. Develop and distribute brochures with a coordinated public relations campaign. It is important to enlist the public in the campaign to keep our beaches enjoyable for all, to limit the human damage to fragile areas and to minimize friction between user groups. We need everyone's help.

A. Prior to major holiday weekends, advertise beach rules and etiquette in the local newspapers. Consider a public services announcement on local radio stations. Budget at least \$500 annually for this advertising.

B. Budget at least \$500 a year for sign replacement.

C. Provide beach maps and brochures on beach etiquette at city campground facilities.

6. Perform an annual assessment of beach health and developing impacts.

A. City staff & Parks and Recreation Commission representatives prepare an assessment with reports to City Manager, City Council, & City Commissions. The report should be prepared in a timely manner so that items requiring maintenance or ongoing funding may be considered during the budget process. Include an assessment of the condition of the storm berm at Mariner Park, specifically including pedestrian impacts.

B. Add each annual assessment to the original BPTF report with updated photos to create a continuous record.

7. Driftwood from berm areas should not be removed. Testimony by scientists emphasized the importance of the natural berm building process to protect the spit, lagoon and slough. The berms also provide important wildlife habitat. It was found that driftwood plays an important role in building and stabilizing berms. Thus, it is hoped that providing an alternate source of campfire wood for campers serves the important function of protecting the berms. Driftwood was also described as an important esthetic enhancement to the beach and a material resource.

A. Direct City Administration to investigate providing firewood to beach users or allowing firewood concessions in city campgrounds.

8. Find ways of supporting beach cleanup.

A. Support the efforts of spring clean up day to include Homer beaches. The City should actively continue to support the efforts of volunteers by providing trash bags for the event and dumpsters or trash removal at locations such as Bishop's Beach.

B. Support the efforts of the Center for Alaskan Coastal Studies for their annual CoastWalk and beach trash removal. Support may be in the form of providing trash bags, dumpster service at beach parks, and city funding for newspaper advertising for CoastWalk educational and beach clean up activities.

9. Increase Parking on the Spit

A. We need more parking and areas for people to access the beach. These parking areas distribute the impact of beach users, provide safe off-highway parking for vehicles.

B. Situate the parking close to Spit Road for aesthetic purposes.

C. Better parking further down the spit will allow pedestrians to enjoy to the beach where vehicles are not present.

4. Recommendations by Area (Following the beach line, East to West)

1. Area 1 - Miller's Landing to Airport Access Road.

A. Miller's Landing. Create a public viewing spot in the Beach Access Road Right of Way off of Kachemak Drive, by posting a sign stating the location of the public access. In the future, as use warrants, create a small parking area, and use boulders to discourage trespassing on adjacent properties.

B. Airport Access Road Signage (with diagram of berm-slope-flats).

- No camping
- Please keep vehicles between the storm berm and the mud flats.
- All of the areas above high tide (and much below) are private property and there are no designated camping areas. ~~Voluntary limits to the areas used by vehicles will help protect sensitive areas.~~

C. Vehicle use at the bottom of airport beach access road on the beach is not allowed.

D. Vehicles are allowed on the beach east of the vacated easement formerly known as Shirlene Circle (refer to map), under the terms of HCC 7.16

Vehicles are not allowed on the beach at the bottom of the airport beach access road. Vehicles are allowed east of that area, but there is no public vehicle access point to get



to that part of the beach. Land owners or those with land owner permission may access the beach from private vehicle access points. Once on the beach, nothing in City laws or policy condones trespassing on adjacent private lands.

2. Area 2 - Airport Beach Access Road to North End of Berm outside of Louie's Lagoon and Louie's Lagoon.

A. Due to expert testimony, it was agreed by the BPTF that limiting vehicle use in this area was necessary to protect the fragile habitats from Mud Bay to Louie's Lagoon.

B. Signage - identifying access and informing the public as to where vehicles are prohibited.

C. Vehicles are ~~should~~ be prohibited in this entire area - outside of access driveways and parking.

D. Conservation zoning is suggested for all public lands in this area. Much of Area 2 already has a conservation easement.

E. Designate the platform area as a park and initiate cleanup of surface debris in Louie's Lagoon. A layer of dredge spoils to cover debris and more grass around the platform is also recommended. Investigate potential as a bird viewing platform.

F. Long term goal: Reconfigure the section line easement. The current section line easement goes across the mud flat in the bird sanctuary. A reconfiguration would provide better access to the beach, and protection for the sanctuary. As designated on attached map.

G. Preserve subsistence fishing access for vehicles, and public access to that part of the Spit. This has traditionally included an access across the northern portion of the English Bay property

I. Budget for rock placement at the Airport Beach Access to discourage travel to the west into Mud Bay. Contract the work out.

3. Area 3 - From Louie's Lagoon - South to end of Homer Spit and then North to City Campground across from Fishing Hole

A. Long range goal: Removal of beached barge on English Bay Corporation property.

B. Encourage the elimination of unsightly waste on properties near the beach by working with owners. Several highly visible properties have allowed the accumulation of waste and industrial junk. The City has also allowed this to occur on City land, and should lead the way in the cleanup effort.

4. Area 4 - From City Fishing Hole Campground to the Outlet of Mariner Park Lagoon

A. At campground building across from the Fishing Hole, make beach use maps available, as well as information and signage that is interpretive about the berm building process, encourages courtesy to pedestrians, and states where vehicles are permitted.

B. Install signage at a controlled exit from the City Fishing Hole campground to the beach to direct vehicles to the base of the spit, and away from the no recreational vehicle area.

C. Define limits to Mariner Park campground by utilizing logs, rocks or other means to restrain vehicles from entering the lagoon. Similar to Parks & Recreation Advisory Commission Draft Master Plan for Mariner park campground, which extends a revetment to protect berms, grasses and tidal mud, with no additional incursion into the lagoon.

D. Create a cost estimate for placing boulders at Mariner Park to better define the park and places where motorized vehicles are prohibited. Include the project in the annual budget in the near future, and contract the work out.

E. Budget for a new kiosk at Mariner Park. Include a large interpretive map with beach access and user information. Include the project in the annual budget and contract the work out.

G. Vehicles are prohibited between the former campground building site, and the south end of Mariner Park.

H. Between the south end of Mariner Park and the east end of the sea wall, vehicles are allowed on the beach from October 31 through March 1st, solely for the purpose of gathering sand and coal. The beach is closed to vehicles at all other times and for all other uses.

5. Area 5 - Mariner Park Lagoon including the storm berm

A. Install and maintain signage stating vehicles are prohibited in the Lagoon and above the high-tide line near the berm. This is a fragile berm.

B. Signage should also indicate the high potential of vehicles getting stuck in this area.

C. Finish transfer of ownership of parcels to City of Homer. Two large parcels in Mariner Park Lagoon were obtained by the City from DNR, but the transfer paperwork was not completed.

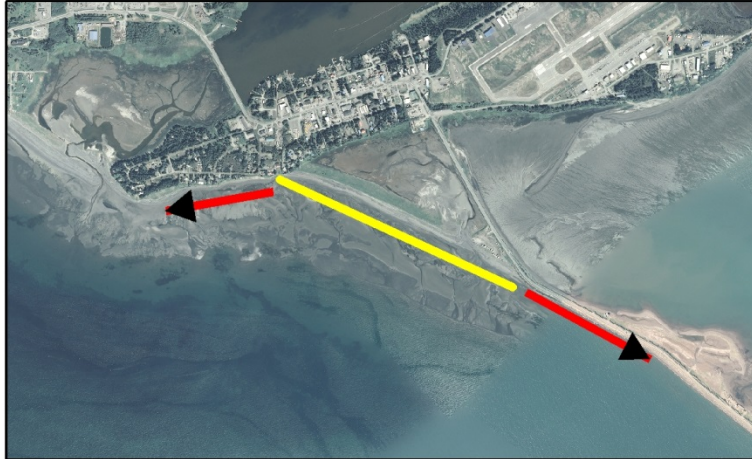
D. Enact Conservation Zoning and continue work on the conservation easement. Zoning changes may begin at any time. The land ownership transfer must be complete prior to the conservation easement completion.

