



Homer City Hall
491 E. Pioneer Avenue
Homer, Alaska 99603
www.cityofhomer-ak.gov

City of Homer Agenda

**City Council Regular Meeting
Monday, July 22, 2019 at 6:00 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Swearing in Chief Mark Kirko, Homer Volunteer Fire Department

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a 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 Special Meeting minutes of June 19, July 10, and July 15, 2019 and Regular Meeting minutes of June 24, 2019. Recommend approval.
- b. Memorandum 19-082 from Deputy City Clerk Re: Liquor License Transfer for Cafe Cups. Recommend approval.
- c. Memorandum 19-083 from Deputy City Clerk Re: Retail Marijuana License #12866 Renewal for Uncle Herb's. Recommend approval.
- d. Memorandum 19-086 from City Clerk Re: Travel Authorization for Mayor and Two Councilmembers to Attend the AML Summer Conference held August 13-15, 2019 in Soldotna, AK. Recommend approval.
- e. Memorandum 19-087 from City Clerk Re: Travel Authorization for Mayor and Councilmembers to Attend the RCA Tariff 310-4 Hearing Scheduled July 29-August 7, 2019 in Anchorage, AK. Recommend approval.
- f. Memorandum 19-091 from City Clerk Re: Replenishment of City Lapel Pins. Recommend approval.

- [g.](#) Ordinance 19-33, An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the amount of \$10,000 from the Port and Harbor Reserves Fund for Engineering Services for Deep Water Dock Contingency Planning. City Manager/Port Director. Recommended dates: Introduction July 22, 2019, Public Hearing and Second Reading August 12, 2019.
- [h.](#) Ordinance 19-34, An Ordinance of the City Council of Homer, Alaska, Amending the Capital Budget and Authorizing Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project. City Manager/Public Works Director. Recommended dates: Introduction July 22, 2019, Public Hearing and Second Reading August 12, 2019.
- [i.](#) Resolution 19-046, A Resolution of the City Council of Homer, Alaska, Approving a New One-Year Contract with Premera Blue Cross, VSP, and Prudential with a Renewal Date of August 1, 2019. City Manager. Recommend adoption.

Memorandum 19-084 from Employee Committee as backup.

- [J.](#) Resolution 19-047, A Resolution of the City Council of Homer, Alaska, Formally Authorizing the City Manager to Submit a Harbor Facility Grant Application to the State of Alaska, Department of Transportation and Public Facilities (AKDOT&PF) in the Amount of \$714,240 for the Homer Harbor Cathodic Protection Project. City Manager/Port Director. Recommend Adoption.

Memorandum 19-085 from Port Director as backup.

- [k.](#) Resolution 19-048, A Resolution of the City Council of Homer, Alaska, Establishing Administrative Guidelines and Expectations for City Board Members and Commissioners who Represent the City of Homer on Outside Boards or Commissions. Aderhold. Recommend adoption.

VISITORS

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

- a. Committee of the Whole Report
- b. Worksession Report
- c. Special Meeting Report
- d. Mayor's Report
 - [i.](#) Letters from Mayor to Senator Stevens and Representative Vance Re: State Budget
 - [ii.](#) Letter to AKDOT Area Planner Joselyn Biloan Re: Pedestrian Safety Study
 - [iii.](#) South Peninsula Behavioral Health Services Inc. 40th Anniversary

- e. Borough Report
- f. Library Advisory Board
- g. Homer Advisory Planning Commission
- h. Economic Development Advisory Commission
- i. Parks Art Recreation and Culture Advisory Commission
- j. Port and Harbor Advisory Commission
- k. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Ordinance 19-23(S), An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas. Introduction May 28, 2019, Worksession June 10 and July 10, 2019, Public Hearing June 10, June 24, July 22, 2019.

Memorandum 19-089 from Councilmember Lord as backup.

Memorandum 19-080 from Councilmembers Lord and Stroozas as backup.

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup.

Memorandum 19-063 from City Attorney as backup.

- b. Ordinance 19-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use. Introduction June 24, 2019, Public Hearing and Second Reading July 22, 2019

Memorandum 19-078 from City Planner as backup

- c. Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Introduction June 24, 2019, Public Hearing and Refer to Planning Commission July 22, 2019, Second Reading August 12, 2019.

ORDINANCE(S)

- [a.](#) Ordinance 19-35, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 3.05, Budget to Institute a Biennial Budget; Repealing Homer City Code 3.05.040, Equipment Replacement Reserve, Homer City Code 3.05.042, Alternative Funding For Depreciation, And Homer City Code 3.05.043, Health Insurance Reserve Fund; Amending Homer City Code 3.05.045, Balanced Budget Requirements; and Enacting Homer City Code 3.05.046, Emergency Operations Fund; 3.05.047, Capital Asset Repair And Maintenance Account; 3.05.048, Capital Improvement Fund; 3.05.049, General Fund - Fund Balance; And 3.05.050, Prioritization of Funding. Mayor. Recommended dates: Introduction July 22, 2019 Public Hearing and Second Reading August 12, 2019.

CITY MANAGER'S REPORT

- [a.](#) City Managers Report
- [b.](#) Bid Report - Informational Only

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum 19-088 from City Clerk Re: Letter from City Council to Governor Dunleavy, Senator Stevens and Representative Vance regarding effects of line item vetoes on the Homer Community

RESOLUTIONS

- [a.](#) Resolution 19-049, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the A Frame Water Tank Demolition Project to a Firm to be Announced in an Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

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

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, August 12, 2019 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole 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.

Session 19-16 a Special Meeting of the Homer City Council was called to order on June 19, 2019 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

AGENDA APPROVAL

Mayor Castner asked for a motion to approve the agenda.

LORD/ERICKSON MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

NEW BUSINESS

- a. Memorandum 19-076 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. (Attorney Advice and Direction Regarding City Response to Enstar Tariff Filing TA310-4)

Mayor Castner asked for a motion to approve the recommendation of Memorandum 19-076.

ADERHOLD/VENUTI MOVED TO GO INTO 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. (ATTORNEY ADVICE AND DIRECTION REGARDING CITY RESPONSE TO ENSTAR TARIFF FILING TA310-4)

There was brief discussion that the memorandum identifies that Attorney Ross and consultant James Keen are a participating telephonically in the executive session.

VOTE: YES: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion carried.

Council adjourned to executive session with City Manager Koester, Attorney Ross, and Consultant Keen at 4:04 p.m.

Mayor Castner reconvened the meeting at 4:57 p.m.

Councilmember Smith reported Council discussed the City of Homer position on Enstar Tariff Filing TA310-4 including the pre-filed testimony of Janet K. Fairchild-Hamilton on behalf of the Attorney General Regulatory Affairs and Public Advocacy Office. The Council directed Attorney Ross to prepare comments on behalf of the City in response to discovery questions from ENSTAR.

COMMENTS OF THE AUDIENCE

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 4:58 p.m. Next Regular Meeting is Monday, June 24, 2019 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole 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, MMC, City Clerk

Approved: _____

Session 19-18 a Special Meeting of the Homer City Council was called to order on July 10, 2019 by Mayor Ken Castner at 2:30 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

AGENDA APPROVAL

Mayor Castner asked for a motion to approve the agenda.

ERICKSON/LORD SO MOVED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Charles Evans, non-resident and business owner inside the city, commented that the draft RFP has insufficient information and cited areas he perceived as such.

NEW BUSINESS

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.

Mayor Castner announced the following motion is on the floor from June 24th:

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 19-044 BY READING OF TITLE ONLY

Brief discussion ensued whether the scope of work needed to be further clarified in the RFP. Some councilmembers thought there could be more clarification, others said section B. Statement of Qualifications, and particularly item 6 identifies the areas that our municipal attorneys work on. City Manager Koester explained a lot of the questions raised in Mr. Evans letter to council are public information and she anticipates others may have similar questions in the RFP process, and the responses would be disclosed to everyone on the plan holder's list. Regarding the budget, the Council's Professional Services line item is where all the attorney fees are charged, whether it's Birch Horton or a hearing officer.

Council also addressed the timeline for response and council review, and how to address current litigation. City Manager Koester indicated it's up to Council how they want to handle case load transition, she's briefly talked with Birch Horton about this and they've emphasized their obligation to hand over files and documents to any new firm.

ADERHOLD/LORD MOVED TO AMEND RFP LINE 32 AT THE END OF THE SENTENCE AFTER FIXED MONTHLY FEE ADD **,THOUGH THE CITY IS OPEN TO OTHER TERMS THAT MAY BE PROPOSED IF THEY ARE DEEMED BENEFICIAL TO THE CITY.**

Councilmember Aderhold commented this is in relation to conversation from the last meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO AMEND RFP LINE 164 TO READ **OPTIONAL: PROVIDE A DETAILED COST FOR SERVICES OTHER THAN A FIXED MONTHLY FEE APPROACH.**

There was brief comment.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion on dates for the RFP.

ERICKSON/ MOVED TO AMEND THE RFP SUBMISSION DEADLINE TO AUGUST 30TH.

Discussion continued on an appropriate submission date.

SMITH/LORD MOVED TO AMEND THE AMENDMENT TO READ AUGUST 22ND.

There were comments in support of the amendment.

VOTE: (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

VOTE: (primary amendment): NON OBJECTION: UNANIMOUS CONSENT

There was no further discussion on the main motion to adopt Resolution 19-044.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Charles Evans commented the balance between the contract that's preferred compared to the additional work should be disclosed. The 60 work can be bid low, if it's known there's a huge amount of other work ongoing.

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 3:05 p.m. Next Regular Meeting is Monday, July 22, 2019 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole 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, MMC, City Clerk

Approved: _____

Session 19-19 a Special Meeting of the Homer City Council was called to order on July 15, 2019 by Mayor Ken Castner at 9:00 a.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

AGENDA APPROVAL

Mayor Castner asked for a motion to approve the agenda.

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

NEW BUSINESS

- a. Memorandum 19-081 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. (Attorney Advice and Direction Regarding RCA Tariff Filing 310-4)

Mayor Castner asked for a motion to approve the recommendation of Memorandum 19-076.

LORD/ADERHOLD MOVED TO GO INTO 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. (ATTORNEY ADVICE AND DIRECTION REGARDING RCA TARIFF FILING 310-4)

There was no discussion.

VOTE: YES: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion carried.

Council adjourned to executive session at 9:03 a.m. with the City Manager. Attorney Ross and Consultant Keen participated telephonically.

Mayor Castner reconvened the meeting at 10:16 a.m.

Councilmember Smith reported Council discussed and provided direction to Attorney Ross regarding RCA Tariff filing 310-4.

COMMENTS OF THE AUDIENCE

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 10:18 a.m. Next Regular Meeting is Monday, July 22, 2019 at 6:00 p.m., Worksession 4:00 p.m. Committee of the Whole 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, MMC, City Clerk

Approved: _____

Session 19-17 a Regular Meeting of the Homer City Council was called to order on June 24, 2019 at 6:00 p.m. by Mayor Ken Castner at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS: ADERHOLD, ERICKSON, LORD, SMITH, STROOZAS, VENUTI

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY PLANNER ABBOUD

AGENDA APPROVAL (Addition of items to or removing items from the agenda will be by unanimous consent of the Council. HCC 2.08.040.)

The following changes were made: **Consent Agenda** Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Ordinance 19-32(S), With the same title that includes City Attorney Edits; **Announcements/Presentations/Reports** Mayor's Report- Letter to Mayor Castner from Homer Chamber of Commerce Re: KPB Bed Tax; **Public Hearings** Ordinance 19-28, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Mayor. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019 MOU between the City of Homer and Kachemak Heritage Land Trust as backup; **Resolutions** Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council. Proposed amendments from the Mayor.

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Hal Spence, city resident, expressed his support for Resolution 19-043 Urging the U.S. Army Corps of Engineers to Consider the Economic Impacts to the Bear Viewing Industry in the Pebble Mine Impact Statement.

RECONSIDERATION

CONSENT AGENDA (Items listed below will be enacted by one motion. If a 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 June 10, 2019. City Clerk. Recommend adoption.
- b. Memorandum 19-076 from Mayor Re: Reappointment of Franco Venuti and Syverine Bentz to the Homer Advisory Planning Commission. Recommend approval.
- c. Memorandum 19-077 from City Clerk Re: Liquor License - Restaurant Designation Permit and Licensed Premises Diagram Change for Captain Pattie's Fish House. Recommend approval.
- d. Ordinance 19-31, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use. Planning Commission. Recommended dates: Introduction June 24, 2019 Public Hearing and Second Reading July 22, 2019.

Memorandum 19-078 from City Planner as backup.

- e. Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Recommended dates: Introduction June 24, 2019. Public Hearing and Second Reading July 22, 2019.

Moved to Ordinances item a. Aderhold

- f. Resolution 19-043, A Resolution of the City Council of Homer, Alaska, Urging the U.S. Army Corps of Engineers to Consider the Economic Impacts to the Bear Viewing Industry in the Pebble Mine Impact Statement. Aderhold. Recommend approval.

Moved to Resolutions item c. Smith

Item e. was moved to Ordinances item a. by Aderhold

Item f. was moved to Resolutions item c. by Smith

VENUTI/ERICKSON MOVED TO APPROVE THE CONSENT AGENDA AS READ.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

ANNOUNCEMENTS / PRESENTATIONS / REPORTS (5 Minute limit per report)

a. Committee of the Whole Report

Councilmember Smith reported the Council discussed the proposed RFP for General Counsel Services and heard an update on the large vessel harbor expansion project from Port and Harbor Director Hawkins Harbormaster.

b. Worksession Report

City Manager Koester reported the worksession was on the Municode Agenda Management Software the City utilizes and Good Reader, the program used to read epackets.

c. Special Meeting Report

Mayor Castner reported that the Special Meeting scheduled tonight was canceled.

d. Mayor's Report

- i. Letter of Support for KBBI
- ii. July Parks and Recreation Month
- iii. Letter from Chamber of Commerce

Mayor Castner noted the items listed under his report.

e. Borough Report

Assembly member Kelly Cooper reported the Material Site Task Force has concluded and presented to the Assembly regarding proposed changes to code. She's suggested the Planning Commission, Assembly and Planning Department have a work session to work together on appropriate amendments. The Ordinance on the bed tax was amended from 12% to 10% and to include RV parks and tent sites. There's been an organized effort requesting the Mayor to veto the ordinance, it would have to happen by their meeting on July 2nd, otherwise it will be on the fall ballot. She rescinding Ordinance 2019-11 regarding the sales

tax cap as there is an Ordinance coming forward to ask the voters to approve raising the cap from \$500 to \$1000. She reminded listeners that \$3 million of our deficit is due to cost shifting from the state with the school bond debt reimbursement and the fish tax. The Mayor vetoed the \$100,000 for the Kenai Tourism and Marketing Council (KTMC) and they've moved in to the building with KPEDD, will be mentored, and will hopefully be able to continue marketing services. A borough building in Soldotna closed so there will be an additional \$375,000 yearly appropriation for utility, maintenance, and insurance costs. She will be introducing an ordinance on July 2nd to ask voters to approve a Borough Manager form of government. She believes there would be cost savings in the long run and bring stability to the Borough by hiring a manager that has experience and qualifications. The Mayor would then become the Chair of the Assembly, have veto authority, vote in the case of a tie, and have a more active role on the assembly. 12 of the 19 Borough's in the state are a Manager form of government, as well as many municipalities.

In response to questions Assembly Member Cooper explained an ordinance can come forward after things settle to appropriate funds to the KTMC. She explained, regarding moving to a Manager form of Government, that currently when a Mayor is elected they are paid a salary that has nothing to do with their qualifications, they have the authority to hire a Chief of Staff at a good salary that is not approved by the Assembly, whose qualifications don't line up well, where a Manager form would have one person in that role and an Administrative Assistant type of position with less payroll in the long run. Over the years there have been Mayors who are qualified and who were not. Often additional costs are seen in mistakes, in litigation that may not have happened with an experienced Manager in the role, more efficiencies with not bringing a political platform, and there would be more stability with longevity and fewer severance agreements to fulfill. She commented briefly about the recent invocation experience that drew some publicity.

Councilmember Venuti thanked Assembly Member Cooper for her work on the Assembly and for her reports to Council.

f. Library Advisory Board

Mark Massion, Library Advisory Boardmember, reported on the Summer Reading Program, that in July there will be a class for young women interested in science and engineering, and that food for kids and teens continues. Food can be picked up at the library on Wednesday's at the library through August 14th, and one more time on Thursday at Karen Hornaday Park from 4:30 – 6:00 pm. He thanked people who have been bringing donations of food, but noted the library isn't a collection point, and encouraged the donations be made to the Food Pantry. He also noted the Book Mobile will be on display at Grace Ridge Brewery on July 5th.

g. Homer Advisory Planning Commission

Tom Bos, Planning Commissioner, reported they finished decisions and findings for the medical clinic remand, and approved preliminary plats on West Bayview and on Mission Road. They're continuing discussions regarding zoning permits and conditional use permits, and the criteria expected by the Commission to issue on, and regarding building heights in the East End Mixed Use district. They had a worksession with the City Attorney on Quasi-Judicial process, the Open Meetings Act, and drafting findings, and there is currently an opening on the Planning Commission.

h. Economic Development Advisory Commission

Jeffrey Johnson, Economic Development Advisory Commissioner, reported there was a worksession prior to their last meeting to layout current, ongoing short, mid, and long term goals as listed in the Comp Plan, the Comprehensive Economic Development Strategies (CEDs), and the Business Retention and Expansion Survey. They are moving toward priorities with Wayfinding and Street Scape efforts follow-up, researching zoning recommendations to forward to the Planning Commission, reviewing the CEDs, moving toward downtown vitalization, forming telecommuter workgroup to collaborate on an initiative with the Chamber of Commerce, continued familiarization with Smart Growth principals and best practices, and assessing job training needs in Homer. At their regular meeting they had a presentation from City Planner Abboud on zoning considerations. They aren't meeting in July and will discuss and evaluate Ordinance 19-19(S) at their August meeting as requested by Council.

i. Parks Art Recreation and Culture Advisory Commission

Deb Lowney, Parks Art Recreation and Culture Advisory Commissioner, reported they welcomed new Commissioner Charles Barnwell, and have an opening for a Student Representative. The Commission received information from Wayne Aderhold regarding upgrading a portion of an alley way between KBBI and the Alibi that would connect to Poopdeck. It addresses some drainage issues on the properties and could potentially be used as a trail, and they'll discuss it on a future agenda. Karin Marks from the Economic Development Advisory Commission gave a presentation on Wayfinding that was very interesting, particularly relating to parks and trails and staying connected to the process and forward movement of any work in progress with it. The Commission discussed the Capital Improvement Plan and proposed Main Street and Bayview Park as their top two for consideration. They also voted to use \$500 to do improvements in the Karen Hornaday Park trail system related to drainage and erosion, and they've discovered a need to stabilize the slope along that area as its getting well used. They'll be submitting a request for \$1,500 from HART to purchase needed supplies and use volunteer labor. She commented about the work Girl Scout Troop 226 has done in clearing along the Fairview section of the trail.

In response to questions, Ms. Lowney explained the traffic calming project for Karen Hornaday Park that was approved by Council has a July-August time frame for completion, and gave a brief overview of what will be done.

Councilmember Lord thanked the Commission and volunteers who work on our City parks and trails.

j. Port and Harbor Advisory Commission

Catherine Ulmer, Port and Harbor Advisory Commissioner, thanked Council for their support of the Harbor expansion, it will enhance our community and the economic situation for our harbor. She recognized Port Director Hawkins for his work and dedication. She that loves our Commissions and Council represent our community at large, they're doing a good job, male/female and young/old, and she put out a plea for young-ish women to apply to serve on the Port and Harbor Advisory Commission. She'd like to see more balance on their Commission.

k. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the Committee met and reviewed the Capital Improvement Plan and will be working toward making a recommendation to Council. They also heard a presentation on the alley-way, Klondike Alley Trail, from the Poopdeck Trail to behind KBBI.

