

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

3 City Manager/Public Works Director/
4 Port and Harbor Director

5 **EMERGENCY ORDINANCE 12-52(S)**
6

7 AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF
8 HOMER, ALASKA, AMENDING THE FY 2012 CAPITAL
9 BUDGET BY APPROPRIATING AN ADDITIONAL \$101,250
10 FROM THE GENERAL FUND BALANCE FOR COMPLETION
11 OF THE NICK DUDIAK FISHING LAGOON DREDGING
12 PROJECT.
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14 WHEREAS, The Homer City Council adopted Ordinance 12-43 and Ordinance 12-44
15 (A)(S) which together appropriated \$376,500 for the Fishing Lagoon Dredging Project; and
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17 WHEREAS, The approved project budget/appropriation was based upon the removal of
18 25,000 cubic yards of material and it is now apparent that 32,500 cubic yards of material will
19 need to be removed if the Lagoon is to be dredged to its original design depth; and
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21 WHEREAS, The City of Homer received a supplemental \$100,000 in revenue sharing
22 this year and it would be appropriate to allocate this money toward the repair of the fishing
23 lagoon.
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25 WHEREAS, Dredging an additional 7,500 cubic yards will cost \$101,500; and
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27 WHEREAS, An emergency exists and an emergency ordinance is justified because:
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- 30 • The contractor is already on site and mobilized. To remobilize would cost approximately
31 \$20,000 and it cannot be assumed that the contractor would be available later or would
32 complete the job for the same unit price.
 - 33 • The Council, under its present schedule, could not adopt an appropriation ordinance until
34 December 10, far longer than the equipment can be retained on site. The contractor would
35 likely need to be compensated for sitting idle.
 - 36 • A new RFP for dredging the remaining material would be costly and time consuming,
37 and could increase the total expenditure and jeopardize the targeted completion date.
 - 38 • Stopping now and/or completing the job using another method of dredging would drive
39 the cost higher, cause the City to miss the environmental window for dredging, and
potentially require new permits.

- 40 • Stopping now or delaying would likely result in the City Council not being able to
41 achieve its goals including restoring the Lagoon to its original design depth, insuring
42 optimal conditions for fish survival, and completing the project before ADF&G stocks
43 the Lagoon in the spring.

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

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47 Section 1: The City Council hereby amends the FY 2012 Capital Budget by appropriating
48 an additional \$101,250 from the General Fund Balance for completing the Nick Dudiak Fishing
49 Lagoon Dredging Project as follows:

50

51 Expenditure:

52 From Account:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
100-100	Fishing Hole Dredging	\$101,500

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56 To Account:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-779	Nick Dudiak Fishing Lagoon Dredging	\$101,500

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61 Section 2. The Council finds that an emergency exists and that an emergency ordinance
62 is justified for the reasons stated in the Whereas clauses.

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64 Section 3. This ordinance is a budget amendment ordinance only, is not of a permanent
65 nature, and shall not be codified.

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67 Section 4. The material generated by this project can be sold for use off the Spit.

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69 Section 5. Any proceeds from gravel sales will be placed in the fishing lagoon fund.

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PASSED AND ADOPTED by the Homer City Council this 2nd day of November, 2012.

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CITY OF HOMER

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MARY E. WYTHE, MAYOR

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78 ATTEST:

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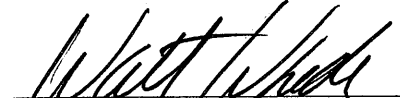
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JO JOHNSON, CMC, CITY CLERK

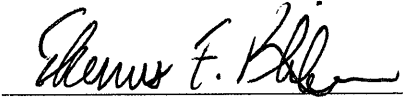
YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 11/02/12
Public Hearing:
Second Reading: 11/02/12
Effective Date: 11/02/12

Reviewed and approved as to form:


Walt Wrede, City Manager

Date: 11/5/12


Thomas F. Klinkner, City Attorney

Date: _____