6. Area 6 - Mariner Park Lagoon outlet (below the berm) to Beluga Slough outlet.

A. Provide signage discouraging motor vehicle usage and encouraging courtesy to pedestrians. Vehicle prohibition is not necessary, but use of vehicles in this area often leads to driving or parking on the storm berm.

B. Improve and identify with signage the Ocean Drive Loop beach and Beluga Slough access.

C. Vehicles are allowed between the south end of Mariner Park beach and the east end of the seawall from October 31 through March 1st solely for the purpose of gathering sand and coal. The beach is closed to vehicles at all times for any other purpose. The area in front of the sea wall west to the Beluga Slough outfall is closed to vehicles.



Red = No vehicles
Yellow = Vehicles only
under the terms of HCC
7.16, paraphrased in C,
above.

7. Area 7 - Beluga Slough Outlet to Bishop's Beach Park access. This is a heavily used area, and has the greatest potential for conflicts between user groups. ~~We do not wish to prohibit vehicle use, but would rather encourage a separation to enhance user experiences.~~

A. This area is closed to vehicles.

BA. Support Fish & Wildlife efforts to protect berm and promote rye grass and driftwood buildup.

CB. Support Fish & Wildlife work to develop a plan to maintain the ecological integrity of their educational reserve, including possible conservation zoning.

DC. Increase at Bishop's Beach Park.

ED. Signage at Bishop's Beach access:

1. "~~Pedestrian Zone~~" ~~please limit vehicle use East to outlet of Beluga Slough.~~
2. "Unauthorized vehicles are prohibited on the storm berm and in the Beluga Slough area."



Vehicles are allowed west
from Bishop's beach Park
access, and prohibited to the
east.

8. Area 8 - West from Bishops Beach Park Access to City Limits

A. This area is open to vehicles, following the laws under HCC 7.16.

BA. Construct a kiosk with interpretive signage (Visitor information, berms, driftwood, private property, compass rose), encourages courtesy to pedestrians, ~~and that vehicles are permitted to the west towards Anchor Point.~~

CB. Provide and maintain signage requesting;

- Please do not remove driftwood from storm berms and private property

DC. Develop Charles Way as a footpath for better pedestrian flow. Do not develop for vehicle access as the bluff is eroding and it is not worth the expense to the public to build a road that will have near future erosion problems. Improve erosion control and access at Crittenden Drive and at Main Street.

ED. Improve access at Main Street. Construct a stairwell to the beach. Use the right of way at the end of Main Street for an erosion control project, using seeding, native grasses and other low impact techniques. Develop a stairway so people may access the beach without treading on the eroding bluff face.

FE. Correct the drainage ditch from Crittenden Drive so that the water is not eroding neighboring private property. Extending the culvert system down to the beach may be a solution. Work with adjacent landowners to secure public access easements to the beach, using a route that is sustainable.

GF. Work with property owners and interested volunteers to remove the junk cars from the beach near the bottom of West Hill.

5. History

The original Beach Policy Task Force was established in 2000 and completed the beach policy in 2001. The City adopted it on June 25, 2001. In 2003, Ordinance 03-27, the city was awarded a \$75,000 Coastal Impact Assessment grant to fund beach access restriction improvements, regulatory signage, a GIS coastal erosion and beach habitat information mapping project and funds for the 2004 United States Geological Survey sediment transport study camera operation.

The Task Force made further recommendations in 2005, in Memorandum 2005-78, and concluded their work. In 2007, the City Council added advising on public beaches to the duties of Parks and Recreation Advisory Commission (Ordinance 2007-01(A)). The Commission formed a Beach Committee to update the Beach Policy, which resulted in this document.

In fall of 2014 the Parks and Recreation Advisory Commission was directed by Council to review and recommend revisions to the Beach Policy. The Commission worked on the policy the first six months of 2015 and made recommendations via Memorandum 15-102. Council adopted Ordinance 16-05 (S-2)(A-2) on February 23, 2016. The Beach Policy was amended to reflect these revisions through Resolution 16-0XX.

VISITORS

ANNOUNCEMENTS
PRESENTATIONS
BOROUGH REPORT
COMMISSION REPORTS

Session 16-05, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Stead at 6:30 p.m. on March 2, 2016 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BRADLEY, HIGHLAND, STEAD, VENUTI

ABSENT: BOS, ERICKSON, STROOZAS

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK JACOBSEN

Approval of Agenda

Chair Stead called for a motion to approve the agenda.

HIGHLAND/BRADLEY SO MOVED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Public Comment

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

Reconsideration

Adoption of Consent Agenda

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

A. Approval of Minutes of February 17, 2016 Regular Meeting Minutes

Chair Stead called for a motion to adopt the consent agenda.

HIGHLAND/BRADLEY SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Presentations

Reports

A. Staff Report PL 16-14, City Planner's Report

City Planner Abboud reviewed the staff report.

There was brief discussion about FEMA and the State Hazard Mitigation Grant Program.

Public Hearings

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

A. Staff Report PL 16-12 Draft Ordinance 16-xx amending HCC 21.12.020 to simplify code language in the Rural Residential District regarding detached dwelling units

City Planner Abboud reviewed the staff report.

Chair Stead opened the public hearing. There was no public present and the hearing was closed.

HIGHLAND/BRADLEY MOVED TO APPROVE STAFF REPORT PO 16-15 AND THE DRAFT ORDINANCE AMENDING HCC 21.12.020 PERMITTED USES AND STRUCTURES REGARDING THE PERMISSION OF DETACHED DWELLING UNITS IN THE RURAL RESIDENTIAL ZONING DISTRICT, AND FORWARD IT TO COUNCIL FOR PUBLIC HEARING AND ADOPTION.

There was brief discussion that this is a very clean simple way to make things clearer for the zoning.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Plat Consideration

Pending Business

A. Staff Report PL 16-16 Comprehensive Plan Update. Background Information and Energy Chapters

City Planner Abboud reviewed the staff report.

The group discussed:

1. Updating the vision statement to clarify that as a city we can be a model for energy conservation and wise use of the resources, and that we will support renewable energy development.
2. Formatting issues and fonts.

3. Staff removed a goal 5 dealing with fuels for transportation from chapter nine as its better addressed in the transportation chapter.
4. Goal 1 Objective C
 - a. It raises challenges relating to considering full direct and indirect costs of energy when performing economic analysis.
 - b. Beyond the common sense aspect it is unclear how far to delve into the full cost of getting a product; and when addressing project costs it hard to fathom how to work it into our process.
 - c. It raises questions like, how much do we pay for the full cost accounting, who will do it, who proofs it, and who is the arbitrator of the value of the full cost.
 - d. Consider removing 1.C.1 and change 1.C.2. to Use quantifiable external and indirect cost of energy.
 - e. It doesn't hurt to acknowledge there are some direct and indirect costs, and change wording to consider objective C. It allows us to think about this.
 - f. It is a difficult concept to grasp and the Planner has indicated this as a problem for the City to implement.
 - g. Keep looking at wording to incorporate this concept.
5. Goal 2
 - a. Took out references supporting the recycling strategy at the transfer station because it's already addressed.
 - b. Implementation table includes item 2-1 to assign city staff to create a solid waste and recycling plan for City operations.
 - c. The goal doesn't define what is considered scarce resources.
 - d. Share the city's sustainability guidebook with other entities.
 - e. If the city had an environmental staff person so many of these things would have been tied together by now and the savings could pay for that staff person.