There was brief discussion about accessibility at the high school and the potential of using the SPARC facility as an evacuation location.

l. Kenai Peninsula Borough Election Stake Holder s Task Force Report

Councilmember Aderhold commented on the work of the Task Force, it's been an interesting process, she's learn so much about elections, and it's been really beneficial. They haven't voted on their recommendations yet, but they've made a motion to recommend moving to a hybrid by-mail system that will include options to vote by mail or vote in person at one of five vote centers that will be located throughout the Borough. They've discussed appointing service area representatives instead of electing them. Typically there's only one applicant per seat and it significantly complicates the voting districts. They're planning to institute a public information campaign for by-mail voting to help voters understand the system. They've also moved to use ranked choice voting for the Borough Mayor to avoid run-off elections. Lastly they're planning to modernize the voter pamphlet in conjunction with moving to the new voting system. In response to questions she gave a brief explanation of ranked choice voting.

PUBLIC HEARING(S)

- a. Ordinance 19-23(S) An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements. Lord/Stroozas. Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

Memorandum 19-058 from Stroozas/Lord as backup.

Memorandum 19-063 from City Attorney as backup.

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

Councilmember Lord noted there was discussion at their last worksession and they’ll be having another worksession on July 10th.

Mayor Castner asked for a motion to postpone Ordinance 19-23(S) to July 22nd.

ERICKSON/STROOZAS SO MOVED.

There was brief comment confirming this will come up under public hearings on the 22nd.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Ordinance 19-26, An Ordinance of the City Council of Homer, Alaska Adding Rural Residential Zoning District 21.12.060 Lighting Standards and Urban Residential Zoning District 21.14.060 Lighting Standards. Planning Commission. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Ordinance 19-26(S) An Ordinance of the City Council of Homer, Alaska, ~~Adding Rural Residential Zoning District 21.12.060 Lighting Standards and Urban Residential Zoning District 21.14.060 Lighting Standards.~~ **Amending Homer City Code Title 21, Zoning and Planning, to Adopt Lighting Standards in HCC Chapter 21.12, RR Rural Residential District, and in HCC Chapter 21.14, UR Urban Residential District. Planning Commission.**

Memorandum 19-069 from City Planner as Backup

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 19-26 BY READING OF TITLE ONLY.

ADERHOLD/LORD MOVED TO SUBSTITUTE ORDINANCE 19-26(S) FOR 19-26.

There was no discussion on the motion to substitute.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 19-27, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way" to Amend HCC 11.36.020 and Add HCC 11.36.030 "Removal for Compliance-Public Works Director Discretion," to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws and Construction Procedures. Stroozas. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Ordinance 19-27(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 11.36, "Vegetation in Rights of Way" to Amend Homer City Code 11.36.020 and Add Homer City Code 11.36.030, "Removal for Compliance-Public Works Director Discretion," to Permit Public Works Director to Authorize Removal of Vegetation to Bring Roads Constructed Prior to City Regulation into Compliance with City Laws and Construction Procedures. Stroozas/**Lord**.

Mayor Castner opened the public hearing.

Shirley Thompson, city resident, questioned why this ordinance is just now coming into effect. She explained she lives in the Baycrest Subdivision and their property has been greatly damaged by the cutting of trees. She's raised this issue with the City but feels she was totally ignored. She shared a summary of the issues with the cutting and her efforts with reaching out to City staff, and questioned the credentials of City staff.

Kim Coppen, city resident, commented she resides on Aspen Court and shared her frustration with the City clearing trees and leaving a mess for her to clean up. They called it ditch maintenance but it was just stripping branches off the alders, and leaving the branches in the

ditches. She said in 2014 Public Works cut them all down for no reason, they are rude and there is no notice as to when they will be coming.

Gee Denton, city resident, commented she resides in the Baycrest Subdivision and has lived in devastation and dealt with harassment as a result of the clearing done along Judy Rebecca Court. She shared there was a time before 2006 when the erosion issues were recognized and no clearing was done, but after 2006 to 2014 it changed and clearing was done over the years. Her house is sliding and significant damage is occurring as a result, she has expended great effort to try to save her house. The entities keep shifting blame but she has documentation on what's been violated, and she cited Resolution 17-082 addressing the area as a natural hazard district.

Catherine Ulmer, city resident, encouraged Council to hear these comments and work to find a solution to help protect the homes in the Baycrest area.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 19-27 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

STROOZAS/LORD MOVED TO SUBSTITUTE 19-27(S) FOR 19-27.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Stroozas commented there are a number of streets that weren't built to city standards because they were put in before the City annexed the properties, and the purpose of this ordinance is making the removal of vegetation less critical and more user friendly. The 30 foot right-of-way from the center of the road to the property would not require complete removal of all vegetation. There is added reference to properly addressing drainage to help alleviate erosion and standing water developing and making things worse.

Councilmember Lord added the ordinance provides discretion for cutting within three feet on either side of the right-of-way and clarifying language regarding right-of-way maintenance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 19-28, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$6,000 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust

Property. Mayor. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-070 from Deputy City Planner as backup

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

VENUTI/LORD MOVED TO ADOPT ORDINANCE 19-28 BY READING OF TITLE FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- e. Ordinance 19-29, An Ordinance of the City Council of Homer, Alaska, Authorizing the Expenditure in an Amount up to \$13,900 from the HART Funds for Construction of an ADA Accessible Trail on City of Homer Property and Kachemak Heritage Land Trust Property. Venuti. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum from Parks Art Recreation & Culture Advisory Commission as backup

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

VENUTI/LORD MOVED TO ADOPT ORDINANCE 19-29 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Lord commented she checked the balance of the HART trails fund and expenditures to date and the information provided she feels comfortable with the expenditure.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner called for a recess at 7:18 p.m. and the meeting resumed at 7:27 p.m.

- f. Ordinance 19-30, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating a Commercial Vessel Passenger Tax Program Pass Through Grant from the Kenai Peninsula Borough for Calendar Year 2018 in the Amount of \$35,815 and a Commercial Vessel Passenger Tax Appropriation from the State of Alaska For \$35,815

and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Mayor Castner opened the public hearing. There were no comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-30 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief comment confirming an equal allocation from the Borough and from the State.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

- a. Ordinance 19-32, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor. Recommended dates: Introduction June 24, 2019. Public Hearing and Second Reading July 22, 2019.

Ordinance 19-32(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout. Mayor.

LORD/ERICKSON MOVED TO INTRODUCE ORDINANCE 19-32 BY READING OF TITLE ONLY.

LORD/VENUTI MOVED TO SUBSTITUTE ORDINANCE 19-32(S) FOR 19-32.

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Mayor Castner explained that as outlined in the ordinance the Planning Commission has advisory capacity, mostly to the Borough and also to Council. They also have decision making authority and “Advisory” seems have a connotation they are only advisory but they are quasi-judicial in many respects. City Manager Koester concurred with the Mayor’s comments, adding that in addition to amending our code we have to request the Borough amend their code in how they refer to us.

Councilmember Aderhold asked for clarification at the next meeting whether additional amendments are needed to make that request of the Borough.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester reported that no proposals were submitted for the HERC building so Council will need to meet and talk about potential next steps on that. It was suggested it be scheduled for the next available worksession and Councilmember Aderhold agreed to work with the City Manager in preparing for that worksession.

City Manager Koester reminded listeners that there will be an Open House in the Council Chambers Tuesday starting at 4:00 p.m. on six DOT projects that are either in process or upcoming.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 19-044, A Resolution of the City Council of Homer, Alaska, Approving a Request for Proposals (RFP) for General Counsel Services. Mayor/Council.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 19-044 BY READING OF TITLE ONLY

Mayor Castner commented Council worked on editing the RFP during Committee of the Whole but didn’t get all the way through it.

Councilmembers proposed additional edits to the RFP document and agreed to hold a special meeting prior to their scheduled worksession on July 10th, to review the changes before adopting the resolution.

STROOZAS/SMITH MOVED TO POSTPONE TO A JULY 10TH SPECIAL MEETING AT 2:30 P.M.

There was brief comment regarding adjusting the timeline on the RFP.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Resolution 19-045, A Resolution of the City Council of Homer, Alaska, Supporting Kenai Peninsula Borough Ordinance 2019-11 Repealing KPB 5.18.430(F) which Requires Voter Approval to Increase the Sales Tax Cap. Aderhold.

ADERHOLD/LORD MOVED TO ADOPT 19-045 BY READING OF TITLE ONLY.

Councilmember Aderhold commented it is appropriate to vote this down because the ordinance has been pulled by the sponsor and there is no need to take an action.

VOTE: NO: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion failed.

- c. Resolution 19-043, A Resolution of the City Council of Homer, Alaska, Urging the U.S. Army Corps of Engineers to Consider the Economic Impacts to the Bear Viewing Industry in the Pebble Mine Impact Statement. Aderhold.

VENUTI/ADERHOLD MOVED TO ADOPT RESOLUTION 19-043.

Councilmember Aderhold commented Council had a presentation on this and the Kenai Peninsula Borough Assembly has a similar resolution, but it failed. Bear viewing is a part of our economy in Homer and this offers City support of an economic interest in the EIS.

Councilmember Smith noted past decisions not to weigh in on items outside our scope of interest, noting the Solomon Gulch hatchery issue. We have to be consistent on where we weigh in on these types of issues.

Councilmember Stroozas concurred, noting this is a political issue they shouldn't weigh in on.

Councilmember Lord commented in support because the resolution states it's something that should be addressed in the Pebble EIS, and not taking a position, but identifying what some people think was overlooked in assessing potential impacts. Councilmember Venuti concurred.

VOTE: YES: ADERHOLD, LORD, VENUTI

NO: STROOZAS, SMITH, ERICKSON

Mayor Castner did not vote.

Motion failed.

COMMENTS OF THE AUDIENCE

Lynn Spence, city resident, thanked Council for supporting accessibility in Homer. Accessibility isn't just about the obviously disabled, it's for everyone. Whether it's a path or building access, it allows easier access to people ranging from preschoolers to senior citizens and allows people to be actively involved in our community for a longer span of time and a greater range of area. She knows some are concerned its spending money on a small portion of our community, but it's actually quite a large portion of our particular community that benefits from accessibility.

Andy Haas, city resident, commented in terms of whether the Planning Commission is advisory or not, it makes a difference in the Open Meetings Act, and he asked if they've considered that.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells was not in attendance.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented there were a few issues in their worksession training and she heard some negative comments about the Municode program. Municode and Good Reader are programs that work well and the problems today had to do with some unanticipated issues with setting up logins and iPad restrictions. She hopes Council will stay open minded and continue to work with getting used to using the e-packets.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comments.

COMMENTS OF THE MAYOR

Mayor Castner commented there is a meeting at City Hall tomorrow at 4:00 p.m. for people to come, ask questions, and make their views known regarding the upcoming and ongoing DOT projects. He's been working with staff on our fund balances and he thinks they've worked out the hierarchy on funding and also spending and it will be coming to Council on July 22nd. In the process they've found some things with project funding that the Finance Director has had concerns over and they'll be looking at getting those cleaned up.

COMMENTS OF THE CITY COUNCIL

Councilmember Stroozas commented there will be a cruise ship in port tomorrow and on Wednesday. When you see the passengers around town, be sure to welcome them to our community.

Councilmember Aderhold commented she attended the Kachemak Bay Writer's Conference last week. Every year the conference gets better, the faculty improves, the key-note speakers are always phenomenal, and it's a huge benefit to our community.

Councilmember Erickson had no comment.

Councilmember Lord said she was excited to hear Northern Enterprises received funding to purchase a 150 ton travel lift for their boat yard. Northern Enterprises have been very dedicated to the maritime community and industry in this town for decades. This funding is part of the Maritime Administration Small Shipyard's Grant. She was working at the Farmer's Market with her daughter and it was fun talking to her about the Pride Parade coming through and what it means, it was well attended, she was proud of the community, and it was great having them come through. She commented about summer swimming lessons by the Kachemak Swim Club and also at the Bay Club, and on the importance of learning how to swim. She thanked the Clerk's Office for the work they do preparing agenda packets, the information is important to the Council, but also to the community and for transparent government. Lastly she commented there will be a special legislative session starting July 8th, there are questions where it will be held and leadership of the House and Senate have suggested they'd like it in Juneau. She encouraged people to appreciate the access to our legislature through Gavel to Gavel when they're in Juneau.

Councilmember Smith offered a belated happy Father's Day and happy Solstice. He commented on the fire on the Peninsula and he hopes people are being careful and mindful that it's really dry out there. He heard the festivities of the Pride March that started close to his house and wished a happy Pride Month. The adult softball league is playing at Jack Gist Park and invited people out to come watch the games at 6:30 and 8:00 p.m.

Councilmember Venuti thanked the Commission members for the reports they give Council, she appreciates the information. She's proud that there are community members here who participate. She attended the MAPP meeting last week regarding how the Homer community can be prepared by using our shared resources if we have a disaster. There's one week left to submit public comment on the draft EIS for Pebble Mine. Senator Murkowski called 2019 the year of the salmon and encouraged people to submit public comments through the Cook Inletkeeper webpage. Lastly she commented about a plastic free eco-challenge for the month of July to help shift away from the dependency on single use plastic. You can go to <https://plasticfree.ecochallenge.org/> to see what others are doing.

ADJOURN

There being no further business to come before the Council, Mayor Castner adjourned the meeting at 8:58 p.m. The next Regular Meeting is Monday, July 22, 2019, at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



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 19-082

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: JULY 17, 2019

SUBJECT: RESTAURANT/EATING PLACE LIQUOR LICENSE TRANSFER OF OWNERSHIP FOR CAFÉ CUPS

The City Clerk's Office has been notified by the AMCO Board of a Transfer of Ownership Application of Liquor License Permit for Restaurant/Eating Place within the City of Homer, for the following license:

License Type: Restaurant/Eating Place
License #: 3210
DBA Name: Café Cups
Service Location: 162 W. Pioneer Avenue, Homer, AK 99603
Licensee: Bivalves, Inc.
Contact Person: Jennifer Olsen

RECOMMENDATION: Voice non objection and approval for the Restaurant/Eating Place liquor license transfer of ownership application.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

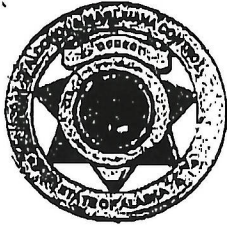
(f) 907-235-3151/ 907-226-3009

Memorandum

TO: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
FROM: MARK ROBL, CHIEF OF POLICE
DATE: July 16, 2017
SUBJECT: RESTAURANT/EATING PLACE LIQUOR LICENSE TRANSFER FOR CAFÉ' CUPS

There is no objection to this liquor license transfer

License #: 3210
Doing Business as: Café' Cups
License Type: Restaurant/eating please transfer of ownership
New Owner: Bivalves, Inc
Service Location: 162 W. Pioneer Ave.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

What is this form?

This transfer license application form is required for all individuals or entities seeking to apply for the transfer of ownership and/or location of an existing liquor license. Applicants should review Title 04 of Alaska Statutes and Chapter 304 of the Alaska Administrative Code. All fields of this form must be completed, per AS 04.11.260, AS 04.11.280, AS 04.11.290, and 3 AAC 304.105.

This form must be completed and submitted to AMCO's main office, along with all other required forms and documents, before any license application will be considered complete.

Section 1 - Transfer Information

Enter information for the *current* licensee and licensed establishment.

Licensee:	BABALOO LLC		License #:	3210	
License Type:	RESTAURANT/EATING PLACE		Statutory Reference:	AS 04.11.100	
Doing Business As:	CAFE CURS				
Premises Address:	167 W. Pioneer Ave				
City:	HOMER	State:	AK	ZIP:	99603
Local Governing Body:	CITY OF HOMER				

Transfer Type:

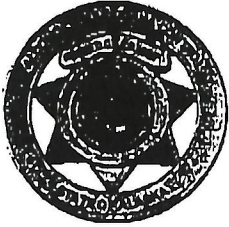
- Regular transfer
- Transfer with security interest
- Involuntary retransfer

RECEIVED
 Anchorage
 JUN 19 2019
 CBPL

OFFICE USE ONLY			
Complete Date:		Transaction #:	
Board Meeting Date:		License Years:	
Issue Date:		BRE:	

JUN 19 2019

CBPL



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Anchorage, AK 99501
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Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 2 - Transferee Information

Enter information for the *new* applicant and/or location seeking to be licensed.

Licensee:	BIVALVES INC.				
Doing Business As:	CAFE CUPS				
Premises Address:	162 W PIONEER AVE				
City:	HOMER	State:	AK	ZIP:	99603
Community Council:	N/A				

Mailing Address:	162 W Pioneer Ave				
City:	HOMER	State:	AK	ZIP:	99603

Designated Licensee:	JENNIFER OLSEN				
Contact Phone:	907-299-0499	Business Phone:	907-299-0499		
Contact Email:	CAFE CUPS @ GMAIL . COM				

Seasonal License? Yes No If "Yes", write your six-month operating period: _____

Section 3 - Premises Information

Premises to be licensed is:

- an existing facility a new building a proposed building

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The next two questions must be completed by beverage dispensary (including tourism) and package store applicants only.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the outer boundaries of the nearest school grounds? Include the unit of measurement in your answer.

What is the distance of the shortest pedestrian route from the public entrance of the building of your proposed premises to the public entrance of the nearest church building? Include the unit of measurement in your answer.



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 4 - Sole Proprietor Ownership Information

This section must be completed by any sole proprietor who is applying for a license. Entities should skip to Section 5. If more space is needed, please attach a separate sheet with the required information. The following information must be completed for each licensee and each affiliate (spouse).

This individual is an: applicant affiliate

Name:				
Address:				
City:	State:	ZIP:		

This individual is an: applicant affiliate

Name:				
Address:				
City:	State:	ZIP:		

Section 5 - Entity Ownership Information

This section must be completed by any entity, including a corporation, limited liability company (LLC), partnership, or limited partnership, that is applying for a license. Sole proprietors should skip to Section 6. If more space is needed, please attach a separate sheet with the required information.

- If the applicant is a corporation, the following information must be completed for each *stockholder who owns 10% or more of the stock* in the corporation, and for each *president, vice-president, secretary, and managing officer*.
- If the applicant is a limited liability organization, the following information must be completed for each *member with an ownership interest of 10% or more*, and for each *manager*.
- If the applicant is a partnership, including a limited partnership, the following information must be completed for each *partner with an interest of 10% or more*, and for each *general partner*.

Entity Official:	JENNIFER OLSEN				
Title(s):	SECRETARY / VICE PRES	Phone:	907-299-0444	% Owned:	50
Address:	162 W Pioneer Ave				
City:	Homer	State:	AK	ZIP:	99603



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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Entity Official:	DAVID OLSEN				
Title(s):	PRESIDENT	Phone:	907-299-4330	% Owned:	50
Address:	162 W Pioneer Ave.				
City:	HOMER	State:	AK	ZIP:	99603

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

Entity Official:					
Title(s):		Phone:		% Owned:	
Address:					
City:		State:		ZIP:	

This subsection must be completed by any applicant that is a corporation or LLC. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations (DOC) and have a registered agent who is an individual resident of the state of Alaska.

DOC Entity #:	576040	AK Formed Date:	11/6/95	Home State:	AK
Registered Agent:	JENNIFER OLSEN	Agent's Phone:	907-299-0499		
Agent's Mailing Address:	162 W Pioneer Ave.				
City:	HOMER	State:	AK	ZIP:	99603

Residency of Agent:

Yes No

Is your corporation or LLC's registered agent an individual resident of the state of Alaska?



Alaska Alcoholic Beverage Control Board

<http://www.commerce.alaska.gov/amco>

Phone: 907.269.0350

Form AB-01: Transfer License Application

Section 6 - Other Licenses

Ownership and financial interest in other alcoholic beverage businesses:

Yes No

Does any representative or owner named as a transferee in this application have any direct or indirect financial interest in any other alcoholic beverage business that does business in or is licensed in Alaska?

If "Yes", disclose which individual(s) has the financial interest, what the type of business is, and if licensed in Alaska, which license number(s) and license type(s):

Section 7 - Authorization

Communication with AMCO staff:

Yes No

Does any person other than a licensee named in this application have authority to discuss this license with AMCO staff?

If "Yes", disclose the name of the individual and the reason for this authorization:



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alcohol.licensing@alaska.gov
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Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Section 8 - Transferor Certifications

Additional copies of this page may be attached, as needed, for the controlling interest of the current licensee to be represented.

I declare under penalty of perjury that the undersigned represents a controlling interest of the current licensee. I additionally certify that I, as the current licensee (either the sole proprietor or the controlling interest of the currently licensed entity) have examined this application, approve of the transfer of this license, and find the information on this application to be true, correct, and complete.

[Handwritten Signature]

Signature of transferor

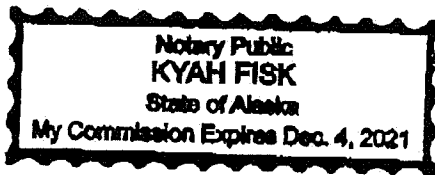
Jessica Mikhail

Printed name of transferor

Subscribed and sworn to before me this 19 day of March, 2019.

[Handwritten Signature]

Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: 12-4-21

[Handwritten Signature]

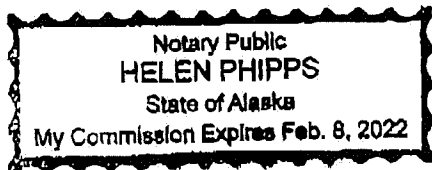
Signature of transferor

Pavel Mikhail

Printed name of transferor

Subscribed and sworn to before me this 17th day of June, 2019.

[Handwritten Signature]
Signature of Notary Public



Notary Public in and for the State of Alaska

My commission expires: Feb 8, 2022



Alaska Alcoholic Beverage Control Board

Form AB-01: Transfer License Application

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Section 9 - Transferee Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that all proposed licensees (as defined in AS 04.11.260) and affiliates have been listed on this application.

JA

I certify that all proposed licensees have been listed with the Division of Corporations.

JA

I certify that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued.

JA

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check the identification of a patron will complete an approved alcohol server education course, if required by AS 04.21.025, and, while selling or serving alcoholic beverages, will carry or have available to show a current course card or a photocopy of the card certifying completion of approved alcohol server education course, if required by 3 AAC 304.465.

JA

I agree to provide all information required by the Alcoholic Beverage Control Board in support of this application.

JA

As an applicant for a liquor license, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete.

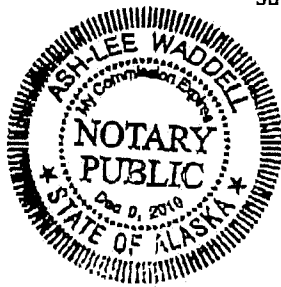
J. Olsen

Signature of transferee

JENNIFER A OLSEN

Printed name

Subscribed and sworn to before me this 15th day of March, 2019.



Ashlee Waddell
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 12-9-19



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board Form AB-02: Premises Diagram

What is this form?

A detailed diagram of the proposed licensed premises is required for all liquor license applications, per AS 04.11.260 and 3 AAC 304.185. Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, consumption, and manufacturing. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

The second page of this form is not required. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form. The first page must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office before any license application will be considered complete.

	Yes	No
I have attached blueprints, CAD drawings, or other supporting documents in addition to, or in lieu of, the second page of this form.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Section 1 - Establishment Information

Enter information for the business seeking to be licensed, as identified on the license application.

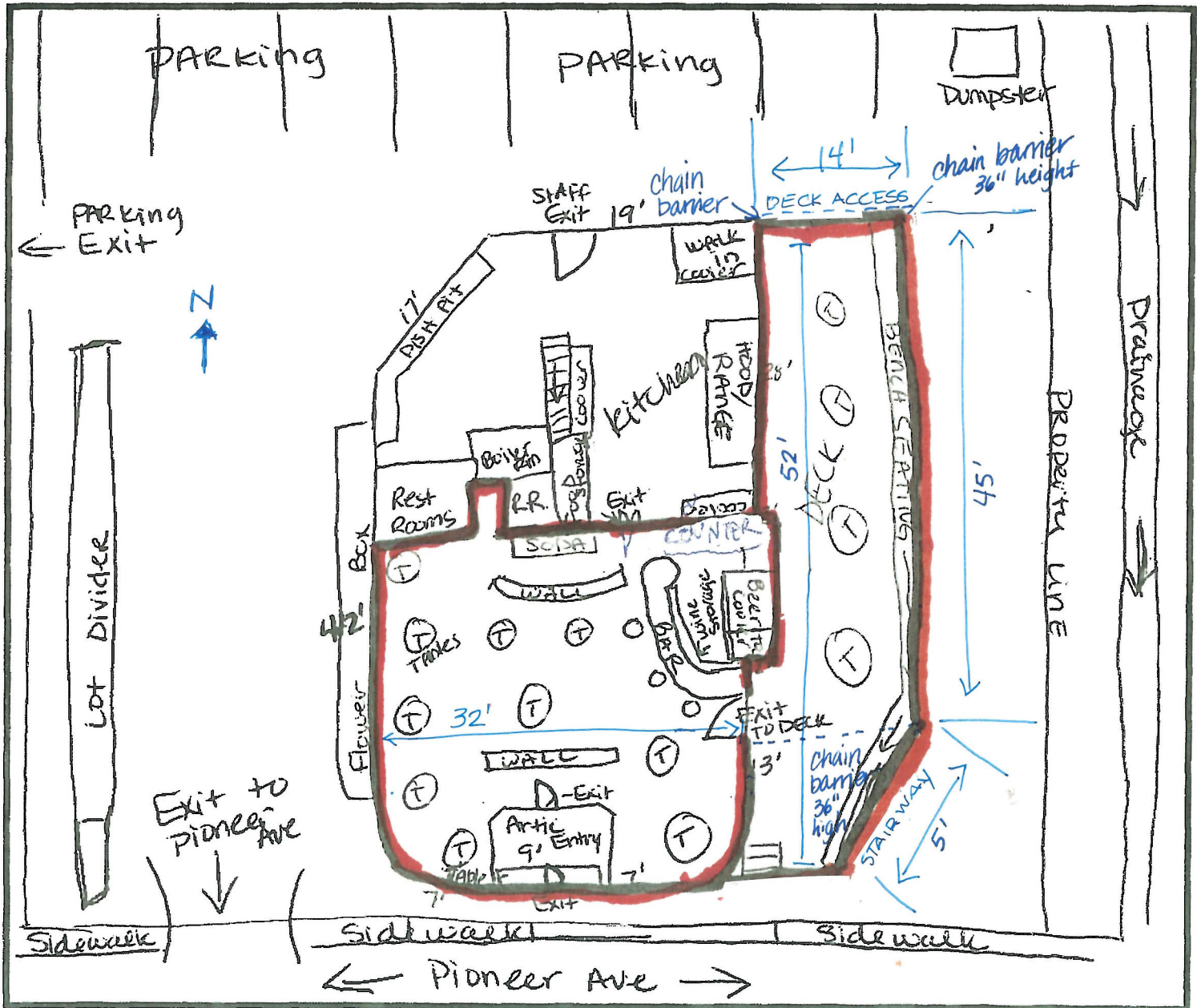
Licensee:	BIVALVES INC	License Number:	3001
License Type:	RESTAURANT/FEATURING PLACE		
Doing Business As:	CAPE CLUBS		
Premises Address:	162 W PIONEER AVE		
City:	Homer	State:	AK
		ZIP:	99603



Alaska Alcoholic Beverage Control Board
Form AB-02: Premises Diagram

Section 2 – Detailed Premises Diagram

Clearly indicate the boundaries of the premises and the proposed licensed area within that property. Clearly indicate the interior layout of any enclosed areas on the proposed premises. Clearly identify all entrances and exits, walls, bars, and fixtures, and outline in red the perimeter of the areas designated for alcohol storage, service, and consumption. Include dimensions, cross-streets, and points of reference in your drawing. You may attach blueprints or other detailed drawings that meet the requirements of this form.

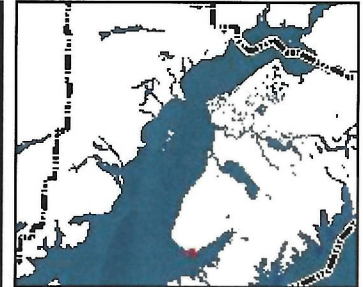


AUG 25 2016

JUN 21 2019



162 W Pioneer Ave Homer, AK 99603



Legend

- Mileposts
- City Limits
- Highways
- Major Roads
- Roads
 - Town Medium Volume
 - Town Low/Seasonal; Other
 - Proposed
- Parcels

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 0.01 0.02 Miles

Coordinate System: NAD_1983_StatePlane_Alaska_4_FIPS_5004_Feet

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Cafe Cups Restaurant

AMCO

JUN 21 2019

RESURVEY & SUBDIVISION LOT 52 BUNNELL SUBDIVISION LOCATED IN E 1/2 NE 1/4 SEC. 19 T6S R13W S.M.

234

This plat purports to show a closed survey of Lot 52 of Bunnell Subdivision, based on physical evidence of corners as originally surveyed by Fred Spack. No overlaps or encroachments have resulted by this new survey. Small inconsistencies with plat of Bunnell Subdivision are due to errors of closure on said plat.

Henry H. Johnson

No. 3790

FILED FOR RECORDING

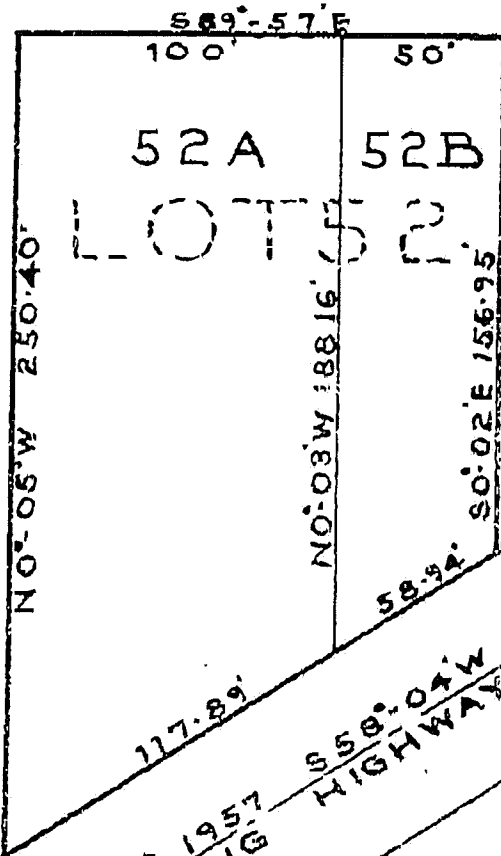
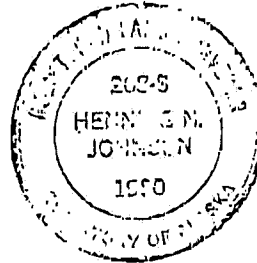
May, 1957 at 2:45 PM

Vol. 12 Page 234

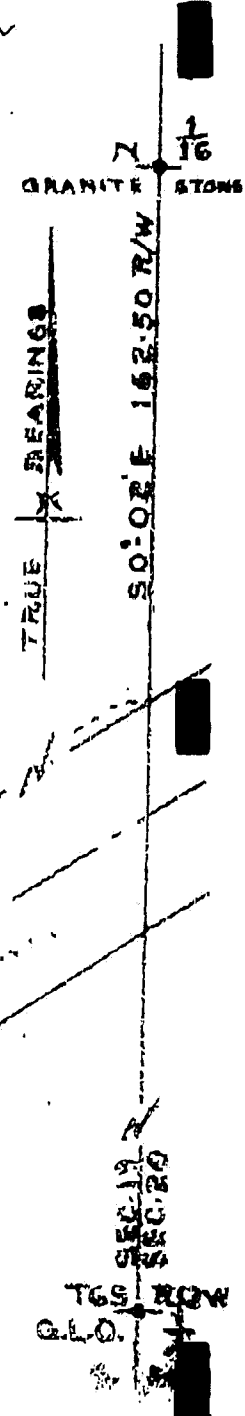
Homer Recording Precinct

Terr. of Alaska

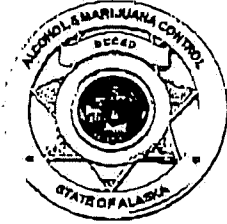
At the Request of C.H. Massey



SCALE
1" = 50'
MAY 1957



- **AB-02: Licensed Premises Diagram (continued)**
- Please also include a security plan for how you will ensure no alcohol leaves the premises and that no minors have access to alcohol while on the deck. Please include detail such as the height and type of barrier surrounding the deck, signage, and employee surveillance.
 - *Security Plan for the prevention of alcohol leaving premises and accessed by minors is as follows:*
 - | *All dining areas and all access points are always in full view of all staff.*
 - | *All outside dining access points have chain barriers at 36" height with directional signage for guest entry through main doors and "No Alcohol Beyond this Point". Non-entry points have existing rail barriers.*



Alcohol and Marijuana Control Office
 550 W 7th Avenue, Suite 1600
 Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
 Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

What is this form?

A restaurant designation permit application is required for a licensee desiring designation under 3 AAC 304.715 – 3 AAC 304.795 as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049. Designation will be granted only to a holder of a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license, and only if the requirements of 3 AAC 304.305, 3 AAC 304.725, and 3 AAC 304.745, as applicable, are met. A detailed floor plan of the proposed designated and undesignated areas of the licensed business and a menu or expected menu listing the meals to be offered to patrons must accompany this form. Applicants should review AS 04.16.049 – AS 04.16.052 and 3 AAC 304.715 – 3 AAC 304.795. All fields of this form must be completed. The required \$50 permit fee may be made by credit card, check, or money order.

Section 1 – Establishment Information

Enter information for licensed establishment.

Licensee:	BIVALVES INC		
License Type:	RESTAURANT EATING PLACE	License Number:	3210
Doing Business As:	CAFE OLPS		
Premises Address:	162 W PIONEER AVE		
City:	HOMER	State:	AK ZIP: 99603
Contact Name:	JENNIFER OLSEN	Contact Phone:	907-249-0499

Section 2 – Type of Designation Requested

This application is for the request of designation as a bona fide restaurant, hotel, or eating place for purposes of AS 04.16.010(c) or AS 04.16.049, and for the request of the following designation(s) (check all that apply):

- Dining after standard closing hours: AS 04.16.010(c)
- Dining by persons 16 – 20 years of age: AS 04.16.049(a)(2)
- Dining by persons under the age of 16 years, accompanied by a person over the age of 21: AS 04.16.049(a)(3)
- Employment for persons 16 or 17 years of age: AS 04.16.049(c)
 NOTE: Under AS 04.16.049(d), this permit is not required to employ a person 18 - 20 years of age.

OFFICE USE ONLY			
Issue Date:	Transaction #:	BRE:	



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
https://www.commerce.alaska.gov/web/amco
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 3 – Minor Access

Review AS 04.16.049(a)(2); AS 04.16.049(a)(3); AS 04.16.049(c)

List where within the premises minors are anticipated to have access in the course of either dining or employment as designated in Section 2. (Example: Minors will only be allowed in the dining area. OR Minors will only be employed and present in the Kitchen.)

Minors will only be allowed in designated dining areas.
Hiring policies are that all dining staff shall be TAP trained and legal serving age. Minors shall only be employed in the kitchen areas and shall not be allowed access to dining areas.

Describe the policies, practices and procedures that will be in place to ensure that minors do not gain access to alcohol while dining or employed at your premises.

All dining areas and all access points are always in full view of all staff. All outside dining access points have chain barriers at 36 " height with directional signage for guest entry through main doors and " No Alcohol Beyond this Point " . Non-entry points have existing rail barriers.
House policies include mandatory TAP training for all dining area staff.

Is an owner, manager, or assistant manager who is 21 years of age or older always present on the premises during business hours?

Yes No

Section 4 – DEC Food Service Permit

Per 3 AAC 304.910 for an establishment to qualify as a Bona Fide Restaurant, a Food Service Permit or (for licenses within the Municipality of Anchorage) corresponding Department of Health and Human Services documentation is required.

Please follow this link to the DEC Food Safety Website: <http://dec.alaska.gov/eh/fss/food/>

Please follow this link to the Municipality Food Safety Website:

<http://www.muni.org/Departments/health/Admin/environment/FSS/Pages/fssfood.aspx>

IF you are unable to certify the below statement, please discuss the matter with the AMCO office:

Initials

I have attached a copy of the current food service permit for this premises OR the plan review approval,

**Please note, if a plan review approval is submitted, a final permit will be required before finalization of any permit or license application.*



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 - Certifications and Approvals

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I have included with this form a detailed floor plan of the proposed designated and undesignated areas of the licensed business for purposes of this application. I understand that this diagram is different than my licensed premises diagram.



I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons.



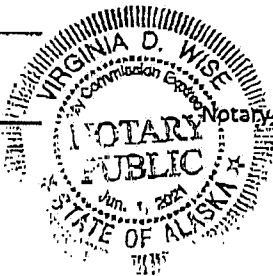
I certify that the license for which I am requesting designation is either a beverage dispensary, club, recreational site, golf course, or restaurant or eating place license.



I declare under penalty of perjury that this form, including all attachments and accompanying schedules and statements, is true, correct, and complete.

[Signature]
Signature of licensee

JENNIFER A GISEN
Printed name of licensee



[Signature]
Signature of Notary Public

Notary Public In and for the State of Alaska

My commission expires: 06-01-21

Subscribed and sworn to before me this 19 day of April, 2019.

Local Government Review (to be completed by an appropriate local government official):

Approved Disapproved

Signature of local government official

Date

Printed name of local government official

Title



Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
alcohol.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review:

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Enforcement Recommendations:

AMCO Director Review:

Approved Disapproved

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:



**Alaska Food Code
2019 Establishment Permit**
Division of Environmental Health
Food Safety & Inspection Program

Permit Number: 5472
Issued to: Babaloo LLC
For: Cafe Gups
For Operation of: FF-1 Food Service
Located at: 102 W Pioneer Ave Homer, AK 99603

This permit, issued under the provisions of 18 AAC 031, is valid until the noted expiration date or unless suspended or revoked by the department.

This permit is not transferable for change of ownership, facility location, or type of operation. It must be posted in plain view in the establishment and is the property of the State of Alaska.