The Commission and the City Planner reviewed Chapter 2 Background Information and suggested,

1. Numbering the summary.
2. Addressing climate change and ocean acidification.
3. Under the summary second bullet removing the word vibrant and leave it as "Homer has a diverse economy.."
4. May need to include marijuana.

New Business

Informational Materials

- A. City Manager's Report – February 22, 2016

Comments of the Audience

Comments of Staff

City Planner Abboud said they will continue to work on this. There are memos out and there will be different sections to work on. The Planning Convention will be in Phoenix the first week in April.

Comments of the Commission

Commissioner Highland commented that she finished re-reading the Climate Action plan and she's always amazed at how well it's written and how much work went in to it. It was written in 2007 and now in 2016 a lot of these things have come to pass that we haven't done anything about yet. Maybe one of these days we will.

Commissioner Bradley commented it's interesting to read through this and come across things she has seen in the museum archives. It's cool to see how some things have changed and others haven't. She will be absent at the next meeting.

Commissioner Venuti commented that his wife looked through his packet and commented that Rick does a lot of work. He noted how sometimes they take for granted all the work that goes into preparing for the meetings and thanked staff for the great job. He said the Borough Assembly took the marijuana regulating authority back from the planning commission since the planning commissioners are appointed and not elected. Since the Borough doesn't have zones and is so wide spread, they proposed to modify their local option zoning rules but it impacted property rights and fortunately was voted down. He recognized Kelly Cooper and her efforts on that. It will be interesting to see how this continues to evolve.

Chair Stead commented he thinks the city is burying its head in the sand a little bit along the lines of marijuana, so we've got to get out and vote.

Adjourn

There being no further business to come before the Commission, the meeting adjourned at 8:29 p.m. The next regular meeting is scheduled for March 16, 2016 at 6:30 p.m. in the City Hall Cowles Council Chambers. A worksession will be held at 5:30 p.m.

MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

Approved: _____

PUBLIC HEARING(S)

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

Ordinance 16-07(A)

A public hearing is scheduled for Monday, March 14, 2016 during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 16-07(A) internet address:
<http://www.cityofhomer-ak.gov/ordinances>

Ordinance 16-07(A), An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Special Election to be Held in the City on April 19, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question. Mayor. Recommended dates: Introduction February 22, 2016, Public Hearing and Second Reading March 14, 2016.



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

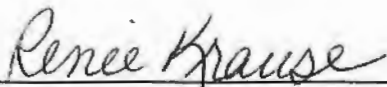
** Copies of proposed Ordinance and Resolution, in entirety, are available for review at Homer City Clerk's Office. Copies of the proposed Ordinances are available for review at City Hall, the Homer Public Library, and the City's homepage - <http://clerk.ci.homer.ak.us>. Contact the Clerk's Office at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

Melissa Jacobsen, CMC, Deputy City Clerk
Publish: Homer Tribune, March 9, 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 16-07(A)**, Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Special Election to be Held in the City on April 19, 2016 and Prohibiting Marijuana Establishments in the City until Certification of the Results of the Election on that Question was distributed to the City of Homer kiosks located at City Clerk's Office, and the Homer Public Library on Friday, March 4, 2016 and posted the same on City of Homer Website on Thursday, March 3, 2016.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 4th day of March, 2016.



Renee Krause, CMC, Deputy City Clerk



ORDINANCE REFERENCE SHEET
2016 ORDINANCE
ORDINANCE 16-07

An Ordinance of the Homer City Council Submitting to the Qualified Voters of the City the Question Whether Marijuana Establishments Shall be Prohibited in the City at the Regular Election to be Held in the City on October 4, 2016 and Prohibiting Marijuana Establishments in the City Until Certification of the Result of the Election on that Question.

Sponsor: Mayor

1. Council Regular Meeting February 22, 2016 Introduction
2. Council Regular Meeting March 14, 2016 Public Hearing and Second Reading
 - a. Ordinance 16-07(A) as amended by Council on February 22, 2016

CITY OF HOMER
HOMER, ALASKA

Mayor

ORDINANCE 16-07(A)

AN ORDINANCE OF THE HOMER CITY COUNCIL SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY THE QUESTION WHETHER MARIJUANA ESTABLISHMENTS SHALL BE PROHIBITED IN THE CITY AT ~~THE REGULAR ELECTION TO BE HELD IN THE CITY ON OCTOBER 4, 2016,~~ **A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016** AND PROHIBITING MARIJUANA ESTABLISHMENTS IN THE CITY UNTIL CERTIFICATION OF THE RESULT OF THE ELECTION ON THAT QUESTION.

WHEREAS, The State of Alaska voters passed Ballot Measure 2 at the November 4, 2014 regular State of Alaska election, effectively permitting marijuana establishments in the State of Alaska subject to State regulations; and

WHEREAS, The State of Alaska Marijuana Control Board recently adopted regulations regarding marijuana facilities in the State of Alaska that become effective February 21, 2016; and

WHEREAS, The voters' support for Ballot Measure 2 at the Statewide 2014 election may not reflect the support for the operation and regulation of marijuana establishments within the City of Homer, Alaska; and

WHEREAS, The benefits and potential consequences of permitting the commercial marijuana industry to operate within the City are significant and warrant voter approval by the qualified voters at the next ~~regular~~ **special** election.

THE CITY OF HOMER ORDAINS:

Section 1. Commercial marijuana establishments shall not be permitted within the boundaries of the City of Homer prior to the certification of the election results on Proposition No. 1.

Section 2. Commercial Marijuana establishments shall not be permitted within the boundaries of the City of Homer.

41 Section 3. The City Clerk is hereby directed to submit Proposition No. 1 to the
42 qualified voters at the ~~October 4, 2016 regular municipal election~~ **April 19, 2016 special**
43 **election** in substantially the following form:

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PROPOSITION NO. 1

49 Shall the City of Homer adopt a local option to prohibit the sale and
50 importation for sale of marijuana and any marijuana product; the operation of
51 any marijuana establishment, including one or more of the following license
52 types: a retail marijuana store; a cultivation facility; a marijuana product
53 manufacturing facility; or a marijuana testing facility?

54
55
56

YES NO

57 A “YES” vote would prohibit the operation of any commercial marijuana
58 establishments, including cultivation facilities, testing facilities, manufacturing
59 facilities, and retail stores or facilities from operating within the boundaries of
60 the City of Homer.

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A “NO” vote would permit the City of Homer City Council to permit operations
of commercial marijuana establishments, including cultivation facilities,
manufacturing facilities, testing facilities, and/or retail stores or facilities
within the boundaries of the City of Homer.