Expiration Date:
December 31, 2019

Program Manager

**If you have questions or concerns regarding
safe food handling practices call toll free**

1-87-SAFE-FOOD

(In Anchorage call 334-2160)



the evening meal

below items & dinner specials include your choice of numerous sides, tossed green salad, & house baked, herbed sourdough bread

prime rib

slow roasted 14 fulfilling ounces served with real au jus or try it cajun blackened (\$28)

indian green curry

your choice of vegetarian, tofu, chicken (\$24) or fish or prawns (\$27) a wild & NOT-so-mild creation.

alaskan king crab legs

go for it, you deserve it!
3/4 pound (\$ market price)

tiger prawns

charbroiled or deep fried accompanied by a triad of sauces including the famous 'honey habenero' (\$27)

baby back ribs

a full rack, really tender- slathered with cups' bbq sauce - extra napkins included (\$26)

scallop & chicken satay

skewered alaskan scallops and chicken charbroiled with a thai peanut sauce on basmati rice (\$27)

charbroiled ribeye steak

hand-cut by dave, just short of a pound (\$28) or custom cut to fit your alaska-sized appetite (add \$ per ounce)

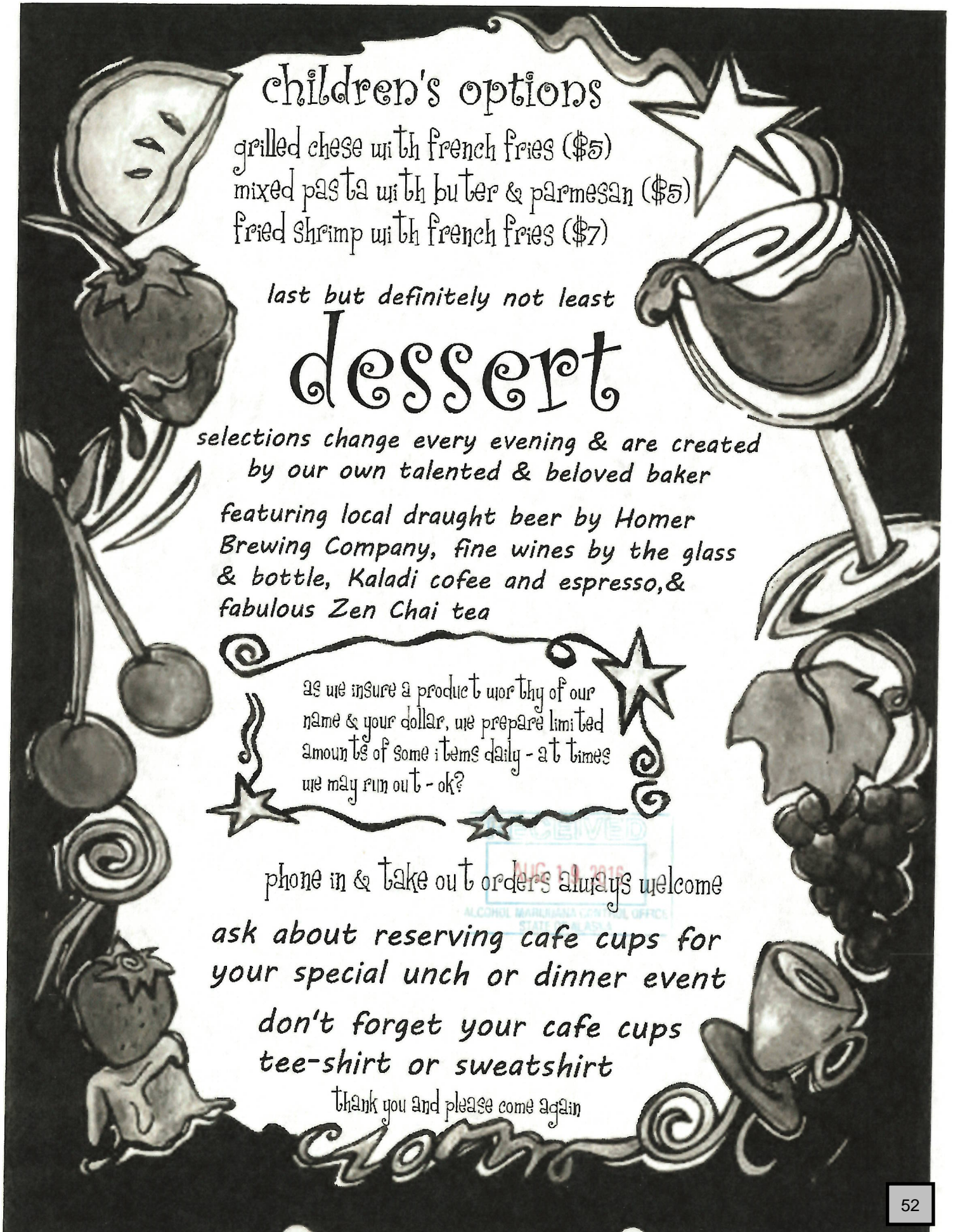
dave's twisted fettucine

a varied selection of seafood with raspberries and chipotle tossed in alfredo style cream- created by mistake.. frequently requested ever since (\$28)

filet mignon

charbroiled 8 oz. wrapped in bacon & served on a pool of gorgonzola whiskey cream (\$33)
melts in your mouth!





children's options

grilled cheese with french fries (\$5)
mixed pasta with butter & parmesan (\$5)
fried shrimp with french fries (\$7)

last but definitely not least

dessert

selections change every evening & are created
by our own talented & beloved baker

featuring local draught beer by Homer
Brewing Company, fine wines by the glass
& bottle, Kaladi coffee and espresso, &
fabulous Zen Chai tea

as we insure a product worthy of our
name & your dollar, we prepare limited
amounts of some items daily - at times
we may run out - ok?

phone in & take out orders always welcome
ask about reserving cafe cups for
your special unch or dinner event

don't forget your cafe cups
tee-shirt or sweatshirt

thank you and please come again

			BOTTLE	GLASS
Merlot				
2101	Blackstone	California	28	7.5
2102	Francis Coppola Diamond Collection Blue Label	California	36	9
2106	Shafer	Napa Valley, California	76	
2107	Plumpjack	Napa Valley, California	80	
Malbec/Petite Sirah				
1203	Alta Vista Malbec	Argentina	30	8
1202	Masi Tupungato (Malbec/Corvina)	Argentina	32	8.5
1206	Crusher Petit Sirah	California	30	8
1204	Girard Petite Sirah	California	46	
1205	Foppiano Petite Sirah	California	59	
Pinot Noir				
1002	Mark West	California	31	8.25
1003	Parker Station	California	33	
1006	Forefront by Pine Ridge	Central Coast, California	38	10
1007	Wild Horse	Central Coast, California	49	
Zinfandel				
1101	Four Vines "Old Vines Cuvée"	California	24	7
1104	Cakebread	Napa, California	52	





July 16, 2019

City of Homer
Attn: City Clerk

Via Email: clerk@cityofhomer-ak.gov

Cc: joanne@borough.kenai.ak.us
jblankenship@borough.kenai.ak.us
tshassetz@kpb.us

License Type:	Restaurant/Eating Place	License Number:	3210
Licensee:	Bivalves, Inc.		
Doing Business As:	Café Cups		
Premises Address:	162 W Pioneer Ave		

- New Application
 Transfer of Location Application
 Transfer of Ownership Application
 Transfer of Controlling Interest Application

We have received a completed application for the above listed license (see attached application documents) within your jurisdiction. This is the notice required under AS 04.11.480.

A local governing body may protest the approval of an application(s) pursuant to AS 04.11.480 by furnishing the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of receipt of this notice, and by allowing the applicant a reasonable opportunity to defend the application before a meeting of the local governing body, as required by 3 AAC 304.145(d). If a protest is filed, the board will deny the application unless the board finds that the protest is arbitrary, capricious, and unreasonable. To protest the application referenced above, please submit your protest within 60 days and show proof of service upon the applicant.

AS 04.11.491 – AS 04.11.509 provide that the board will deny a license application if the board finds that the license is prohibited under as a result of an election conducted under AS 04.11.507.

AS 04.11.420 provides that the board will not issue a license when a local governing body protests an application on the grounds that the applicant’s proposed licensed premises are located in a place within the local government where a local zoning ordinance prohibits the alcohol establishment, unless the local government has approved a variance from the local ordinance.

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



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 19-083

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: JULY 17, 2019
SUBJECT: RETAIL MARIJUANA STORE LICENSE RENEWAL FOR UNCLE HERB'S

We have been notified by the Alcohol Marijuana Control Office of an application for a retail marijuana store license renewal in the City of Homer for the following:

Type: Retail Marijuana Store
Lic #: 12866
DBA Name: Uncle Herb's
Service Location: 1213 Ocean Drive, Unit 2, Homer, AK 99603
Licensee: Eden Management Group, LLC
Designated Licensee: Lloyd Stiassny
Mailing Address: P.O. Box 90171 Anchorage, AK 99509

RECOMMENDATION: Voice non objection and approval for the renewal for retail marijuana license.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 19

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD AICP, CITY PLANNER
DATE: JULY 11, 2019
SUBJECT: UNCLE HERB'S RETAIL MARIJUANA STORE LICENSE
RENEWAL

I have reviewed the site and operation of the retail marijuana facility, License 12866, located at 1213 Ocean Dr. #2. I find that Uncle Herbs in compliance with Homer City Zoning Codes. I have no objection to the license renewal based zoning related issues.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151

Memorandum

TO: RENEK KRAUSE, MMC, DEPUTY CITY CLERK
FROM: MARK ROBL, CHIEF OF POLICE
DATE: JULY 10, 2019
SUBJECT: RETAIL MARIJUANA STORE LICENSE RENEWAL FOR UNCLE HERB'S

There is no objection to this retail marijuana store license renewal for:

LICENSE TYPE: Retail Marijuana Store
LICENSE # 12866
DBA NAME Uncle Herb's
SERVICE LOCATION: 1213 Ocean Drive Unit 2, Homer AK 99603
LICENSEE: Eden Management Group, LLC
DESIGNATED LICENSEE: Lloyd Stiassny
MAILING ADDRESS: PO Box 90171 Anchorage, AK 99509



Office of the Borough Clerk

144 North Binkley Street, Soldotna, Alaska 99669 • (907) 714-2160 • (907) 714-2388 Fax

Johni Blankenship, MMC
Borough Clerk

July 8, 2019

Sent via email: clerk@ci.homer.ak.us

City of Homer Clerk
Homer City Hall

RE: Renewal Application for Retail Marijuana Store

Business Name : Uncle Herb's
License Location : Homer/1213 Ocean Drive, Unit 2 Homer, AK 99603
License No. : 12866

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough (KPB) has reviewed the above referenced application and has no objection to the issuance of the license.

Should you have any questions, or need additional information, please don't hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/TS

Encl.

cc: stazz@msn.com; amco.localgovernmentonly@alaska.gov



July 5, 2019

City of Homer

Attn: Melissa Jacobsen, City Clerk

VIA Email: clerk@cityofhomer-ak.gov

CC: jblankenship@kpb.us

micheleturner@kpb.us

tshassetz@kpb.us

License Number:	12866
License Type:	Retail Marijuana Store
Licensee:	Eden Management Group, LLC
Doing Business As:	UNCLE HERB'S
Physical Address:	1213 Ocean Drive Unit 2 Homer, AK 99603
Designated Licensee:	Lloyd Stiassny
Phone Number:	907-230-6436
Email Address:	stazz@msn.com

License Renewal Application

Endorsement Renewal Application

AMCO has received a complete renewal application and/or endorsement renewal application for a marijuana establishment within your jurisdiction. This notice is required under 3 AAC 306.035(c)(2). Application documents will be sent to you separately via ZendTo.

To protest the approval of this application pursuant to 3 AAC 306.060, you must furnish the director **and** the applicant with a clear and concise written statement of reasons for the protest within 60 days of the date of this notice, and provide AMCO proof of service of the protest upon the applicant.

3 AAC 306.060 states that the board will uphold a local government protest and deny an application for a marijuana establishment license unless the board finds that a protest by a local government is arbitrary, capricious, and unreasonable. If the protest is a "conditional protest" as defined in 3 AAC 306.060(d)(2) and the application otherwise meets all the criteria set forth by the regulations, the Marijuana Control Board may approve the license renewal, but require the applicant to show to the board's satisfaction that the requirements of the local government have been met before the director issues the license.

At the May 15, 2017, Marijuana Control Board meeting, the board delegated to me the authority to approve renewal applications with no protests, objections, or notices of violation. However, if a timely protest or objection is filed for this application, or if any notices of violation have been issued for this

license, the board will consider the application. In those situations, a temporary license will be issued pending board consideration.

If you have any questions, please email amco.localgovernmentonly@alaska.gov.

Sincerely,

Erika McConnell

Erika McConnell
Director

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
 PROFESSIONAL LICENSING**

[State of Alaska](#) / [Commerce](#) / [Corporations, Business, and Professional Licensing](#) / [Search & Database](#)
[Download](#) / [Corporations](#) / [Entity Details](#)

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Eden Management Group, LLC

Entity Type: Limited Liability Company

Entity #: 10039405

Status: Good Standing

AK Formed Date: 6/20/2016

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2020

Entity Mailing Address: PO BOX 90171, ANCHORAGE, AK 99509

Entity Physical Address: 6511 ARCTIC SPUR ROAD, ANCHORAGE, AK 99518

Registered Agent

Agent Name: Jana Weltzin

Registered Mailing Address: 901 PHOTO AVE, ANCHORAGE, AK 99503

Registered Physical Address: 901 PHOTO AVE, ANCHORAGE, AK 99503

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Lloyd Stiassny	Manager, Member	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
6/20/2016	Creation Filing	Click to View	Click to View
6/20/2016	Initial Report	Click to View	
12/13/2017	Biennial Report	Click to View	
6/04/2019	Agent Change	Click to View	

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Pursuant with the Alaska Revised Limited Liability Company Act
Title 10 Chapter 10.50
**LIMITED LIABILITY COMPANY OPERATING AGREEMENT
FOR**

Eden Management Group, LLC

Name Of LLC

AN ALASKA LIMITED LIABILITY COMPANY

THIS OPERATING AGREEMENT ("Agreement") is entered into this 20th day of
June, 2016, by and between the following person(s):

Lloyd H. Stiasny

First Middle Last

First Middle Last

First Middle Last

First Middle Last

(Hereinafter Referred to as the "Parties" or "Members")

All Members in the above-described Limited Liability Company agree as follows;

FORMATION OF LIMITED LIABILITY COMPANY

- I. **FORMATION OF LLC.** The Parties have formed a Limited Liability Company named Eden Management Group, LLC

Name Of LLC

(Hereinafter referred to as the "LLC") in the State of Alaska.

State

The LLC shall be operated by the terms of this Agreement and the applicable laws of the State of Alaska

State

relating to the formation, taxation and operation of a LLC. The Members agree that the LLC shall be taxed as a partnership. The partnership shall be inoperative if there are any provisions of this agreement that may cause the LLC not to be taxed as a partnership.

II. **BUSINESS.** The primary business of the LLC shall be:

Management and Administration of Horticulture Facility

Primary Business of LLC

The LLC shall be legally allowed to conduct or promote any lawful business or purpose within the State of Alaska

State

or any other jurisdiction where the LLC may be conducting business activities.

III. **ARTICLES OF ORGANIZATION.** The LLC acting through one of its

Members named Lloyd H. Stiassny

First

Middle

Last

filed Articles of Organization, ("Articles") in the records of the

Alaska Secretary of State on 06/20/2016

State

Date

and thus, creating the LLC.

IV. **PLACE OF BUSINESS.** The official place of business of the LLC shall be

6511 Arctic Spur Road

Street Address

City of Anchorage State of Alaska

City

State

Zip Code 99518

Zip Code

V. **REGISTERED OFFICE.** The official registered office of the LLC shall be 3003 Minnesota Dr.

Street Address

City of Anchorage State of Alaska

City

State

Zip Code 99503. If at anytime the registered

Zip Code

office should change, all members and necessary government authorities shall be notified.

VI. **REGISTERED AGENT.** The official registered agent of the LLC shall be

Jana Weltzin

First

Middle

Last

If at anytime the registered agent should change, all members and necessary government authorities shall be notified.

VII. **FISCAL YEAR.** The LLC's fiscal and tax year shall end 12/31/16.
Date

VIII. **DURATION.** The LLC will commence business as of the date of filing and will continue in perpetuity.

IX. **INITIAL MEMBERS.** The initial Members of the LLC, their initial capital contributions, and their percentage interest in the LLC are as follows:

Members	Percentage Interest in LLC	Capital Contribution (If any)
Lloyd H. Stiasny	100%	

X. **ADDITIONAL MEMBERS.** Upon the consent of a majority of the Members and in compliance with the provisions of this agreement, new members may be admitted.

XI. **MANAGEMENT.** The Members have elected to manage the LLC as follows (check as appropriate):

The management of the LLC shall be vested in the Members without an appointed manager. The Members shall elect officers who shall manage the company. The President and Secretary may act for and on behalf of the LLC and shall have the power and authority to bind the LLC in all transactions and business dealings of any kind as otherwise provided in this Agreement.

The Members hereby delegate the management of the LLC to Managers(s), subject to the limitations set out in this agreement.

There shall be one (1) initial Managers.
of Managers

The initial Manager(s) is/are:

Lloyd H. Stiassny

First

Middle

Last

First

Middle

Last

First

Middle

Last

First

Middle

Last

A Manager shall hold their position until the Members elect a successor.

The Members shall elect and may remove the Manager(s) by majority vote.

The authority shall be held by the Members to take all necessary and proper actions in order to conduct the business of the LLC.

Any Manager can take any appropriate action on behalf of the LLC, including, but not limited to signing checks, executing leases, and signing loan documents except for decisions concerning distributions.

With or without the notice of a meeting, the action of the Manager shall be based on a majority vote of the Managers when determining the timing and total amount of distribution to the Members.

The compensation to the Manager(s) shall be in the discretion of the majority of the Members of the LLC.

XII. **OFFICERS AND RELATING PROVISIONS.** If the Members decide to manage the LLC, rather than appointing a Manager, the Members shall appoint officers for the LLC and the following provisions shall apply:

(a) **OFFICERS.** The officers of the LLC shall consist of a president, a treasurer and a secretary, or others that may be elected and appointed by the Members. A Member may hold more than one or all offices. The officers shall supervise the operation of the LLC under the direction and management of the Members, as further described below.

- (b) **TERM OF OFFICE/ELECTION.** The Members shall elect the officers of the LLC annually by a majority vote. Vacancies may be filled or new offices created and filled at any meeting of the Members. All officers shall hold their office positions unless until their death, removal of office, or resignation. Election or appointment of an officer or agent shall not of itself create a contract right.
- (c) **REMOVAL.** The Members may decide to remove any officer or agent by a majority vote whenever they decide that the best interest of the company would be served thereby. If a officer or agent is removed, it shall be without prejudice to the contract rights.
- (d) **PRESIDENT.** The President shall be the chief executive officer of the LLC and shall be present at all meetings of the Members. The president shall have all powers to perform such duties that are outlined in this Agreement.
- (e) **THE TREASURER.** The Treasurer shall be the chief financial officer of the LLC. The Treasurer is responsible for all funds and securities of the LLC. The Treasurer shall preside at the meeting of the Members when the President is absent. The treasurer must receive and give receipts for moneys due and payable to the LLC from any money source whatsoever, and deposit all such moneys in the name of the LLC in any such money institution, which shall be selected by the Members of the LLC. The Treasurer shall perform all other duties that may be assigned to the office of treasurer by the President or by the Members of the LLC.
- (f) **SECRETARY.** The Secretary shall keep a time log of the Members meetings in a file provided for that purpose and also see that all notices are duly given in accordance with the provisions of this Agreement or as required by law. The Secretary shall have custody of the LLC records, addresses of Members, Member's resolutions, and other documents to the LLC as true and correct. The Secretary shall preside at the meetings of the Members in the absence of the President and Treasurer and also perform all other duties that may be assigned to the office of secretary by the President or by the Members of the LLC.
- (g) **VACANCIES.** A vacancy is any office because of death, resignation, removal, and disqualification or otherwise may be filled by the Members for the unexpired portion of the term.

XIII. **MEMBER ONLY POWERS.** Notwithstanding any other provision of this Agreement, only a majority of the Members may: (a) sell or encumber (but not lease) any real estate owned by the LLC, or (b)

incur debt, expend funds, or otherwise obligate the LLC if the debt, expenditure, or other obligation exceeds \$10,000.

- XIV. **INTEREST OF MEMBERS.** Each Member shall own a percentage interest on the LLC. The Member's percentage interest shall be based on the amount of consideration that the member has contributed to the LLC and that percentage interest shall control the Member's share of the profit, losses, and distributions of the LLC.
- XV. **CONTRIBUTIONS.** The initial contributions and initial percentage interest of the Members are as set out in this Agreement.
- XVI. **ADDITIONAL CONTRIBUTIONS.** In the case when the Members are called upon by the majority of the Members of the LLC to make additional cash contributions, the additional cash contribution shall be based on the Member's then existing percentage interest. If a Member is unable to meet a cash call, the other Members can contribute the unmet call on a pro rata basis based on the Members' percentage interest at that time, and the percentage interest of each Member will be adjusted accordingly.
- XVII. **PERCENTAGE INTEREST/RECORD OF CONTRIBUTIONS.** This Agreement, any amendment(s) to this Agreement, and all Resolutions of the Members of the LLC shall constitute the record of the Members of the LLC and of their respective interest therein.
- XVIII. **DISTRIBUTIONS.** Distribution of cash and other assets of the LLC (other than in dissolution of the LLC) shall be made in the total amounts and at the times determined by a majority of the Members. Any such distributions shall be allocated among the Members on the basis of the Members' percentage interest in the LLC.
- XIX. **PROFITS AND LOSSES.** On the basis of the Members' percentage interest in the LLC, the profits and losses and all other tax attributes of the LLC shall be allocated among the Members.
- XX. **CHANGE IN INTEREST.** IF during any year there is a change in a Member's percentage interest, the Member's share of the profits and losses and distributions in that year shall be determined under a method which takes into account the varying interest during that year.
- XXI. **VOTING BY MEMBERS.** In relation with each Member's percentage interest, Members shall be entitled to vote on all matters that provide for a vote of the Members.

- XXII. **MAJORITY DEFINED.** The term “Majority” of the Members shall mean a majority of the ownership interest of the LLC as determined by the records of the LLC on the date of the action when used throughout this agreement.
- XXIII. **MAJORITY REQUIRED.** The majority of the Members, based upon their percentage ownership, except as otherwise provided and delegated to the Officers or Managers, shall decide all decisions made.
- XXIV. **MEETINGS.** Meetings of the Members may be called by any member owning 10% or more of the LLC, or, if Managers were selected, by the Manager of the LLC, or if Officers were elected, by any officer.
- XXV. **WRITTEN CONSENT/MEETINGS.** Members or Officers do not have to hold a meeting in order to accomplish an action but evidence of the action shall be recorded and signed by the majority of the Members. Action without a meeting may be evidence by a written consent signed by a majority of the Members, or the President and Secretary.
- XXVI. **MEMBERS HAVE NO EXCLUSIVE DUTY TO LLC.** Members may have other business interest and may participate in other investments in addition to those relating to the LLC. The Members shall not be required to participate in the LLC as their sole and exclusive business. No Member shall be held liability to the LLC or any other Member by participating in outside businesses, investments, or activities.
- XXVII. **DUTIES OF MEMBERS: LIMITATION OF LIABILITY/GOOD FAITH.** All owners of the LLC shall perform their duties in good faith and perform with such care to be in the best interest of the LLC. All Members shall be held responsible if a Member or Officer finds them guilty of fraud, gross negligence, deceit, willful misconduct, or a wrongful taking. No Member or Officer, by reason of being or having been a Member or Officer, shall be liable to the LLC or to any other member or Officer for any loss or damage sustained by the LLC.
- XXVIII. **PROTECTION OF MEMBERS AND OFFICERS.**
- (a) As used herein, the term “Protected Party” refers to the Members and officers of the Company.
- (b) To the extent that, at law or in equity, a Protected Party has duties (including fiduciary duties) and liabilities relating thereto to the LLC or to any other Protected Party, a Protected Party acting under this Agreement shall not be liable to the LLC or to any other Protected Party for good faith reliance on:

- (i) The provisions of this Agreement;
 - (ii) The records of the LLC; and/or
 - (iii) Such information, opinions, reports or statements presented to the LLC by any person as to matters the Protected Party reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the LLC.
- (c) The provisions of this agreement, to the extent that they restrict the duties and liabilities of a Protected Party to the LLC or to any other Protected Party otherwise existing at law or in equity, are agreed by the parties hereto to replace such other duties and liabilities of such Protected Party.

XXIX. INSURANCE AND IDEMNIFICATION.

- (a) Right to Indemnification.
- (i) Any person who is or was a member or officer of the LLC and who is or may be a party to any civil action because of his/her participation in or with the LLC, and who acted in good faith and in a manner which he/she reasonably believed to be in, or not opposed to, the best interest of the LLC may be indemnified and held harmless by the LLC.
 - (ii) Any person who is or was a member or officer of the LLC and who is or may be a party to any criminal action because of his/her participation in or with the LLC, and who acted in good faith and had reasonable cause to believe that the act or omission was lawful, may be indemnified and held harmless by the LLC.
- (b) Non-Exclusivity of Rights. Members and Officers of the LLC shall adopt and enter into indemnification agreements for Members and officers. The right to indemnification and payment of fees and expenses conferred in this section shall not be exclusive of any right which any person may have or hereafter acquire under any statute, provision of this agreement, contract, agreement, vote of members or otherwise.
- (c) Advancement of Expenses. All expenses including legal fees incurred by an indemnified person in defending any proceeding shall be paid in advance of the proceedings

conclusion. Should the indemnified Member or Officer ultimately be determined to not be entitled to indemnification, that member or officer agrees to immediately repay to LLC all funds expended by the LLC on behalf of the member or Officer.

- (d) Effect of Amendment. No amendment, repeal or modification of this Article shall adversely affect any rights hereunder with respect to any action or omission occurring prior to the date when such amendment, repeal or modification became effective.
- (e) Insurance. With a majority vote, the Members may decide to purchase and maintain insurance for the LLC, for its Members and officers, and/or on the behalf of any third party or parties whom the members might determined should be entitled to such insurance coverage.

XXX. **TERMINATION OF MEMBERSHIP.** A Member's interest in the LLC shall cease upon the incidence of one or more of the following events:

- (a) A Member dies
- (b) A Member decides to give notice of withdrawal to the LLC thirty days (30) in advance of the withdrawal date. There is no breach of Agreement when a Member decides to withdraw in this fashion.
- (c) A Member assigns all of his/her interest to a qualified third party.
- (d) There is an entry of an order by a court of competent jurisdiction adjudicating the Member incompetent to manage his/her person or his/her estate.
- (e) In the case of an estate that is a Member, the distribution by the fiduciary of the estate's entire interest in the LLC.
- (f) If within one hundred twenty (120) days after the commencement of any action against a Member seeking reorganization, readjustment, composition, readjustment, liquidation, arrangement, dissolution, or similar relief under any statute, law, or regulation, the action has not been dismissed and/or has not been consented to by a majority of the members.
- (g) If within ninety days (90) after the appointment, without a Member's consent or acquiescence, of a trustee, receiver, or liquidator of the Member or of all or any substantial part of the Member's properties, said appointment is not vacated or within ninety days (90)

after the expiration of any stay, the appointment is not vacated and/or has not been consented to by a majority of the members.

(h) A Member, without the consent of a majority of the Members: (1) makes an assignment for the benefit of creditors; (2) files a voluntary petition in bankruptcy; (3) is adjudicated a bankrupt or insolvent; (4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law or regulation; (5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of the nature described in this paragraph; (6) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the Member or of all or any substantial part of his properties; or (7) if any creditor permitted by law to do so should commence foreclosure or take any other action to seize or sell any Member's interest in the LLC.

(i) Any of the events provided in applicable code provisions that are not inconsistent with the dissociation events identified above.

XXXI. **ENCUMBRANCE.** With majority consent from the Members, a Member can encumber his LLC interest by a security interest or other form of collateral.

XXXII. **LLC INTEREST.** A Member has no interest in property owned by the LLC. The LLC interest is personal property.

XXXIII. **SALE OF INTEREST.** A Member can sell his LLC interest only as follows:

(a) If a Member decides to sell any part of their interest he/she must first offer their interest to the LLC. The LLC shall have the option to buy the seller's interest at the then existing Set Price as stated in the Agreement. The LLC shall then have to option for 30 days upon receiving the receipt of its intention to buy all, a portion, or none of the offered interest with a majority vote. Closing on the sale shall occur within 60 days (60) from the date that the LLC gives written notice of its intention to buy. The purchase price shall be paid in cash at the closing unless the total purchase price exceeds \$ N/A in which the purchase price shall be paid in N/A (_____) equal quarterly installments beginning at the time of closing. The installment amounts shall be computed by applying the following interest factor to the principle amount: interest compounded quarterly at the Quarterly Federal Short-Term Rate existing at closing

under the Applicable Federal Rates used for purposes of Internal Revenue Code § 1 274(d), or any successor provision.

(b) If the LLC decides not to buy the offered interest of the selling Member, the other Members shall have the right to buy the offered interest at a set price on a pro-rata basis based on the Members' percentage interests at that time. If a Member decides not to buy up to his/her proportional part, the other Members can buy the remaining interest on the same pro rata basis. Members shall have fifteen days (15) from the date the LLC gives its written notice to the selling Member to give the selling Member notice in writing of their intention to buy all, some, or none of the offered interest. The closing shall occur within sixty days (60) from the date that the Members give written notice of their intention to buy. The purchase price from each purchasing member shall be paid in cash at closing.

(c) If the LLC or Members choose not to buy the offered interest, the selling Member has the right to assign the interest to a non-member.

(d) The selling Member must come to a close within ninety days (90) of the date that he/she gave notice to the LLC. If the interest of the selling Member does not close within that time, he/she must start the selling process over.

(e) A non-member purchaser of a member's interest cannot exercise any rights of a member unless a majority of the non-selling Members consent to him becoming a member. The non-member purchaser will be entitled, however, to share in such profits and losses, to receive such distributions, allocations of income, loss, profit, deduction, credit or similar items to which the selling member would be entitled, to the extent of the interest assigned, and will be subject to calls for contributions under the terms of this Agreement. The purchaser shall agree to be subject to all the terms of this Agreement as if he were a Member by purchasing the selling member's interest.

XXXIV. DISSOCIATION. If a Member of the LLC becomes dissociated, the remaining Members shall have the option to purchase the dissociated member's interest at the Set Price in the same fashion as stated in Article 9. The sale will be carried out as if the dissociated Member had notified the LLC of his/her desire to sell all of his/her LLC interest. The date the LLC received the notice as provided in Article 28 triggering the options shall be deemed to be the date that the LLC receives actual notice of the dissociation event.

XXXV. EFFECT OF DISSOCIATION. When a Member becomes dissociated from the LLC they shall not be entitled to receive fair value of their LLC interest solely by virtue of dissociation. If the dissociated Member

still owns interest in the LLC, they shall be entitled to continue to receive such profits and losses. A dissociated Member shall receive similar items to which he would if he/she were a Member but shall not be considered a Member nor have any rights of a Member.

XXXVI. **TERMINATION OF LLC.** Only upon the consent of the majority of the Members can the LLC and its affairs be dissolved.

XXXVII. **FINAL DISTRIBUTIONS.** Upon the ending of the LLC, the assets must be distributed as follows: (a) to the LLC creditors; (b) to Members in satisfaction of liabilities for distributions; and (c) to Members first for the return of their contributions and secondly respecting their LLC interest, in the proportions in which the Members share in profits and losses.

XXXVIII. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XXXIX. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XL. **OBTAINING ADDITIONAL INFORMATION.** Each Member of the LLC has the right to reasonably demand information related to the Member's interest as a Member in the LLC including: (a) Business information and the financial condition of the LLC; (b) If available, obtaining copies of the LLC's federal, state, and local income tax returns for each year. (c) Obtaining information in regards to the affairs of the LLC as is just and reasonable.

XLI. **APPLICABLE LAW.** Within the means of the law, this Agreement shall be constructed in accordance with and governed by the laws of the State of Alaska.

XLII. **AMENDMENT.** At any time a Member may wish to propose a new amendment but the other Members can waive it. The Proposing Member shall submit to the Members any such proposed amendment together with an opinion of counsel as to the legality of such amendment and the recommendation of the Member as to its adoption. Once the majority of the Member approves the amendment it shall be in effect. This Agreement may not be amended nor may any

rights hereunder be waived except by an instrument in writing signed by the party sought to be charged with such amendment or waiver, except as otherwise provided in this Agreement.

- XLIII. **COUNTERPARTS.** The instrument may be executed in any number of counterparts each of which shall be considered an original.
- XLIV. **PRONOUNS.** The use of a pronoun shall be deemed to include singular, plural, individuals, feminine, masculine, partnerships or corporation where applicable when referencing to a Member or a Manager.
- XLV. **FURTHER ACTION.** Upon the request by the LLC, each Member has the duty and shall agree to perform all appropriate and necessary assignments within the provisions of this Agreement.
- XLVI. **FACSIMILES.** For purposes of this Agreement, any copy, facsimile, telecommunication or other reliable reproduction of a writing, transmission or signature may be substituted or used in lieu of the original writing, transmission or signature for any and all purposes for which the original writing, transmission or signature could be used, provided that such copy, facsimile telecommunication or other reproduction shall have been confirmed received by the sending Party.
- XLVII. **SPECIFIC PERFORMANCE:** All Members agree that it would be greatly damaging if any of the provisions of this Agreement were not performed to meet their specific performance and that monetary damages would not provide an adequate remedy in such event. If the provisions become breached, the non-breaching Members are entitled to take action in any court of the United States or any state thereof having subject matter to the jurisdiction.
- XLVIII. **METHOD OF NOTICE.** All written notices shall be sent to the address of the LLC at its place of business or to the Member who is set forth on the signature page of this Agreement. All notices shall be effective when received either by hand or receipt of delivery.
- XLIX. **COMPUTATION OF TIME.** In computing any period of time under this Agreement, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

- L. **ENTIRE AGREEMENT** The undersigned hereby agree, acknowledge, and certify that the foregoing operating agreement is adopted and approved by each member. Each Member agrees to be bound by all of the terms and conditions of this agreement and the formation certificate or articles.

SIGNATURE OF MEMBERS

MEMBER


Signature

Print Name of Member: Lloyd H. Stiasny

Address: PO Box 90171

City, State, Zip: Anchorage, AK, 99509

Phone: (907) 230-6436

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____



THE STATE
of **ALASKA**

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: Corporations.Alaska.gov

FOR DIVISION USE ONLY

Articles of Organization
Domestic Limited Liability Company

Web-6/20/2016 11:34:21 AM

1 - Entity Name

Legal Name: Eden Management Group, LLC

2 - Purpose

To cultivate, process, retail crops and for any other lawful purpose

3 - NAICS Code

111998 - ALL OTHER MISCELLANEOUS CROP FARMING

4 - Registered Agent

Name: Jana Weltzin

Mailing Address: 3003 Minnesota Dr., Suite 201, Anchorage, AK 99503

Physical Address: 3003 Minnesota Dr., Suite 201, Anchorage, AK 99503

5 - Entity Addresses

Mailing Address: PO Box 90171, Anchorage, AK 99509

Physical Address: 6511 Arctic Spur Road, Anchorage, AK 99518

6 - Management

The limited liability company is managed by a manager.

7 - Officials

Name	Address	% Owned	Titles
Lloyd Stiasny			Organizer

Name of person completing this online application

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Jana D. Weltzin

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Eden Management Group, LLC



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective June 20, 2016.

A handwritten signature in cursive script, appearing to read "Chris Hladick".

Chris Hladick
Commissioner



THE STATE
of **ALASKA**

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: Corporations.Alaska.gov

FOR DIVISION USE ONLY

Limited Liability Company
Initial Biennial Report

Web-6/20/2016 11:42:37 AM

Entity Name: Eden Management Group, LLC
Entity Number: 10039405
Home Country: UNITED STATES

Home State/Province: ALASKA

Registered Agent
Name: Jana Weltzin
Physical Address: 3003 MINNESOTA DR., SUITE
201, ANCHORAGE, AK 99503
Mailing Address: 3003 MINNESOTA DR., SUITE
201, ANCHORAGE, AK 99503

Entity Physical Address: 6511 ARCTIC SPUR ROAD, ANCHORAGE, AK 99518

Entity Mailing Address: PO BOX 90171, ANCHORAGE, AK 99509

Please include all officials. Check all titles that apply. Must use titles provided. Please list the names and addresses of the members of the domestic limited liability company (LLC). There must be at least one member listed. If the LLC is managed by a manager(s), there must also be at least one manager listed. Please provide the name and address of each manager of the company. You must also list the name and address of each person owning at least 5% interest in the company and the percentage of interest held by that person.

Name	Address	% Owned	Titles
Lloyd Stiasny	PO Box 90171, Anchorage, AK 99509	100	Manager, Member

NAICS Code: 111998 - ALL OTHER MISCELLANEOUS CROP FARMING

New NAICS Code (optional):

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Jana D. Weltzin

Department of Commerce, Community, and Economic Development
**CORPORATIONS, BUSINESS &
 PROFESSIONAL LICENSING**

[State of Alaska](#) / [Commerce](#) / [Corporations, Business, and Professional Licensing](#) / [Search & Database](#)
[Download](#) / [Corporations](#) / [Entity Details](#)

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Eden Management Group, LLC

Entity Type: Limited Liability Company

Entity #: 10039405

Status: Good Standing

AK Formed Date: 6/20/2016

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2020

Entity Mailing Address: PO BOX 90171, ANCHORAGE, AK 99509

Entity Physical Address: 6511 ARCTIC SPUR ROAD, ANCHORAGE, AK 99518

Registered Agent

Agent Name: Jana Weltzin

Registered Mailing Address: 901 PHOTO AVE, ANCHORAGE, AK 99503

Registered Physical Address: 901 PHOTO AVE, ANCHORAGE, AK 99503

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Lloyd Stiassny	Manager, Member	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
6/20/2016	Creation Filing	Click to View	Click to View
6/20/2016	Initial Report	Click to View	
12/13/2017	Biennial Report	Click to View	
6/04/2019	Agent Change	Click to View	

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Pursuant with the Alaska Revised Limited Liability Company Act
Title 10 Chapter 10.50
**LIMITED LIABILITY COMPANY OPERATING AGREEMENT
FOR**

Eden Management Group, LLC

Name Of LLC

AN ALASKA LIMITED LIABILITY COMPANY

THIS OPERATING AGREEMENT ("Agreement") is entered into this 20th day of
June, 2016, by and between the following person(s):

Lloyd H. Stiassny

First Middle Last

First Middle Last

First Middle Last

First Middle Last

(Hereinafter Referred to as the "Parties" or "Members")

All Members in the above-described Limited Liability Company agree as follows;

FORMATION OF LIMITED LIABILITY COMPANY

- I. **FORMATION OF LLC.** The Parties have formed a Limited Liability Company named Eden Management Group, LLC

Name Of LLC

(Hereinafter referred to as the "LLC") in the State of Alaska.
State

The LLC shall be operated by the terms of this Agreement and the applicable laws of the State of Alaska

State

relating to the formation, taxation and operation of a LLC. The Members agree that the LLC shall be taxed as a partnership. The partnership shall be inoperative if there are any provisions of this agreement that may cause the LLC not to be taxed as a partnership.