67 Section 4. This ordinance shall become effective immediately upon its enactment
68 **except for section 2 of this ordinance which shall be effective upon the passage of**
69 **proposition 1.**

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

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

80 ATTEST:

81

82

83 _____

84 JO JOHNSON, MMC, CITY CLERK

85

86

87 AYES:

88 NOES:

89 ABSTAIN:

90 ABSENT:

91 First Reading:

92 Public Reading:

93 Second Reading:

94 Effective Date:

95

96 Reviewed and approved as to form:

97

98 _____

99 Mary K. Koester, City Manager

100

101 Date: _____

Thomas F. Klinkner, City Attorney

Date: _____

ORDINANCE(S)

CITY MANAGER'S REPORT



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

City Manager's Report

TO: Honorable Mayor Wythe and Homer City Council
FROM: Katie Koester, City Manager
DATE: March 14, 2016
SUBJECT: City Manager's Report

Time to think about replacing COH radio system: \$\$\$

The City of Homer radio system is aging and will have to be replaced by 2022 to be in full compliance with FCC regulations. Chief Robl has an excellent memo attached that details why the system needs replacement, what replacement entails and cost estimates. The bottom line is it is going to cost a lot of money to replace the system: repeaters, dispatch consoles and hand held radios system wide. Chief Robl's estimate is between \$1.3 - \$1.6 million. The City will need to begin replacement as early as 2018, which means at a minimum the next budget will need to include funding for phase 1 of this multi-year project. Current Police Reserves are just over \$100,000.

Letter of support for Carrie Creek

The State Office of Historical Preservation has requested the Mayor's input on the naming of a small, previously unnamed creek in the Homer area "Carrie Creek." The name is to commemorate the daughter of one of the property owners whose land the creek flows through. Unless there is an objection, I will submit a letter of support on behalf of the Mayor and Council before the March 30 deadline. See the attached letter and nomination packet for more information.

Homer Foundation December 31, 2015 Quarterly Report

The Homer Foundation has submitted the attached report for the quarter ending December 31, 2015. According to Executive Director Steward, Homer Foundation investments have suffered a long downward spiral. However, the trend slowed in December and January, and in the month of February investments are starting to rebound and the Fund is showing strong gains.

Invasive Bird Trapping at Ben Walters Park

Fish and Game has been given permission to live trap starlings at Ben Walters Park. The startling is an invasive species that takes over other bird nests and threatens to endanger natural bird habitat. The lower 48 has many problems with this bird, however it has just arrived on the peninsula and the department would like to make sure the species does not take hold. A 6'x8'x6' trap will be placed next to the trees of the park behind the restroom. It

will be placed to minimize disruption of park use and maximize the potential for catching starlings.

The trap is constructed from wood and chicken wire. It is well signed and checked at least once daily. The plan is to bait it with bird seed/dog food and water and keep at least one live starling in it at all times. A live bird helps to attract other individuals. If for some reason Fish and Game is not able to check the trap, it would be closed but left in place. Fish and Game will have the trap in place until the end of May. If all the starlings are not caught, they would like to put the trap out again in November.

Moving Beluga Slough

You may have noticed heavy equipment on Bishop's Beach on Wednesday the 9th near the outlet of Beluga Slough. Property owners who live near the outlet have received a permit from the Corps to move Beluga Slough. The Slough has been relocated back to the west to eliminate erosion of lots in the Ocean Drive Loop neighborhood many times over the years.

US Fish and Wildlife has given the landowners the authority to access the site. The cost of relocating the outlet has been paid for by the property owners.

The permitting agencies require that the City monitor work on the beach as part of their proposed permit conditions. Public Works has met with Fish and Wildlife on site and monitored the project.

What is Next for Beach Policy

The Port and Harbor has large anchors that they received from the Coast Guard that Public Works will place above high tide along the east side of Bishop's Beach to restrict access. The barrier will have a means for emergency response vehicles to get through. The anchors are a great solution for a physical barrier: they have a maritime look, are very sturdy and difficult to move and save money that would otherwise be spent purchasing boulders. Public Works will work on the challenge of moving such heavy items and hopes to have the anchors staged in the next few weeks (see attached picture).

The second part of implementing the beach policy changes Council passed will be signage. Fish and Wildlife has agreed to take the lead on signage and has budgeted \$5,000 for signage at Bishop's Beach. The next step is to get together with Fish and Wildlife and discuss budget and design for not only Bishop's Beach but also Mariner Park, understanding the importance that the signage be uniform and friendly. The Council will likely have to pass a budget ordinance to fund signage at Mariner Park; however, I will have a better handle on what that looks like once we meet with Fish and Wildlife.

Chill, It's a Drill

On Wednesday, March 30 between 10:15 AM and 10:45 AM tsunami sirens may sound, and TV and radio audiences may see or hear a message that a tsunami warning has been issued impacting Alaska. This is a test to make sure that the tsunami warning system works from one end to the other. So tell your friends and family:

- It's not a real emergency
 - Do not evacuate your home
 - Do not call 911
- In short, on March 30, Chill, it's a Drill!

Enc:

Memo from Chief Robl Re: City of Homer's Radio System

Letter and application packet from DNR Re: Carrie Creek

Homer Foundation December 31, 2015 Quarterly Report

Photo of Coast Guard Buoy Anchors

MOA Between ADOT&PF and City of Homer for Maintenance of Lake Street Bike Path

Economic Benefits of Alaska Ferry System



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM

DATE: February 10, 2016
TO: City Manager Koester
FROM: Mark Robl, Chief of Police
SUBJECT: City of Homer's Radio System

The city's radio system is ageing. Critical components of the public safety system will no longer be supported by the manufacturer after 2018. The entire system will have to be upgraded to comply with new FCC regulations that will phase in starting in 2020 with full compliance required by 2022. It is time to start financial planning for the replacement of the system.

Public Safety System

The city's public safety radio system serves HVFD and HPD. It is a multi-faceted system designed with the features necessary for public safety including redundancy, interoperability and resilient features. The system has central dispatch, two separate repeater sites for both fire and police, and several subscriber units including handheld and mobile units. This is a very simplistic description of a very complex system. Public safety communications have grown tremendously in technical requirements and capabilities over the last thirty years. The entire system is completely digital and communications are digitally encrypted to comply with HIPAA standards and right to privacy laws. The system pushes data on all transmissions enabling enhanced security features for many different functions. These radios can't be compared to any other radios used for communications. Radios utilized for public safety purposes are essentially computers that have voice communications between users as one of the available functions. Our system is connected to ALMR, (Alaska Land Mobile Radio system). ALMR provides interoperability between responders from state, local and federal agencies allowing us to easily communicate with almost any Alaska based emergency response unit during a multi-agency response. Our police officers operate on ALMR on a daily basis. Both the police and fire departments also have two local repeater controlled channels available. These are used regularly and provide essential back-up should ALMR go down. These are referred to as our "conventional channels" or "legacy system". Additionally, our radios have dozens of other channels allowing conventional communications with almost any agency either fire or police units could need to communicate with. Homer dispatch has a unique piece of equipment called a "Moto-Bridge". The Moto-Bridge provides the ability to electronically connect disparate radios to ensure quality communications are maintained if we have to operate with an agency that we do not share a common channel with.

The City's public safety communications system was built up with grant funded purchases from Homeland Security starting in 2003. Between 2003 and 2005 we received \$892,116 in grant funds utilized completely for our radio system. An additional \$139,000 was obtained in 2007. City funds have been used throughout the years for repairs and maintenance. Approximately \$30,000 in city funds has been needed for equipment replacements since 2010. Our annual radio maintenance contract is \$12,948.

System Replacement

The entire public safety radio system must be replaced soon. There are three primary reasons for this.

First, consider the equipment to be a system of complex interconnected computers. Computers age, become outdated and are subject to on-going security threats posed by hackers, malware and virus manipulation. Our radio system is no exception. All of our equipment is Motorola brand equipment. The dispatch consoles and repeaters will no longer be supported with anti-virus protection or software updates starting in 2018. This is a major concern for ALMR, slightly less of a concern for Homer. ALMR will be replacing all of its gold elite dispatch consoles and quantar repeaters in 2018. Our repeaters and dispatch consoles are identical equipment. If we do not replace the repeaters and consoles when ALMR does, we will slowly begin to lose features because of the changes in software. I cannot currently estimate how long our repeaters and consoles will continue to function after 2018. After consulting with ALMR and state radio technicians my best guess is we'll have 3 to 5 years.

Second, Motorola will cease parts support for our dispatch consoles, repeaters and all of our subscriber units starting in 2018. This is basically the entire system. A critical parts failure in dispatch could possibly shut the system down. Each repeater can be viewed as providing 25% of our main channel support. Therefore, one failed repeater essentially diminishes our systems capability by approximately 25%. For these reasons, my first replacement priorities are the consoles and repeaters. The subscriber units are very durable and we do have a few spares. The DOD uses the same subscriber units and will be updating theirs in 2018. Their old units will almost certainly be available to us for spare parts purposes. We have some more time to work with before we have to replace the subscriber units.

Third, the FCC is in the process of implementing another round of narrow band requirements. Our radio channels operate with a specifically licensed bandwidth. To provide more room in the RF spectrum, the FCC narrowed the allowable bandwidth per channel in 2012. Most of the radios used by the Harbor and Public Works had to be replaced then. Our public safety system radios were already compliant with the mandated change. The FCC will be further restricting bandwidths starting in 2020. I have been told full compliance will be required by 2022. THIS MEANS EVERY RADIO OWNED BY THE CITY WILL NEED TO BE REPLACED BY 2022.

If Homer were to decide to contract with the borough for dispatch services, we will still need to maintain our radio system largely in its current state. There would be a couple pieces of equipment that could be eliminated but over 90% of our current system would have to stay in place. Soldotna would simply be connected to our system via a bridged link enabling their dispatchers to operate our equipment remotely. I would strongly argue to keep the system fully functional to provide a back-up when the link fails.

I have applied for Homeland Security grants this year to begin our public safety radio system replacement. I have requested funding to replace our dispatch consoles and repeaters along with a few other projects. Grant funding opportunities are more limited than they were in 2003 and the Homeland Security grant programs have seen a drastic reduction in funding. I think considerable city funds will be needed to replace our radio system. I estimate total system replacement will cost 1.1 to 1.3 million dollars.

Port & Harbor and Public Works

Radios used by harbor and public works personnel are of a simpler design and much cheaper to purchase. They do not have to transmit data or meet encryption requirements. They will have to meet the new FCC bandwidth requirements in 2022 so all of these radios will have to be replaced. Both harbor personnel and public works personnel need to be able to communicate with dispatch, fire and police. This is a basic level of interoperability but it still raises the costs of the radios somewhat over less capable units. Their radios should also be intrinsically safe to allow safe operations in hazardous environmental conditions, such as the presence of gases or other fuels.

The Port and Harbor currently has one base radio, 7 mobile radios and 7 portable radios. They have been considering adding a repeater to their system to provide better system coverage. I think we can expect the replacement of this system to range between forty to seventy thousand dollars based on the radios selected and if a repeater is added or not.

Public Works currently has one base unit, one repeater, 11 portable radios and 22 mobiles. The need for portable radios is likely to increase to as high as 18 to meet new safety requirements with confined space policy changes. I estimate replacement costs to be in the range of one hundred to one hundred and twenty thousand dollars.

Public works maintains a Trimble UHF data radio system used for infrastructure locates. I have not been able to determine how this system will be impacted by the new narrow banding requirements. If it has to be replaced the cost will be in the fifty to eighty thousand dollar range.

Current Grant Applications

Last week we submitted a multi-project grant application to Homeland Security. We requested funding for four different projects, three are radio related.

Project #1 will fund moving two of our repeaters and associated equipment to the new tower proposed to be built on the spit this summer by Spit W Spots. It will also pay for new antennas and coax runs on the tower. One of the repeaters is for a primary police channel; the other is for a primary fire channel. The police repeater was located at the old harbor building and has been out of service since the building was vacated. The fire repeater is in service at the ATT tower on the spit near the harbor maintenance building. The fire repeater is not clearly currently authorized by the lease agreement with ATT to be where it is. ATT has allowed us to leave the repeater in place for now. We anticipate a vast improvement in the performance of these two channels from the new tower site. This grant request is for \$47,363.

Project #2 will fund the purchase and installation of an emergency generator for the new Port and Harbor building. This project is estimated to cost \$110,000.

Project #3 will fund the purchase and installation of five new repeaters for the city's public safety radio system. Four of the new repeaters will be replacements for the repeaters in our current system and starts to address the upgrade of our system. The fifth repeater will provide us with a new 700 MHz frequency. This channel will offer us much better portable radio coverage while inside of buildings, especially larger ones like the high school and buildings with concrete or brick walls. The cost estimate for this project is \$127,650.

Project #4 replaces our two dispatch consoles and some of the associated equipment. This project also addresses a critical need in the required system upgrade. \$296,000 was requested for this project.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Natural Resources

DIVISION OF PARKS
Office of History & Archaeology

550 West 7th Ave., Suite 1310
Anchorage, Alaska 99501 3565
Main 907.269.8721
E mail oha@alaska.net

February 17, 2016

Re: 3050-3 Carrie Creek

Mary E. Wythe, Mayor
City of Homer
491 E Pioneer Ave
Homer AK 99603

Attn: Jo Johnson, City Clerk, jjohnson@ci.homer.ak.us

Dear Mayor Wythe:

The Alaska Historical Commission has received a geographic name proposal to make official the name Carrie Creek for an unnamed creek six miles northeast of the City of Homer. The name is to commemorate the daughter of one of the property owners whose land the creek flows through. The proposed name has the support of the only other property owner along the short creek. Enclosed is a copy of the proposal for your review, several maps showing the creek's location, and the guidelines for geographic names the Alaska Historical Commission members have established.

The commission would appreciate your comments on the proposed name. To object or to endorse the proposed name, you must respond in writing. I would appreciate receiving your comments by March 30, 2016. You can respond with a letter, a resolution, or by writing your comments in the space provided below.

If you have any questions about the geographic names program, please contact me at email jo.antonson@alaska.gov or by phone at 907.269.8714.

Sincerely,

Joan M. Antonson
Deputy State Historic Preservation Officer

enclosures

<p>I _____ object / _____ endorse the proposed name because: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Signed: _____ Date: _____</p>
--

Domestic Geographic Name Report

1. Use this form to recommend a feature name or to suggest a name change.

2. For features on Federal lands, coordinate requests with the agency (U.S. Forest Service, National Park Service, Bureau of Land Management, etc.) For the administrative area in which the land is located.

3. On the reverse side of this form give information on the local usage and authority for recommended name.

4. For more information about the Geographic Names Information System or the National Gazetteer Program, contact the U.S. Board on Geographic Names at 703-648-4544.

5. Return this form to:

Executive Secretary for Domestic Geographic Names
 U.S. Geological Survey
 523 National Center
 Reston, VA 22092

Action Requested:

Proposed New Name:	<input checked="" type="checkbox"/>
Application Change:	<input type="checkbox"/>
Name Change:	<input type="checkbox"/>
Other:	<input type="checkbox"/>

Recommended Name:	Carrie Creek
State:	Alaska
County or Equivalent:	Kenai Peninsula
Administrative Area:	Kenai Peninsula Borough

Specific Area Covered:

Latitude:	59	°	41	'	27	"	N	Longitude:	151	°	27	'	15	"	W
Latitude:		°		'		"		Longitude:		°		'		"	
Center:					Heading End				Heading						
Section(s)	2	Township(s)	6S	Range(s)	13W	Meridian	Seward	Elevation	1417.5 ft.						