II. **BUSINESS.** The primary business of the LLC shall be:

Management and Administration of Horticulture Facility

Primary Business of LLC

The LLC shall be legally allowed to conduct or promote any lawful business or purpose within the State of Alaska

State

or any other jurisdiction where the LLC may be conducting business activities.

III. **ARTICLES OF ORGANIZATION.** The LLC acting through one of its

Members named Lloyd H. Stiassny

First

Middle

Last

filed Articles of Organization, ("Articles") in the records of the

Alaska Secretary of State on 06/20/2016

State

Date

and thus, creating the LLC.

IV. **PLACE OF BUSINESS.** The official place of business of the LLC shall be

6511 Arctic Spur Road

Street Address

City of Anchorage State of Alaska

City

State

Zip Code 99518

Zip Code

V. **REGISTERED OFFICE.** The official registered office of the LLC shall be 3003 Minnesota Dr.

Street Address

City of Anchorage State of Alaska

City

State

Zip Code 99503. If at anytime the registered

Zip Code

office should change, all members and necessary government authorities shall be notified.

VI. **REGISTERED AGENT.** The official registered agent of the LLC shall be

Jana Weltzin

First

Middle

Last

If at anytime the registered agent should change, all members and necessary government authorities shall be notified.

- VII. **FISCAL YEAR.** The LLC's fiscal and tax year shall end 12/31/16.
Date
- VIII. **DURATION.** The LLC will commence business as of the date of filing and will continue in perpetuity.
- IX. **INITIAL MEMBERS.** The initial Members of the LLC, their initial capital contributions, and their percentage interest in the LLC are as follows:

Members	Percentage Interest in LLC	Capital Contribution (If any)
Lloyd H. Stiasny	100%	

- X. **ADDITIONAL MEMBERS.** Upon the consent of a majority of the Members and in compliance with the provisions of this agreement, new members may be admitted.
- XI. **MANAGEMENT.** The Members have elected to manage the LLC as follows (check as appropriate):

The management of the LLC shall be vested in the Members without an appointed manager. The Members shall elect officers who shall manage the company. The President and Secretary may act for and on behalf of the LLC and shall have the power and authority to bind the LLC in all transactions and business dealings of any kind as otherwise provided in this Agreement.

The Members hereby delegate the management of the LLC to Managers(s), subject to the limitations set out in this agreement.

There shall be one (1) initial Managers.
of Managers

The initial Manager(s) is/are:

Lloyd H. Stiassny

First

Middle

Last

First

Middle

Last

First

Middle

Last

First

Middle

Last

A Manager shall hold their position until the Members elect a successor.

The Members shall elect and may remove the Manager(s) by majority vote.

The authority shall be held by the Members to take all necessary and proper actions in order to conduct the business of the LLC.

Any Manager can take any appropriate action on behalf of the LLC, including, but not limited to signing checks, executing leases, and signing loan documents except for decisions concerning distributions.

With or without the notice of a meeting, the action of the Manager shall be based on a majority vote of the Managers when determining the timing and total amount of distribution to the Members.

The compensation to the Manager(s) shall be in the discretion of the majority of the Members of the LLC.

XII. **OFFICERS AND RELATING PROVISIONS.** If the Members decide to manage the LLC, rather than appointing a Manager, the Members shall appoint officers for the LLC and the following provisions shall apply:

(a) **OFFICERS.** The officers of the LLC shall consist of a president, a treasurer and a secretary, or others that may be elected and appointed by the Members. A Member may hold more than one or all offices. The officers shall supervise the operation of the LLC under the direction and management of the Members, as further described below.

- (b) **TERM OF OFFICE/ELECTION.** The Members shall elect the officers of the LLC annually by a majority vote. Vacancies may be filled or new offices created and filled at any meeting of the Members. All officers shall hold their office positions unless until their death, removal of office, or resignation. Election or appointment of an officer or agent shall not of itself create a contract right.
- (c) **REMOVAL.** The Members may decide to remove any officer or agent by a majority vote whenever they decide that the best interest of the company would be served thereby. If a officer or agent is removed, it shall be without prejudice to the contract rights.
- (d) **PRESIDENT.** The President shall be the chief executive officer of the LLC and shall be present at all meetings of the Members. The president shall have all powers to perform such duties that are outlined in this Agreement.
- (e) **THE TREASURER.** The Treasurer shall be the chief financial officer of the LLC. The Treasurer is responsible for all funds and securities of the LLC. The Treasurer shall preside at the meeting of the Members when the President is absent. The treasurer must receive and give receipts for moneys due and payable to the LLC from any money source whatsoever, and deposit all such moneys in the name of the LLC in any such money institution, which shall be selected by the Members of the LLC. The Treasurer shall perform all other duties that may be assigned to the office of treasurer by the President or by the Members of the LLC.
- (f) **SECRETARY.** The Secretary shall keep a time log of the Members meetings in a file provided for that purpose and also see that all notices are duly given in accordance with the provisions of this Agreement or as required by law. The Secretary shall have custody of the LLC records, addresses of Members, Member's resolutions, and other documents to the LLC as true and correct. The Secretary shall preside at the meetings of the Members in the absence of the President and Treasurer and also perform all other duties that may be assigned to the office of secretary by the President or by the Members of the LLC.
- (g) **VACANCIES.** A vacancy is any office because of death, resignation, removal, and disqualification or otherwise may be filled by the Members for the unexpired portion of the term.

XIII. **MEMBER ONLY POWERS.** Notwithstanding any other provision of this Agreement, only a majority of the Members may: (a) sell or encumber (but not lease) any real estate owned by the LLC, or (b)

incur debt, expend funds, or otherwise obligate the LLC if the debt, expenditure, or other obligation exceeds \$10,000.

- XIV. **INTEREST OF MEMBERS.** Each Member shall own a percentage interest on the LLC. The Member's percentage interest shall be based on the amount of consideration that the member has contributed to the LLC and that percentage interest shall control the Member's share of the profit, losses, and distributions of the LLC.
- XV. **CONTRIBUTIONS.** The initial contributions and initial percentage interest of the Members are as set out in this Agreement.
- XVI. **ADDITIONAL CONTRIBUTIONS.** In the case when the Members are called upon by the majority of the Members of the LLC to make additional cash contributions, the additional cash contribution shall be based on the Member's then existing percentage interest. If a Member is unable to meet a cash call, the other Members can contribute the unmet call on a pro rata basis based on the Members' percentage interest at that time, and the percentage interest of each Member will be adjusted accordingly.
- XVII. **PERCENTAGE INTEREST/RECORD OF CONTRIBUTIONS.** This Agreement, any amendment(s) to this Agreement, and all Resolutions of the Members of the LLC shall constitute the record of the Members of the LLC and of their respective interest therein.
- XVIII. **DISTRIBUTIONS.** Distribution of cash and other assets of the LLC (other than in dissolution of the LLC) shall be made in the total amounts and at the times determined by a majority of the Members. Any such distributions shall be allocated among the Members on the basis of the Members' percentage interest in the LLC.
- XIX. **PROFITS AND LOSSES.** On the basis of the Members' percentage interest in the LLC, the profits and losses and all other tax attributes of the LLC shall be allocated among the Members.
- XX. **CHANGE IN INTEREST.** IF during any year there is a change in a Member's percentage interest, the Member's share of the profits and losses and distributions in that year shall be determined under a method which takes into account the varying interest during that year.
- XXI. **VOTING BY MEMBERS.** In relation with each Member's percentage interest, Members shall be entitled to vote on all matters that provide for a vote of the Members.

- XXII. **MAJORITY DEFINED.** The term “Majority” of the Members shall mean a majority of the ownership interest of the LLC as determined by the records of the LLC on the date of the action when used throughout this agreement.
- XXIII. **MAJORITY REQUIRED.** The majority of the Members, based upon their percentage ownership, except as otherwise provided and delegated to the Officers or Managers, shall decide all decisions made.
- XXIV. **MEETINGS.** Meetings of the Members may be called by any member owning 10% or more of the LLC, or, if Managers were selected, by the Manager of the LLC, or if Officers were elected, by any officer.
- XXV. **WRITTEN CONSENT/MEETINGS.** Members or Officers do not have to hold a meeting in order to accomplish an action but evidence of the action shall be recorded and signed by the majority of the Members. Action without a meeting may be evidence by a written consent signed by a majority of the Members, or the President and Secretary.
- XXVI. **MEMBERS HAVE NO EXCLUSIVE DUTY TO LLC.** Members may have other business interest and may participate in other investments in addition to those relating to the LLC. The Members shall not be required to participate in the LLC as their sole and exclusive business. No Member shall be held liability to the LLC or any other Member by participating in outside businesses, investments, or activities.
- XXVII. **DUTIES OF MEMBERS: LIMITATION OF LIABILITY/GOOD FAITH.** All owners of the LLC shall perform their duties in good faith and perform with such care to be in the best interest of the LLC. All Members shall be held responsible if a Member or Officer finds them guilty of fraud, gross negligence, deceit, willful misconduct, or a wrongful taking. No Member or Officer, by reason of being or having been a Member or Officer, shall be liable to the LLC or to any other member or Officer for any loss or damage sustained by the LLC.
- XXVIII. **PROTECTION OF MEMBERS AND OFFICERS.**
- (a) As used herein, the term “Protected Party” refers to the Members and officers of the Company.
- (b) To the extent that, at law or in equity, a Protected Party has duties (including fiduciary duties) and liabilities relating thereto to the LLC or to any other Protected Party, a Protected Party acting under this Agreement shall not be liable to the LLC or to any other Protected Party for good faith reliance on:

- (i) The provisions of this Agreement;
 - (ii) The records of the LLC; and/or
 - (iii) Such information, opinions, reports or statements presented to the LLC by any person as to matters the Protected Party reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the LLC.
- (c) The provisions of this agreement, to the extent that they restrict the duties and liabilities of a Protected Party to the LLC or to any other Protected Party otherwise existing at law or in equity, are agreed by the parties hereto to replace such other duties and liabilities of such Protected Party.

XXIX. INSURANCE AND IDEMNIFICATION.

- (a) Right to Indemnification.
- (i) Any person who is or was a member or officer of the LLC and who is or may be a party to any civil action because of his/her participation in or with the LLC, and who acted in good faith and in a manner which he/she reasonably believed to be in, or not opposed to, the best interest of the LLC may be indemnified and held harmless by the LLC.
 - (ii) Any person who is or was a member or officer of the LLC and who is or may be a party to any criminal action because of his/her participation in or with the LLC, and who acted in good faith and had reasonable cause to believe that the act or omission was lawful, may be indemnified and held harmless by the LLC.
- (b) Non-Exclusivity of Rights. Members and Officers of the LLC shall adopt and enter into indemnification agreements for Members and officers. The right to indemnification and payment of fees and expenses conferred in this section shall not be exclusive of any right which any person may have or hereafter acquire under any statute, provision of this agreement, contract, agreement, vote of members or otherwise.
- (c) Advancement of Expenses. All expenses including legal fees incurred by an indemnified person in defending any proceeding shall be paid in advance of the proceedings

conclusion. Should the indemnified Member or Officer ultimately be determined to not be entitled to indemnification, that member or officer agrees to immediately repay to LLC all funds expended by the LLC on behalf of the member or Officer.

- (d) Effect of Amendment. No amendment, repeal or modification of this Article shall adversely affect any rights hereunder with respect to any action or omission occurring prior to the date when such amendment, repeal or modification became effective.
- (e) Insurance. With a majority vote, the Members may decide to purchase and maintain insurance for the LLC, for its Members and officers, and/or on the behalf of any third party or parties whom the members might determined should be entitled to such insurance coverage.

XXX. TERMINATION OF MEMBERSHIP. A Member's interest in the LLC shall cease upon the incidence of one or more of the following events:

- (a) A Member dies
- (b) A Member decides to give notice of withdrawal to the LLC thirty days (30) in advance of the withdrawal date. There is no breach of Agreement when a Member decides to withdraw in this fashion.
- (c) A Member assigns all of his/her interest to a qualified third party.
- (d) There is an entry of an order by a court of competent jurisdiction adjudicating the Member incompetent to manage his/her person or his/her estate.
- (e) In the case of an estate that is a Member, the distribution by the fiduciary of the estate's entire interest in the LLC.
- (f) If within one hundred twenty (120) days after the commencement of any action against a Member seeking reorganization, readjustment, composition, readjustment, liquidation, arrangement, dissolution, or similar relief under any statute, law, or regulation, the action has not been dismissed and/or has not been consented to by a majority of the members.
- (g) If within ninety days (90) after the appointment, without a Member's consent or acquiescence, of a trustee, receiver, or liquidator of the Member or of all or any substantial part of the Member's properties, said appointment is not vacated or within ninety days (90)

after the expiration of any stay, the appointment is not vacated and/or has not been consented to by a majority of the members.

(h) A Member, without the consent of a majority of the Members: (1) makes an assignment for the benefit of creditors; (2) files a voluntary petition in bankruptcy; (3) is adjudicated a bankrupt or insolvent; (4) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law or regulation; (5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against him in any proceeding of the nature described in this paragraph; (6) seeks, consents to, or acquiesces in the appointment of a trustee, receiver, or liquidator of the Member or of all or any substantial part of his properties; or (7) if any creditor permitted by law to do so should commence foreclosure or take any other action to seize or sell any Member's interest in the LLC.

(i) Any of the events provided in applicable code provisions that are not inconsistent with the dissociation events identified above.

XXXI. **ENCUMBRANCE.** With majority consent from the Members, a Member can encumber his LLC interest by a security interest or other form of collateral.

XXXII. **LLC INTEREST.** A Member has no interest in property owned by the LLC. The LLC interest is personal property.

XXXIII. **SALE OF INTEREST.** A Member can sell his LLC interest only as follows:

(a) If a Member decides to sell any part of their interest he/she must first offer their interest to the LLC. The LLC shall have the option to buy the seller's interest at the then existing Set Price as stated in the Agreement. The LLC shall then have to option for 30 days upon receiving the receipt of its intention to buy all, a portion, or none of the offered interest with a majority vote. Closing on the sale shall occur within 60 days (60) from the date that the LLC gives written notice of its intention to buy. The purchase price shall be paid in cash at the closing unless the total purchase price exceeds \$ N/A in which the purchase price shall be paid in N/A (_____) equal quarterly installments beginning at the time of closing. The installment amounts shall be computed by applying the following interest factor to the principle amount: interest compounded quarterly at the Quarterly Federal Short-Term Rate existing at closing

under the Applicable Federal Rates used for purposes of Internal Revenue Code § 1 274(d), or any successor provision.

(b) If the LLC decides not to buy the offered interest of the selling Member, the other Members shall have the right to buy the offered interest at a set price on a pro-rata basis based on the Members' percentage interests at that time. If a Member decides not to buy up to his/her proportional part, the other Members can buy the remaining interest on the same pro rata basis. Members shall have fifteen days (15) from the date the LLC gives its written notice to the selling Member to give the selling Member notice in writing of their intention to buy all, some, or none of the offered interest. The closing shall occur within sixty days (60) from the date that the Members give written notice of their intention to buy. The purchase price from each purchasing member shall be paid in cash at closing.

(c) If the LLC or Members choose not to buy the offered interest, the selling Member has the right to assign the interest to a non-member.

(d) The selling Member must come to a close within ninety days (90) of the date that he/she gave notice to the LLC. If the interest of the selling Member does not close within that time, he/she must start the selling process over.

(e) A non-member purchaser of a member's interest cannot exercise any rights of a member unless a majority of the non-selling Members consent to him becoming a member. The non-member purchaser will be entitled, however, to share in such profits and losses, to receive such distributions, allocations of income, loss, profit, deduction, credit or similar items to which the selling member would be entitled, to the extent of the interest assigned, and will be subject to calls for contributions under the terms of this Agreement. The purchaser shall agree to be subject to all the terms of this Agreement as if he were a Member by purchasing the selling member's interest.

XXXIV. DISSOCIATION. If a Member of the LLC becomes dissociated, the remaining Members shall have the option to purchase the dissociated member's interest at the Set Price in the same fashion as stated in Article 9. The sale will be carried out as if the dissociated Member had notified the LLC of his/her desire to sell all of his/her LLC interest. The date the LLC received the notice as provided in Article 28 triggering the options shall be deemed to be the date that the LLC receives actual notice of the dissociation event.

XXXV. EFFECT OF DISSOCIATION. When a Member becomes dissociated from the LLC they shall not be entitled to receive fair value of their LLC interest solely by virtue of dissociation. If the dissociated Member

still owns interest in the LLC, they shall be entitled to continue to receive such profits and losses. A dissociated Member shall receive similar items to which he would if he/she were a Member but shall not be considered a Member nor have any rights of a Member.

XXXVI. **TERMINATION OF LLC.** Only upon the consent of the majority of the Members can the LLC and its affairs be dissolved.

XXXVII. **FINAL DISTRIBUTIONS.** Upon the ending of the LLC, the assets must be distributed as follows: (a) to the LLC creditors; (b) to Members in satisfaction of liabilities for distributions; and (c) to Members first for the return of their contributions and secondly respecting their LLC interest, in the proportions in which the Members share in profits and losses.

XXXVIII. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XXXIX. **RECORDS AND INSPECTION.** The LLC shall maintain at its place of business the Articles of Organization, any amendments thereto, this Agreement, and all other LLC records required to be kept by the Act, and the same shall be subject to inspection and copying at the reasonable request, at the expense, of any Member.

XL. **OBTAINING ADDITIONAL INFORMATION.** Each Member of the LLC has the right to reasonably demand information related to the Member's interest as a Member in the LLC including: (a) Business information and the financial condition of the LLC; (b) If available, obtaining copies of the LLC's federal, state, and local income tax returns for each year. (c) Obtaining information in regards to the affairs of the LLC as is just and reasonable.

XLI. **APPLICABLE LAW.** Within the means of the law, this Agreement shall be constructed in accordance with and governed by the laws of the State of Alaska.

XLII. **AMENDMENT.** At any time a Member may wish to propose a new amendment but the other Members can waive it. The Proposing Member shall submit to the Members any such proposed amendment together with an opinion of counsel as to the legality of such amendment and the recommendation of the Member as to its adoption. Once the majority of the Member approves the amendment it shall be in effect. This Agreement may not be amended nor may any

rights hereunder be waived except by an instrument in writing signed by the party sought to be charged with such amendment or waiver, except as otherwise provided in this Agreement.

- XLIII. **COUNTERPARTS.** The instrument may be executed in any number of counterparts each of which shall be considered an original.
- XLIV. **PRONOUNS.** The use of a pronoun shall be deemed to include singular, plural, individuals, feminine, masculine, partnerships or corporation where applicable when referencing to a Member or a Manager.
- XLV. **FURTHER ACTION.** Upon the request by the LLC, each Member has the duty and shall agree to perform all appropriate and necessary assignments within the provisions of this Agreement.
- XLVI. **FACSIMILES.** For purposes of this Agreement, any copy, facsimile, telecommunication or other reliable reproduction of a writing, transmission or signature may be substituted or used in lieu of the original writing, transmission or signature for any and all purposes for which the original writing, transmission or signature could be used, provided that such copy, facsimile telecommunication or other reproduction shall have been confirmed received by the sending Party.
- XLVII. **SPECIFIC PERFORMANCE:** All Members agree that it would be greatly damaging if any of the provisions of this Agreement were not performed to meet their specific performance and that monetary damages would not provide an adequate remedy in such event. If the provisions become breached, the non-breaching Members are entitled to take action in any court of the United States or any state thereof having subject matter to the jurisdiction.
- XLVIII. **METHOD OF NOTICE.** All written notices shall be sent to the address of the LLC at its place of business or to the Member who is set forth on the signature page of this Agreement. All notices shall be effective when received either by hand or receipt of delivery.
- XLIX. **COMPUTATION OF TIME.** In computing any period of time under this Agreement, the day of the act, event or default from which the designated period of time begins to run shall no be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday.