Type of Feature (stream, mountain, populated place, etc.):	Creek
Is the feature identified (including other names) in the Geographic Names Information System (GNIS)?	
Yes	No <input checked="" type="checkbox"/>
Unknown	If Yes, how is it listed?
Description of Feature (physical shape, length, width, direction of flow, etc.):	

The creek is approximately 6 miles northeast of the City of Homer. It heads at a small unnamed pond .06 miles north of Skyline Drive, and flows approximately .3 miles north to empty into Twitter Creek.

Maps and other sources using recommended name (include scale and date).	Other name (variants)	Maps and other sources using other name or application (include scale and date).

Name information such as origin, meaning of the recommended name, historical significance, biographic data (if commemorative), nature of usage or application, and any other pertinent information:

The proposed name, Carrie Creek, is commemorative for Carrie Anne Lyon (Kessock), July 29, 1973–September 24, 2010. Her parents own the property at the head of the creek. They proposed the name to remember Carrie’s happy childhood playing in the proximity of the creek. The only other property owner along the creek supports the proposed name.

Is the recommended name in local usage?	Yes	X	No	If Yes, approximately how many years?	5
---	-----	---	----	---------------------------------------	---

Is there local opposition to, or conflict with the recommended name (as located)?

None known.

For proposed new name, please provide evidence that feature is unnamed:

The creek is unnamed on USGS topographic maps and a search using the coordinates did not find a name for the creek in the GNIS.

Additional information:

Proposal sent for review with a letter indicating response must be in writing to object or endorse the proposed name.

Kenai Peninsula Borough -
 City of Homer
 Kenaitze Indian Tribe
Homer Tribune
Homer News

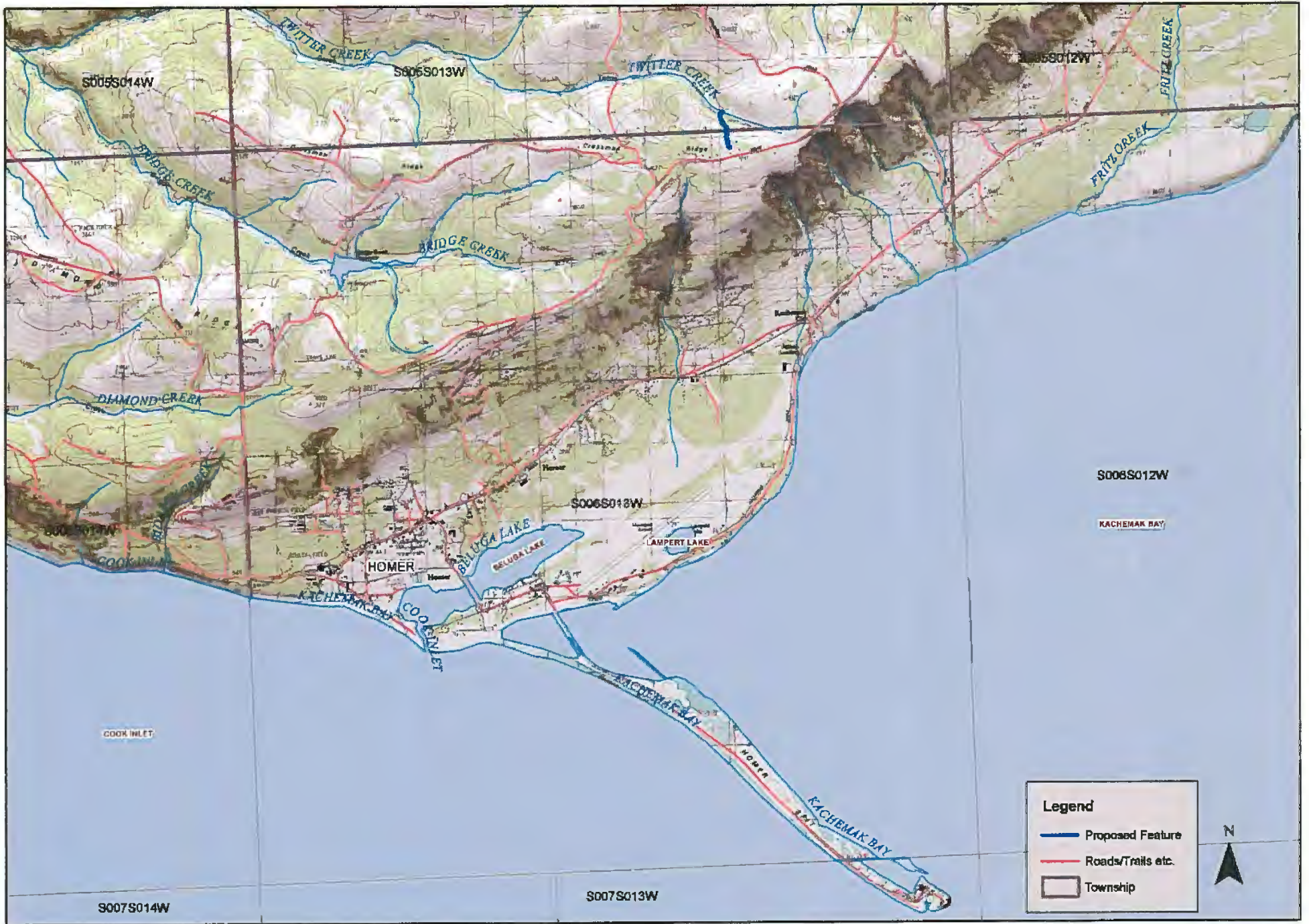
Mildred Martin, the only other property owner along the creek, supports proposed name, 1.28.2016.

The Alaska Historical Commission will review this proposed name at its fall 2016 meeting.

Copy submitted by: Name (first, M.I., last)		Title	Phone (day)	Date
Gary & Terri Lyon			907.235.8767	1.28.16
Company or Agency		Address (city, State, and Zip)		
		61770 Skyline Dr. Homer, AK 99603 sealion@xvz.net		
Copy Prepared by (if other than above)		Title	Phone (day)	Date
Joan M. Antonson		Deputy SHPO	907.269.8721	2.9.2016
Company or Agency		Address (city, State, and Zip)		
Alaska Department of Natural Resources/Office of History and Archaeology		550 West 7 th Ave., Suite 1310, Anchorage, AK 99501-3565		
Authority for Recommended Name:	Mailing Address and Telephone	Occupation	Years in Area	

Carrie Creek, Kenai Peninsula, Alaska

228

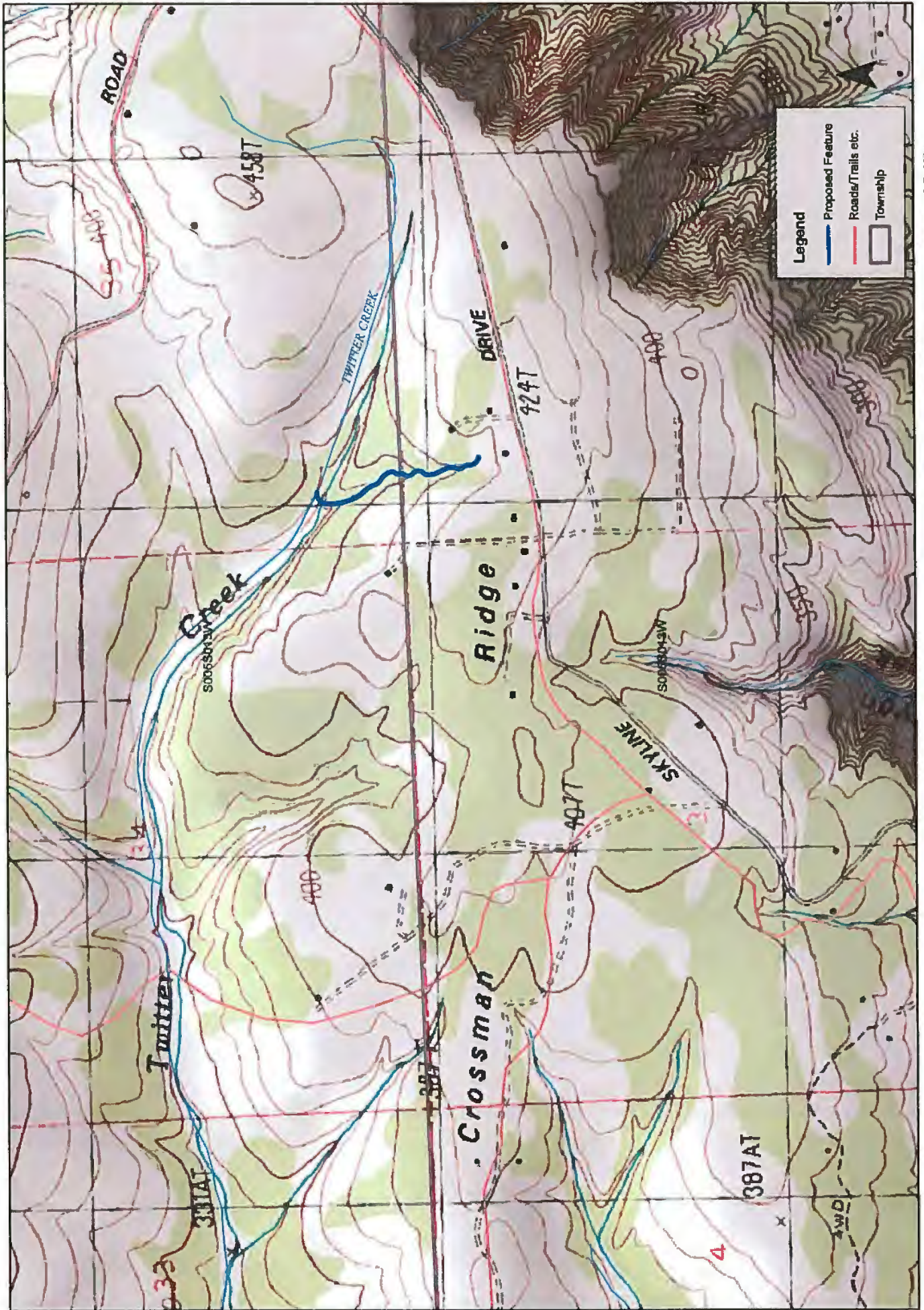


Legend

- Proposed Feature
- Roads/Trails etc.
- Township



Carrie Creek, Kenai Peninsula, Alaska



HOMER FOUNDATION
 Quarterly Report to Fund Holders
Oct - Dec 2015

Fund Holder City of Homer
 Fund **City of Homer Fund**

Fund Type: Field of Interest
 Fund Code: 1305

PORTFOLIO SHARE (Corpus)

Beginning Balance	187,064.90
Contributions	-
Withdrawals	-
Portfolio Market Change	(4,698.60)
Ending Balance	182,366.30

AVAILABLE FOR DISTRIBUTION (Earnings)

Beginning Balance	6,168.06
Earnings Allocation	685.78
Grants Awarded:	
none from this fund	-
	-
	-
Grants Total	-
Transfers to Restricted Fund	-
Ending Balance	6,853.84



MEMORANDUM OF AGREEMENT

between
CITY OF HOMER
and
STATE OF ALASKA
Department of Transportation and Public Facilities

PROJECT: Homer Lake Street Rehabilitation
PROGRAM NUMBER: Z524610000
LOCATION: Homer, Alaska
LAKE STREET CDS ROUTE NO. 110150
LAKE STREET MILE POINTS: Begin 0.00. End 0.4953

THIS AGREEMENT is made by and between the State of Alaska, acting by and through the Department of Transportation and Public Facilities, hereinafter called the DEPARTMENT, and the City of Homer, hereinafter called the CITY.

WHEREAS, Alaska Statue 19.05.040 provides the DEPARTMENT may enter into agreements with Municipalities relating to highways; and

WHEREAS, the DEPARTMENT will plan, design and construct improvements to Lake Street (hereinafter the PROJECT); and

WHEREAS, it has been determined that the addition of bicycle lanes to Lake Street will serve the public interest and be in accordance with the City of Homer's Non-Motorized Transportation and Trail Plan; and

WHEREAS, Lake Street is a DEPARTMENT owned and maintained roadway; the DEPARTMENT will maintain and operate Lake Street with the exception of bicycle facilities; and

WHEREAS, the CITY will maintain bicycle facilities on Lake Street;

NOW, THEREFORE, the DEPARTMENT and the CITY do hereby agree to the following:

1. PLANNING, DESIGN AND CONSTRUCTION

The DEPARTMENT shall plan, design and construct the PROJECT within the approved scope and funding.

2. SCOPE OF WORK

The DEPARTMENT shall rehabilitate pavement, widen for bike lanes, improve drainage, increase the Sterling Highway intersection radii and rehabilitate pedestrian facilities along the corridor.

3. MAINTENANCE AND OPERATIONS

The DEPARTMENT agrees to maintain and operate Lake Street in accordance with the Alaska Highway Maintenance and Operations Manual and 23 CFR 1.27 and 633.208, with the exception of items maintained and operated by the CITY.

For so long as the Lake Street bicycle facilities, as originally constructed or as thereafter altered or repaired, remain available for public use, the CITY shall perform its activities under this agreement at its sole cost and expense and without reimbursement from the DEPARTMENT. The CITY's maintenance activities include but are not limited to:

- (a) planning, scheduling, administration, and logistics of maintenance activities;
- (b) traffic control and safety;
- (c) maintaining bicycle lane signs and delineators in an as-built condition and replacement, including posts and foundations, when damaged, unreadable, or worn out;
- (d) bicycle lane pavement markings and repainting as required to maintain performance of their intended function.

The CITY's maintenance activities do not include repair or replacement of pavement.

4. INDEMNIFICATION

To the maximum extent allowed by law, the CITY shall indemnify, defend, and hold the DEPARTMENT, its officers, employees, and agents harmless from all liability, claims, causes of action, and costs (including attorney's fees) arising out of the CITY's performance, or failure to perform, the maintenance and operations obligations assigned to the CITY under this AGREEMENT, including, but not limited to, liability, claims, and causes of action alleging or arising out of a negligent act or omission by one of the Indemnified Parties.

5. TERMS OF THE AGREEMENT

The CITY agrees to maintain and operate bicycle facilities, commencing upon the substantial completion of the construction of the project. The DEPARTMENT shall inform the CITY of that date.

6. RESERVATION OF RIGHTS

The DEPARTMENT reserves the right to alter or remove the bicycle lanes at any time and is under no obligation to reconstruct them.

7. AMENDMENT OF AGREEMENT

This AGREEMENT may only be modified or amended by written agreement on the prescribed Supplemental Agreement forms signed by both parties.