L. **ENTIRE AGREEMENT** The undersigned hereby agree, acknowledge, and certify that the foregoing operating agreement is adopted and approved by each member. Each Member agrees to be bound by all of the terms and conditions of this agreement and the formation certificate or articles.

SIGNATURE OF MEMBERS

MEMBER


Signature

Print Name of Member: Lloyd H. Stiasny

Address: PO Box 90171

City, State, Zip: Anchorage, AK, 99509

Phone: (907) 230-6436

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____

MEMBER

Signature

Print Name of Member: _____

Address: _____

City, State, Zip: _____, _____, _____

Phone: _____



THE STATE
of **ALASKA**

Department of Commerce, Community, and Economic Development
Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806
(907) 465-2550 • Email: corporations@alaska.gov
Website: Corporations.Alaska.gov

FOR DIVISION USE ONLY

Articles of Organization
Domestic Limited Liability Company

Web-6/20/2016 11:34:21 AM

1 - Entity Name

Legal Name: Eden Management Group, LLC

2 - Purpose

To cultivate, process, retail crops and for any other lawful purpose

3 - NAICS Code

111998 - ALL OTHER MISCELLANEOUS CROP FARMING

4 - Registered Agent

Name: Jana Weltzin

Mailing Address: 3003 Minnesota Dr., Suite 201, Anchorage, AK 99503

Physical Address: 3003 Minnesota Dr., Suite 201, Anchorage, AK 99503

5 - Entity Addresses

Mailing Address: PO Box 90171, Anchorage, AK 99509

Physical Address: 6511 Arctic Spur Road, Anchorage, AK 99518

6 - Management

The limited liability company is managed by a manager.

7 - Officials

Name	Address	% Owned	Titles
Lloyd Stiasny			Organizer

Name of person completing this online application

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Jana D. Weltzin

State of Alaska
Department of Commerce, Community, and Economic Development
Corporations, Business, and Professional Licensing

Certificate of Organization

The undersigned, as Commissioner of Commerce, Community, and Economic Development of the State of Alaska, hereby certifies that a duly signed and verified filing pursuant to the provisions of Alaska Statutes has been received in this office and has been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Commerce, Community, and Economic Development, and by virtue of the authority vested in me by law, hereby issues this certificate to

Eden Management Group, LLC



IN TESTIMONY WHEREOF, I execute the certificate
and affix the Great Seal of the State of Alaska
effective June 20, 2016.

A handwritten signature in cursive script, appearing to read "Chris Hladick".

Chris Hladick
Commissioner



THE STATE
 of **ALASKA**

Department of Commerce, Community, and Economic Development
 Division of Corporations, Business, and Professional Licensing
 PO Box 110806, Juneau, AK 99811-0806
 (907) 465-2550 • Email: corporations@alaska.gov
 Website: Corporations.Alaska.gov

FOR DIVISION USE ONLY

Limited Liability Company
 Initial Biennial Report

Web-6/20/2016 11:42:37 AM

Entity Name: Eden Management Group, LLC
Entity Number: 10039405
Home Country: UNITED STATES

Home State/Province: ALASKA

Registered Agent
Name: Jana Weltzin
Physical Address: 3003 MINNESOTA DR., SUITE
 201, ANCHORAGE, AK 99503
Mailing Address: 3003 MINNESOTA DR., SUITE
 201, ANCHORAGE, AK 99503

Entity Physical Address: 6511 ARCTIC SPUR ROAD, ANCHORAGE, AK 99518
Entity Mailing Address: PO BOX 90171, ANCHORAGE, AK 99509

Please include all officials. Check all titles that apply. Must use titles provided. Please list the names and addresses of the members of the domestic limited liability company (LLC). There must be at least one member listed. If the LLC is managed by a manager(s), there must also be at least one manager listed. Please provide the name and address of each manager of the company. You must also list the name and address of each person owning at least 5% interest in the company and the percentage of interest held by that person.

Name	Address	% Owned	Titles
Lloyd Stiasny	PO Box 90171, Anchorage, AK 99509	100	Manager, Member

NAICS Code: 111998 - ALL OTHER MISCELLANEOUS CROP FARMING

New NAICS Code (optional):

I certify under penalty of perjury under the Uniform Electronic Transaction Act and the laws of the State of Alaska that the information provided in this application is true and correct, and further certify that by submitting this electronic filing I am contractually authorized by the Official(s) listed above to act on behalf of this entity.

Name: Jana D. Weltzin



Alaska Marijuana Control Board

Form MJ-20: Renewal Application Certifications

Alcohol and Marijuana Control Office
550 W 7th Avenue, Suite 1600
Anchorage, AK 99501
marijuana.licensing@alaska.gov
<https://www.commerce.alaska.gov/web/amco>
Phone: 907.269.0350

What is this form?

This renewal application certifications form is required for all marijuana establishment license renewal applications. Each person signing an application for a marijuana establishment license must declare that he/she has read and is familiar with AS 17.38 and 3 AAC 306. A person other than a licensee may not have direct or indirect financial interest (as defined in 3 AAC 306.015(e)(1)) in the business for which a marijuana establishment license is issued, per 3 AAC 306.015(a).

This form must be completed and submitted to AMCO's main office by each licensee (as defined in 3 AAC 306.020(b)(2)) before any license renewal application will be considered complete.

Section 1 – Establishment Information

Enter information for the licensed establishment, as identified on the license application.

Licensee:	Eden Management Group, LLC	License Number:	12866
License Type:	Retail Marijuana Store		
Doing Business As:	Uncle Herb's		
Premises Address:	1213 Ocean Drive, Suite 2		
City:	Homer	State:	Alaska
		ZIP:	99603

Section 2 – Individual Information

Enter information for the individual licensee who is completing this form.

Name:	Lloyd Stiasny
Title:	Manager, Member

Section 3 – Violations & Charges

Read each line below, and then sign your initials in the box to the right of any applicable statements:

Initials

I certify that I have **not** been convicted of any criminal charge in the previous two calendar years.

I certify that I have **not** committed any civil violation of AS 04, AS 17.38, or 3 AAC 306 in the previous two calendar years.

I certify that a notice of violation has **not** been issued for this license.

Sign your initials to the following statement only if you are unable to certify one or more of the above statements:

Initials

I have attached a written explanation for why I cannot certify one or more of the above statements, which includes the type of violation or offense, as required under 3 AAC 306.035(b).



Form MJ-20: Renewal Application Certifications

Section 4 – Certifications

Read each line below, and then sign your initials in the box to the right of each statement:

Initials

I certify that no person other than a licensee listed on my marijuana establishment license renewal application has a direct or indirect financial interest, as defined in 3 AAC 306.015(e)(1), in the business for which the marijuana establishment license has been issued.

AS

I certify that I meet the residency requirement under AS 43.23 or I have submitted a residency exception affidavit (MJ-20a) along with this application.

AS

I certify that this establishment complies with any applicable health, fire, safety, or tax statute, ordinance, regulation, or other law in the state.

AS

I certify that the license is operated in accordance with the operating plan currently approved by the Marijuana Control Board.

AS

I certify that I am operating in compliance with the Alaska Department of Labor and Workforce Development's laws and requirements pertaining to employees.

AS

I certify that I have not violated any restrictions pertaining to this particular license type, and that this license has not been operated in violation of a condition or restriction imposed by the Marijuana Control Board.

AS

I certify that I understand that providing a false statement on this form, the online application, or any other form provided by or to AMCO is grounds for rejection or denial of this application or revocation of any license issued.

AS

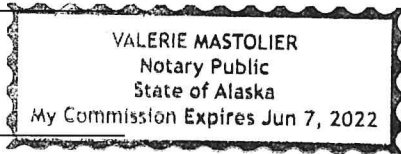
As an applicant for a marijuana establishment license renewal, I declare under penalty of unsworn falsification that I have read and am familiar with AS 17.38 and 3 AAC 306, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Marijuana Control Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff may result in additional fees or expiration of this license.

Lloyd Stiasny

Signature of licensee

Lloyd Stiasny

Printed name of licensee



Vald

Notary Public in and for the State of Alaska

My commission expires: 4/7/22

Subscribed and sworn to before me this 5 day of June, 2019.

Alcohol & Marijuana Control Office

License Number: 12866

License Status: Active-Operating

License Type: Retail Marijuana Store

Doing Business As: UNCLE HERB'S

Business License Number: 1038791

Designated Licensee: Lloyd Stiasny

Email Address: lloyd@edenalaska.com

Local Government: Homer

Community Council:

Latitude, Longitude: 59.381894, -151.303569

Physical Address: 1213 Ocean Drive
Unit 2
Homer, AK 99603
UNITED STATES

Licensee #1

Type: Entity

Alaska Entity Number: 10039405

Alaska Entity Name: Eden Management Group, LLC

Phone Number: 907-230-6436

Email Address: stazz@msn.com

Mailing Address: PO Box 90171
Anchorage, AK 99509
UNITED STATES

Entity Official #1

Type: Individual

Name: Lloyd Stiasny

[REDACTED]

[REDACTED]

Phone Number: 907-230-6436

Email Address: stazz@msn.com

Mailing Address: PO Box 90171
Anchorage, AK 99509
UNITED STATES

Note: No affiliates entered for this license.



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 19-086

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 16, 2019

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR CASTNER AND TWO COUNCILMEMBERS TO ATTEND THE ALASKA MUNICIPAL LEAGUE SUMMER CONFERENCE HELD AUGUST 13-15, 2019 IN SOLDOTNA, AK

Mayor Castner and Councilmember Venuti would like to attend the Alaska Municipal Leagues Summer Conference in Denali Borough, Alaska August 13-15, 2019. Mayor Castner plans to attend Mayor's Conference on Tuesday, May 13th, Councilmember Venuti plans to attend the full conference, and one more Councilmember is authorized to attend the full conference should they choose to after approval of this memorandum.

The AML is a voluntary, nonprofit, nonpartisan, statewide organization of 140 cities, boroughs, and unified municipalities, representing over 97 percent of Alaska's residents. Originally organized in 1950, the League of Alaska Cities became the Alaska Municipal League in 1962 when boroughs joined the League.

Meetings include Alaska Conference of Mayors, AML Board, and Legislative discussions.

Cost estimates for travel include round trip driving from Homer to Soldotna mileage at 0.575 cents per mile, and room rates at \$158 per night. Per Diem is \$58 per day, for three meals. Conference cost is \$150.

RECOMMENDATION: Authorize travel for Mayor Castner, Councilmember Venuti, and one additional Councilmember to attend the AML Summer Conference August 13-15, 2019 in Soldotna, Alaska.



**Alaska Municipal League Summer Legislative Conference
Soldotna, Alaska ~ August 13-15, 2019
All meetings held at the Soldotna Regional Sports Complex**

Tuesday, August 13, 2019 – Concurrent Affiliate Meetings

- | | |
|------------------------|---|
| 8:00 a.m. – 5:00 p.m. | Alaska Municipal Management Association Meeting (Breakfast & Lunch Included) |
| 12:00 p.m. – 5:00 p.m. | Alaska Conference of Mayors Meeting (Lunch Included) |
| 6:00 p.m. | AML and ACoM Board Dinner |

Wednesday, August 14, 2019 – AML Legislative Conference

- | | |
|-------------------------|--|
| 8:00 a.m. | Breakfast - Included |
| 8:30 a.m. – 8:45 a.m. | Welcome and Introductions – Tim Navarre , AML President <ul style="list-style-type: none"> • Mayor Nels Anderson, City of Soldotna (<i>confirmed</i>) • Mayor Charlie Pierce, Kenai Peninsula Borough (<i>confirmed</i>) |
| 8:45 a.m. – 9:00 a.m. | Director’s Update <ul style="list-style-type: none"> • Nils Andreassen, AML Executive Director |
| 9:00 a.m. – 10:00 a.m. | Review of 2019 Legislative Session <ul style="list-style-type: none"> • Sen. Peter Micciche, Alaska State Legislature (<i>invited</i>) • Sen. Gary Stevens, Alaska State Legislature (<i>tentative</i>) • Rep. Ben Carpenter, Alaska State Legislature (<i>invited</i>) • Rep. Gary Knopp, Alaska State Legislature (<i>confirmed</i>) • Rep. Sarah Vance, Alaska State Legislature(<i>invited</i>) |
| 10:00 a.m. – 10:15a.m. | Break |
| 10:15 a.m. – 11:55 a.m. | Legislative Issues Discussion – Bills Impacting Local Governments <ul style="list-style-type: none"> • Dianne Blumer and Heather Brakes |
| 12:00 p.m. – 1:00 p.m. | Lunch <ul style="list-style-type: none"> • A Community Dividend – Nils Andreassen |
| | Silent Auction Open |

- 1:15 p.m. – 3:00 p.m. **Legislative Issues Discussion** - continued
- School Construction and Deferred Maintenance
 - Port and Harbor Capital Improvements
 - Community Assistance
 - Road and Rural Airport Maintenance
 - Law Enforcement and Community Jails
 - Senior Citizen Property Tax Exemption
- 3:00 p.m. **Break**
- 3:15 p.m. Sen. **Lisa Murkowski**, Chair, Energy & Natural Resources Committee (confirmed)
- 4:00 p.m. **Plenary Discussion of State and Federal Legislative Issues**
- 5:00 p.m. End of Day One - Silent Auction Closed
- 5:30 p.m. – 7:30 p.m. **City of Soldotna Reception**
- Presentation of Check to Boys and Girls Clubs of Kenai
 - Mayor **Nels Anderson**, City of Soldotna

Thursday, August 15, 2019 – AML Legislative Conference

- 8:00 a.m. Breakfast - Included
- Mayor **Brian Gabriel**, City of Kenai (*confirmed*)
- 8:30 a.m. – 9:30 a.m. **Filling the Gap**
- **Diane Kaplan**, President/CEO, Rasmuson Foundation (*confirmed*)
 - **Laurie Wolf**, President/CEO, Foraker Group (*confirmed*)
 - Dr. **Lisa Parady**, CEO, Alaska Council of School Administrators (*confirmed*)
 - **Becky Hultberg**, President/CEO, Alaska State Hospital and Nursing Home Association (*tentative*)
 - **Ed Ulman**, President/CEO, Alaska Public Media (*confirmed*)
- 9:30 a.m. – 10:00 a.m. Break
- 10:00 a.m. – 11:00 a.m. **Working Toward Solutions, Together**
Building the Partnerships Necessary for Success
- 11:00 a.m. – 2:00 p.m. **AML Board of Directors Meeting (lunch included)**
- Strategic Plan – Revisited
 - Public Relations Strategy
 - Business Meeting
 - Health Association Plan
 - Online Sales Tax
- 2:00 p.m. Soldotna Golf Tournament



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 19-087

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 17, 2019

SUBJECT: TRAVEL AUTHORIZATION FOR MAYOR AND COUNCILMEMBERS TO ATTEND THE
RCA TARIFF HEARINGS SCHEDULED JULY 29-AUGUST 7, 2019 IN ANCHORAGE,
AK

Hearings for RCA Tariff filing 310-4 related to ENSTAR are scheduled July 29 through August 7, 2019. Mayor Castner and City Councilmembers have expressed interest in attending the hearings. Due to Open Meetings requirements, no more than three councilmembers (including the mayor) can attend a hearing per day.

Because of varying dates and personal schedules, Mayor Castner and councilmembers will have to communicate their planned dates to the City Clerk and will have to make their own arrangements to attend the hearings.

Mayor Castner has established a cap of \$6500 for overall expenses for attendance at the hearings based on a \$250 cost for airfare, \$250 per night lodging, and \$58 per day per diem for three meals. Additional funds may need to be appropriated in the mid-year budget adjustments for this travel.

RECOMMENDATION: Authorize travel for Mayor and Councilmembers to Attend the RCA Tariff Hearings scheduled July 29-August 7, 2019 in Anchorage, AK.



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(f) 907-235-3143

MEMORANDUM 19-091

TO: Mayor Castner and Homer City Council
FROM: Melissa Jacobsen, City Clerk
DATE: July 17, 2019
SUBJECT: REPLENISHMENT OF CITY LAPEL PINS

After several years the supply of the city lapel pins has been nearly expended. Members of City Council use the lapel pins to welcome visiting dignitaries and other important visitors to the city. Councilmember Stroozas takes pins when he greets the cruise ships that come into port, and over the last few years some Councilmembers have taken pins when they have traveled to other states to share with the communities they visit. Occasionally, visitors will stop by the City Clerk's office and purchase a pin or two and the City charges \$1.00 per pin, in accordance with the fee schedule.

It has been requested that the City Clerk's office replenish the supply of pins so Deputy City Clerk Krause researched the costs for replenishing a modest supply. Those costs are reflected in the table below and the quotes received have been included for your review along with the artwork proposed for the new city lapel pin.

Metro Pins	The Pin People	The Pin Center
1000 ct 1.25" \$0.86 ea \$860.00	1000 ct 1.00" \$1.45 \$1450	1000 ct 1.18" \$0.99 \$1027.50 (includes shipping and insurance \$37.50)

The Clerk's office didn't anticipate this expenditure and it wasn't included in this year's budget, so I'm requesting permission split the cost of ordering pins with the Council's office supply budget which has a balance of \$740. We recommend ordering from The Pin Center. We've worked with them in the past, and prefer their pin size and design. The cost to Council's budget would be \$513.75.

Recommendation: Approve expending \$513.75 from the Council office supply budget to purchase City pins from The Pin Center.

From: [Lacy Shelton](#)
To: [Renee Krause](#)
Subject: Metro Pins :: 2019 City of Homer DESIGN
Date: Thursday, July 11, 2019 11:40:47 AM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for getting in touch with us! We'd be glad to help you with your pins...
I have attached a proof to this email for you. Take a look and let me know what you think.

Let me know if you have any questions.

The 0.75" size requested will not work for an enamel pin. As these are hand painted and everything has to be a certain size to fill.

I would recommend soft enamel over hard enamel for this design, as hard enamel would need to be even bigger due to the polishing process it goes through. Soft enamel is hand painted like hard enamel. on soft enamel you can feel the texture of the pin whereas hard enamel is polished down smooth. If you would rather not feel the texture of the pin and want a smooth surface, we could add an epoxy coating over the top of the pin, free of charge.

All of our designs include a "Metro Pins" back stamp. If you would like this removed it is a \$25.00 removal fee, or \$50.00 if you would prefer a custom back stamp.

Our pricing is all inclusive, we don't charge sales tax unless you live in the state of Oklahoma and we don't charge shipping when you allow the standard production time.
We are currently at 8/12 on delivery for enamel pins.

1000ct 1.25" soft enamel pin at \$0.86 apiece are \$860.00

**Lacy
Metro**

On 7/11/2019 12:21:20 PM, <rkrause@ci.homer.ak.us> wrote:

Organization: City of Homer
Project name: City Pin
First name: Renee
Last name: Krause
Address: 491 E Pioneer Ave, Homer, AK 99603 USA
Telephone: 907-235-8121 ext 2224
Email: rkrause@ci.homer.ak.us
What you need: Price Quote & Artwork
Item type: Pin - Not sure of type
Quantity: 1000
Other quantity:
Size: 0.75
Other size:
Need items by: September 2019
Design type: Government



METRO PINS
METROPINS.COM








USSSA
Official USSSA
National Pin Supplier

Call: (855) METRO-55
(405) 455-5941

email: artwork@metropins.com

Award-winning pin designs! Already have a design and like our prices? We can use your design or recreate it for you.