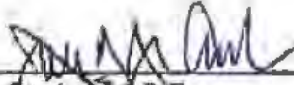
8. THE WHOLE AGREEMENT

This AGREEMENT constitutes the entire agreement between the parties. There are no other understandings or agreements between the parties, either oral or memorialized in writing regarding the matters addressed in this AGREEMENT. The parties may not amend this AGREEMENT unless agreed to in writing with both parties signing through their authorized representatives.

9. AUTHORIZED REPRESENTATIVES

By signature below, the DEPARTMENT and the CITY certify that the individuals listed in this AGREEMENT are authorized representatives.

**STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES
APPROVED:**

Signature:  Date: 2/24/16
Name: Joel St. Aubin, P.E.
Title: Director of Design & Construction, Central Region

**CITY OF HOMER
OFFICE OF THE MAYOR
APPROVED:**

Signature:  Date: 3-7-16
Name: Katie Koester
Title: City Manager



FOR IMMEDIATE RELEASE

No. 16-08

Contact: Katie Marquette, Press Secretary – (907) 465-5801
Aileen Cole, Deputy Press Secretary – (907) 465-3985

Study Finds Widespread Economic Benefits of Alaska Ferry System

February 4, 2016 JUNEAU – Governor Bill Walker and the Alaska Department of Transportation and Public Facilities today released a report on the economic impacts of the Alaska Marine Highway System. The report, prepared by the Juneau-based McDowell Group, found that the state-run ferry system generates a return of more than \$2 to the state for every \$1 invested.

“The ferry system provides a critical link for many communities,” Governor Bill Walker said. “But I was surprised to learn just how widespread the economic impacts are, accounting for 1,700 Alaska jobs and more than \$100 million in wages and benefits.”

The report found Anchorage residents were the number two source of bookings, after Juneau. Other key findings include:

- Two-thirds of AMHS users are Alaska residents.
- The state’s general fund investment of \$117 million in 2014 resulted in a total return on investment of \$273 million.
- Over half of all summer ferry passengers visit Anchorage.
- AMHS nonresident summer passengers spend an average of \$1300 per person while in Alaska
- Nonresident summer passengers who enter or exit Alaska via AMHS spend an average of \$1700 – compared to \$941 average of among all Alaska summer visitors.
- AMHS carried 319,000 passengers, 108,000 vehicles, and almost 4,000 container vans in 2014.

“This study demonstrates why our marine highway system is a vital part of Alaska’s transportation system,” Lieutenant Governor Byron Mallott said. “I look forward to working with Alaskans to strengthen this system in the coming years.”

The report also studied three ferry-dependent communities in depth, finding that the marine highway system is integral to their economies. For example, Copper River Seafoods in Cordova relies on ferry service to transport millions of pounds of fresh seafood from Cordova to Whittier, where it is trucked to Anchorage. The company supports 250 seasonal and 100 full-time jobs in Anchorage.

“A dependable transportation system helps fuel the economy,” said DOT Commissioner Marc Luiken. “It’s critical that we maintain a viable marine highway system as we look to reduce state spending.”

Link to AMHS Report: http://www.dot.state.ak.us/amhs/doc/reports/econ_15.pdf

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City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MAYOR WYTHE AND CITY COUNCIL
FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK
DATE: MARCH 8, 2016
SUBJECT: BID REPORT

REQUEST FOR PROPOSALS REAL ESTATE BROKER SERVICES SALE OF REAL PROPERTY OWNED BY THE CITY OF HOMER

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

Responses to the City's request for sealed proposals will be received at the Office of the City Clerk, 491 E. Pioneer Avenue, Homer, Alaska 99603, until 2:00 p.m. on April 14, 2016. Proposals shall be opened and received by the City Manager. Proposals received after the time specified or proposals received from proposers not listed on the Plan Holders List will be considered non-responsive and shall not be considered. All proposers must submit a City of Homer Plan Holders Registration Form to be on the Plan Holder's List and to be considered responsive. Plan Holder Registration form and Proposal Documents are available online at: <http://www.cityofhomer-ak.gov/rfps>

CITY ATTORNEY REPORT



Birch Horton Bittner & Cherot
a professional corporation

MEMORANDUM

**TO: MAYOR AND CITY COUNCIL MEMBERS
CITY OF HOMER**

FROM: THOMAS F. KLINKNER

RE: CITY ATTORNEY REPORT FOR FEBRUARY 2016

FILE NO.: 506,742.23

DATE: MARCH 8, 2016

The following summarizes our activities as City Attorney during the month of February 2016.

City Council. Katie Davies attended the February 8 and February 22 Council meetings, and advised the Council regarding marijuana legalization issues. We drafted a revised ordinance regulating the use of vehicles on City beaches.

Marijuana Regulation. We followed up on Council requests for additional information on zoning for marijuana establishments. We prepared additional ordinances at the request of Council members to prohibit marijuana establishments and to submit the question of permitting marijuana establishments to the voters.

Natural Gas Assessments. We completed research on the basis for excluding property conveyed to Native corporations under ANCSA from special assessment.

City Clerk. We continued research on the availability of incentives for voting, to increase voter turnout.

Public Works Department. We researched legal issues related to special assessment deferrals.

Port & Harbor. I revised the agreement for the mooring of a drilling rig at the Deep Water Dock. I revised a lease for a communications tower site in the harbor. We advised the Harbormaster regarding a fine schedule for violations of harbor ordinances.

Griswold v. City of Homer (Public Records Appeal). We prepared a motion to recover attorney's fees for the City in this appeal.

Griswold v. City of Homer (CUP 14-05). We prepared a motion to recover attorney's fees for the City in this appeal.

Griswold v. City of Homer (CUP 13-13). I argued this appeal before the Superior Court in Kenai.

Clear Creek Cat Rescue v. City of Homer. We tendered defense of this action to the insurance carrier for the City's animal control contractor.

I will be available to answer questions regarding these matters at the March 14, 2016 Council meeting.

cc: Katie Koester
Jo Johnson

TFK/

COMMITTEE REPORTS

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 16-024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, CALLING FOR A SPECIAL ELECTION TO BE HELD IN THE CITY ON APRIL 19, 2016, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY A PROPOSITION ASKING THE QUESTION WHETHER MARIJUANA ESTABLISHMENTS SHALL BE PROHIBITED IN THE CITY.

WHEREAS, The State of Alaska voters passed Ballot Measure 2 at the November 4, 2014 regular State of Alaska election, effectively permitting marijuana establishments in the State of Alaska subject to State regulations; and

WHEREAS, The City of Homer voters' support for Ballot Measure 2 at the Statewide 2014 election may not reflect the support for the operation and regulation of marijuana establishments within the City of Homer; and

WHEREAS, The City Council has deferred the question whether marijuana establishments shall be prohibited in the City of Homer to the voters; and

WHEREAS, A special election has been called for April 19, 2016 to have the qualified voters decide if marijuana establishments will be prohibited within the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that a special election in and for the City is called for April 19, 2016, at which there shall be submitted to the qualified voters of the City a proposition asking the question whether marijuana establishments shall be prohibited in the City.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to prepare for and conduct the special election in accordance with the City Code.

PASSED AND ADOPTED by the Homer City Council on this 14th day of March, 2016.

CITY OF HOMER

MARY E. WYTHE, MAYOR

43 ATTEST:

44

45

46 _____

47 JO JOHNSON, MMC, CITY CLERK

48

49 Fiscal Note: \$4,972 budgeted for a special election.

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