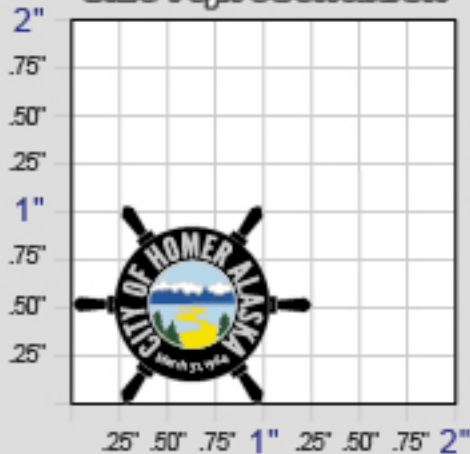
Color Key

-  Raised Silver Metal
-  Black
-  White
-  PMS 102
-  PMS 350
-  PMS 7685
-  PMS 290

Proof# **01**



Size representation



Set printer to 72 dpi & actual size

Enlarged View

DISCLAIMER

Artist conception for use with Metro Pins only. Color and sizing is approximate, they may not be accurate on-screen depending upon monitor/printer setup. For exact color match, please provide PANTONE® color number you prefer. **Artwork not to scale.**
NOTE: Artwork errors happen. It is your responsibility to carefully inspect this proof for errors and/or omissions in spelling, color or design. Once order is placed, client accepts full responsibility for content and copy. This artwork is enlarged to show detail.

industry offers this!

QUOTE: Lapel Pins – 1/2 inch, No Cutout charged, Single post rubber (or metal) back, Individually Packaged in Poly Bags.

For quantity of 2500 of each design, Price: \$1.05 each

For quantity of 3000 of each design, Price: \$1.00 each

For quantity of 3500 of each design, Price: \$0.95 each

We can pack your pins in individual display boxes for an additional \$0.95 per pin.

ALL QUOTES INCLUDE THE ARTWORK up to 5 colors, SET-UP, MOLD, PINS, and SHIPPING (minimum 100 pieces) within the (48) USA. THERE ARE NO ADDITIONAL COSTS.

Our art team is ready to begin creating your design for your approval, as soon as you are ready to move forward with your order.

About Us;

The Pin People was founded in 2000. We began with the specialization in Police, Military and Fire Department Lapel Pins. The owner of The Pin People is a Former Police Officer in New York and a former Marine Corps Veteran.

The Pin People is a unique and well-respected manufacturer, manufacturing premium quality lapel pins, key chains, tie clips, cuff-links, challenge coins, mini badges, and money clips for today's market.

Our expertise in custom design and manufacturing has placed us in the unique position of producing lapel pins and metal products that fit your needs. Our client list includes many Fortune 500 companies and national organizations. Among them are Disney, Department of Homeland Security, NYPD, the National Law Enforcement Memorial, the United Nations, NYS Police, Verizon Wireless, Microsoft, IDT Telecommunications, NYC Breast Cancer Walk, United Spinal Association, FDNY, United States Marine Corps, State of New York, Fordham University, Frito Lay, National Association of Health Underwriters, Macy's, Ricoh, Hilton, Bally's Park Place Casino, Hilton Casino, Claridge Casino, and Caesar's Resort Casino.

Our pins have been seen on many of today's top TV shows, such as Law and Order and NYPD Blue. We have supplied the costume departments with the pins that they use on the show. This is because one of our clients is the NYPD.

We hope that you would consider using The Pin People for your lapel pin needs. We know that you will not only be greatly satisfied with our product, but with our customer service throughout the pin making process.

Please feel free to contact me with any questions that you may have. You can reach me at 888-309-PINS (7467) or via email me at carlos@thepinpeople.com.



ATTACHMENTS & ACCESSORIES

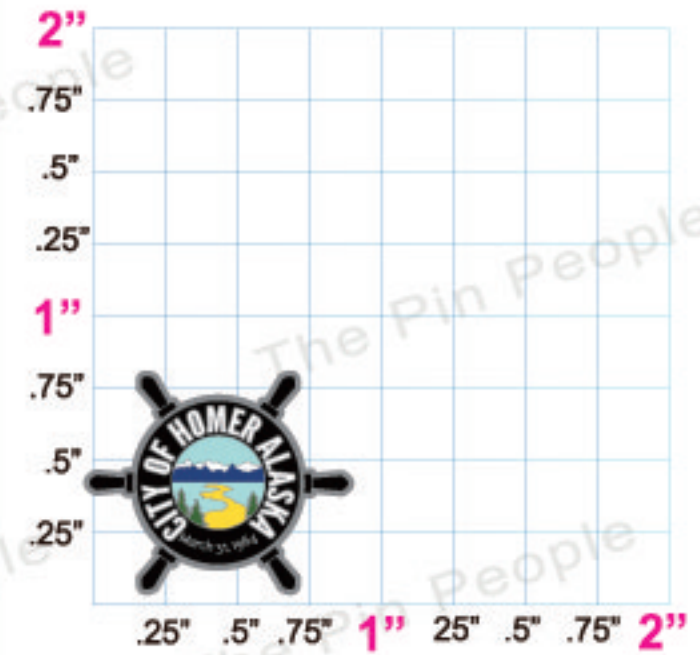
BACKSTAMP: ThePinPeople.com®

COLOR KEY

- WHITE C
- 356 C
- 107 C
- 287 C
- 317 C
- BLACK C
- NICKEL METAL

PROOF

ART NOT TO SCALE



soft enamel

MIX & MATCH PROGRAM

MONEY CLIP



CUFFLINK



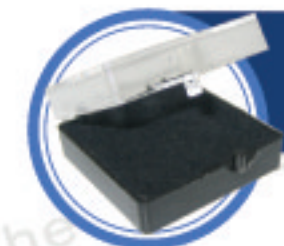
TIE BAR



Velvet Box



Clear Box



**Disclaimer: Actual colors may differ on computer screen than finished product. Please compare the 'COLOR KEY' to a true Pantone 'PMS' color chart.



SALES ORDER

8525 Edna Avenue • Las Vegas, NV 89117
(800) 553-9490 • FAX (702) 227-6644
www.pincenter.com

R

- NEW ACCOUNT EXISTING ACCOUNT
 NEW PROJECT REORDER

CUSTOMER _____

SHIP TO: _____

- BUSINESS
 RESIDENCE

STREET _____ SUITE # _____

CITY _____ STATE _____ ZIP _____

PHONE () _____ PHONE () _____ FAX () _____

BILL TO: _____ E-MAIL _____

STREET _____ SUITE # _____ CONTACT _____

CITY _____ STATE _____ ZIP _____

DATE ORDERED _____

RUSH NORMAL
4-5 WEEKS

DELIVERY DATE _____

INSTRUCTIONS

SIZE _____ COLORS _____



STYLE

- ETCHED ENAMEL
 CLOISONNE
 FINE ENAMEL
 HI GLOSS (COLORLESS)

FINISH

- GOLD DYED BLACK
 SILVER BLACK NICKEL
 COPPER _____

ARTWORK

- CUSTOM
 CONVERSION
 PIN DUPLICATION

DIES

- ETCHED PLATE
 STANDARD
 OVERSIZED
 CURVED OR 3-D
 BACK DIE
 PIERCING DIES
 SILK SCREENS
 DIE-CAST MOLD
 OFFSET PRINT

EXTRAS

- COINS

BACKS

- _____ POST(S)
 MILITARY CLUTCH
 SUPER GRIP _____
 TIE TACK COLOR
 MAGNET
 ADHESIVE
 BAR PINS

ATTACHMENTS

- 4-1/4" CITY KEY
 7" CITY KEY
 MONEY CLIP
 KEY RING
 BOOK MARK

TREATMENTS

- POLY CAP
 TEXTURED STONE COLOR
 ANTIQUED
 STONES STONE SIZE
 GLITTER
 GLOW IN THE DARK

PACK / SHIP

- POLY / CELLO BAG
 CUSTOM / PLAIN CARD

 NORMAL
 FOR PICKUP (N/C)

ORDER SUMMARY

_____ @ _____ = \$ _____
 _____ @ _____ = \$ _____
 _____ @ _____ = \$ _____
 _____ @ _____ = \$ _____
 _____ @ _____ = \$ _____

ETCHED PLATE _____ @ _____ = \$ _____

STANDARD DIE _____ @ _____ = \$ _____

OVERSIZED DIE = \$ _____

CURVED OR 3-D DIE = \$ _____

BACK DIE = \$ _____

PIERCING DIES _____ @ _____ = \$ _____

SILK SCREENS _____ @ _____ = \$ _____

CASTING MOLD = \$ _____

OFFSET PRINT = \$ _____

_____ @ _____ = \$ _____

_____ @ _____ = \$ _____

SUB TOTAL = \$ _____

NEVADA SALES TAX _____ % = \$ _____

ARTWORK = \$ _____

SHIPPING = \$ _____

TOTAL ORDER = \$ _____

DEPOSIT = \$ _____

SALES TAX EXEMPT

- LETTER / CERTIFICATE ON FILE
 OUT OF STATE

BALANCE DUE = \$ _____

THE PIN CENTER REPRESENTATIVE _____

ORDER AUTHORIZED BY _____



119



1 1/8"

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-33

An Ordinance of the City Council of Homer, Alaska, Appropriating Funds in the amount of \$10,000 from the Port and Harbor Reserves Fund for Engineering Services for Deep Water Dock Contingency Planning.

Sponsor: City Manager/Port Director

1. City Council Regular Meeting July 22, 2019 Introduction

43 NOW, THEREFORE, The City of Homer Ordains:
44

45 Section 1. That the FY 2019 Port and Harbor capital budget is hereby amended by
46 appropriating funds in the amount of \$10,000 From the Port and Harbor Reserves for the
47 purpose of engineering services for Deep Water Dock Contingency Planning, as follows:
48

49 Account No.	Description:	Amount:
50 456-0380	Port & Harbor Reserves	\$10,000

51
52 Section 2. This is a budget amendment ordinance, is not permanent in nature, and
53 shall not be codified.
54

55 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.
56

57
58 CITY OF HOMER
59

60
61 _____
KEN CASTNER, MAYOR

62 ATTEST:
63

64 _____
65 MELISSA JACOBSEN, MMC, CITY CLERK
66

67 YES:

68 NO:

69 ABSTAIN:

70 ABSENT:
71

72 First Reading:

73 Public Hearing:

74 Second Reading:

75 Effective Date:
76

77 Reviewed and approved as to form:
78

79 _____
80 Katie Koester, City Manager

Holly Wells, City Attorney

81
82 Date: _____

Date: _____

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-34

An Ordinance of the City Council of Homer, Alaska, Amending the Capital Budget and Authorizing Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting July 22, 2019 Introduction

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

3 City Manager/Public Works Director

4
5 **ORDINANCE 19-34**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE CAPITAL BUDGET AND AUTHORIZING PASS
9 THROUGH FUNDS FOR THE ALASKA DEPARTMENT OF
10 TRANSPORTATION (ADOT) LAKE STREET PROJECT.

11
12 WHEREAS, When ADOT completes a project within the City limits, they authorize
13 Public Works to support the design and construction effort. The cost of this work is
14 reimbursed by ADOT. The effort is usually small and within the fiscal authority of the Director
15 and City Manager; and

16
17 WHEREAS, ADOT has been asking Public Works to support their efforts in a more
18 significant way (costs exceed City Manager authorization); and

19
20 WHEREAS, The cost of supporting ADOT is expected to be \$95,000 (see Memorandum
21 19-from Public Works).

22
23 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

24
25
26 Section 1. The Homer City Council hereby authorizes \$95,000 to be expended from
27 and reimbursement deposited in the account described below:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7013	ADOT Lake Street Reimbursement	\$95,000

28
29
30
31
32
33 Section 2. This is a budget amendment ordinance, is temporary in nature, and shall
34 not be codified.

35
36 ENACTED BY THE HOMER CITY COUNCIL this 12th day of August, 2019.

37
38
39 CITY OF HOMER

40
41
42 _____
43 KEN CASTNER, MAYOR

44 ATTEST:

45

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50 YES:

51 NO:

52 ABSENT:

53 ABSTAIN:

54

55 First Reading:

56 Public Hearing:

57 Second Reading:

58 Effective Date:

59

60 Reviewed and approved as to form:

61

62 _____

63 Katie Koester, City Manager

64

65 Date: _____

Holly Wells, City Attorney

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 19-090

TO: Katie Koester, City Manager
FROM: Carey S. Meyer, Public Works Director
DATE: July 16, 2019
SUBJECT: ADOT/City Agreement – Reimbursement for City Support
ADOT Lake Street Improvements

Whenever ADOT completes a project within the City limits, they authorize Public Works to review plans, comment on potential impacts to public infrastructure (usually water and sewer), and inspect adjustments made during construction to City owned facilities. The cost of this work is reimbursed by ADOT. Normally, this effort is small and within the fiscal authority of the Director and City Manager.

Recently, ADOT has been asking Public Works to support their efforts in a more significant way (costs exceed City Manager authorization).

Support Requested/Expected	Approx. Cost
Hire Contractors to “pothole” buried utilities	\$15,000
Adjust Water System PRV Station	\$10,000
Hire Engineering firm to assist in design of Storm Drain	\$50,000
Construction Inspection and Contingency	<u>\$20,000</u>
Total Potential Support Cost	\$95,000

Recommendation: City Council pass an ordinance amending the 2019 Capital Budget authorizing the acceptance of pass-through funds not to exceed \$95,000 for City support of the ADOT Lake Street Improvement project and authorizing the City Manager to execute all appropriate documents.

Fiscal note: 151-7013

44 ATTEST:

45

46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49

50 Fiscal Note: \$1,469,649 annual cost of employee health care.



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Memorandum 19-084

TO: Mayor Castner and Homer City Council
THROUGH: Julie Engebretsen, Chair
FROM: Employee Committee
DATE: July 10, 2019
SUBJECT: Medical and Dental Health Care Renewal

The Employee Committee met on July 2nd to teleconference with the City's contracted insurance benefits broker. Mr. Nyberg provided an overview of medical and dental plan costs, the renewal and policy period changes, and answered questions about the City's plan. The Employee Committee passed a motion supporting the negotiated renewal rate and date of August 1st.

42 WHEREAS, The City of Homer is capable of completing Homer Harbor Cathodic
43 Protection Project within eighteen months after award of a Harbor Facility Grant; and
44

45 WHEREAS, This project preserves the foundational integrity of Homer Harbor, a
46 regional asset providing broad community benefits to commercial fishing vessels from nearly
47 every fishery in the State of Alaska, tugs/barges/landing craft delivering supplies to
48 Southcentral, SW and Western Alaska, and a wide variety of charter and pleasure watercraft.
49

50 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports
51 the Homer Harbor Cathodic Protection Project and agrees, subject to available Alaska
52 Legislative funding and selection by DOT&PF, to enter into a grant agreement with the State
53 of Alaska DOT&PF for a Harbor Facility Grant.
54

55 BE IT FURTHER RESOLVED that the City Manager is authorized to negotiate and
56 execute any and all documents required for managing a Harbor Facility Grant on behalf of the
57 City of Homer.
58

59 PASSED AND ADOPTED by the Homer City Council this 22nd day of July, 2019.
60

61 CITY OF HOMER
62

63
64 _____
65 KEN CASTNER, MAYOR
66

67 ATTEST:
68

69
70 _____
71 MELISSA JACOBSEN, MMC, CITY CLERK
72

73 Fiscal Note: N/A



Memorandum 19-085

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER
DATE: JULY 17, 2019
SUBJECT: CATHODIC PROTECTION FY21 MUNICIPAL HARBOR GRANT APPLICATION

When the State of Alaska transferred ownership of Alaska's harbors to Municipalities and local authorities, the maintenance and cost burden transferred with it. In 2006, the Municipal Harbor Grant Program was created to provide a 50/50 matching grant fund program to assist municipalities with this continued maintenance of our important Alaskan Harbor resources.

Pile in the harbor range in age from 34 to 26 years old and over time electrolysis has depleted the original galvanized protective coating; it is no longer protecting the pilings from corrosion.

In 2018, we started installation of a zinc anode protection system for the harbor, designed by R&M Engineering. This work on our Cathodic Protection project was funded from our maintenance budget/Port and Harbor Reserve funds, and cost approximately \$200,000. About 25% of the load bearing piles within the harbor are now protected against corrosion, have significantly reduced anticipated maintenance costs and enjoy an extended useful life, avoiding costly replacement.

While attending the latest AAHPA conference in Juneau information was made available that cathodic protection projects are eligible for funding under Tier II (mid-range) Municipal Harbor grants. City Staff are working on applying for a FY21 Tier II Harbor Facility Grant that will allow us to complete the work started in 2018 using the plans and design already in place, extending the benefits of cathodic protection harbor-wide.

Although program funding for this program is unknown this year, and funds to the program have recently been subtracted in the latest veto by the Governor, it is still beneficial for the City of Homer to turn in our completed application for two reasons:

- ✓ #1 By submitting and having an approved application on file it would hold our place in the queue should funding become available
- ✓ #2 Having requested projects on file that need funding shows an overall need and justification for the Municipal Harbor Grant Program

The Port and Harbor Advisory Commission, in the past and currently, has issued support for the importance of cathodic protection of the Homer Harbor. Most recently, during their June 26, 2019 meeting, the members of the commission made a formal motion, passed with unanimous consent, in support of both the nomination of the Cathodic Protection Project as a new CIP item with a #1 Priority and to endorse the application for the Harbor Facility Grant. Excerpt from the Port and Harbor Advisory Commission meeting minutes provided below:

NEW BUSINESS

- A. New Proposed CIP Project for Cathodic Protection
 - i. Memo from Port Director Hawkins Re: Homer Harbor Cathodic Protection Project Proposal for Addition to the CIP
 - ii. Draft CIP Cathodic Protection Nomination

Chair Zimmerman introduced the agenda item and invited Special Projects and Communications Coordinator Jenny Carroll to participate in the discussion.

Port Director/Harbormaster Hawkins shared the information staff learned from the State on grant funding for Tier II projects for cathodic protection. Ms. Carroll provided an explanation of the granting process and facilitated discussion with the commission on their involvement in the process.

STOCKBURGER/ULMER MOVED TO SUPPORT STAFF'S NOMINATION OF THE CATHODIC PROTECTION PROJECT TO THE CIP LIST WITH A #1 PRIORITY, ENDORSE THE APPLICATION FOR THE HARBOR FACILITY GRANT, AND RECOMMEND THE CITY'S 50/50 MATCH COME FROM THE PORT AND HARBOR RESERVES.

There was discussion on what the cathodic protection project will cover in the harbor, and the current condition of the Port and Harbor Reserves.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

The Harbor Facility grant program requires authorization from the City of Homer to submit the grant application and to identify the source of the City's matching funds. The Port & Harbor Enterprise Reserve Funds have been identified as the source for the City's \$357,120 grant match.

Staff Recommendation: Adopt the Resolution formally authorizing the City Manager to submit an FY21 Harbor Facility grant application in the amount of \$714,240 for the Homer Harbor Cathodic Protection Project.

Proposed New Project:
Homer Harbor Cathodic Protection

Project Description & Benefit: Homer Harbor’s float system is comprised of 161,000 square feet of concrete and wood floats supported by over 500 steel pile. Steel has a number of characteristics that make it desirable for structural use in harbors, including the ability to last indefinitely if properly protected from the destructive effect of electrolysis. Corrosion stemming from electrolysis dramatically shortens the useful life of the pile.

Most of the float system piling in Homer Harbor predates the 1999 ownership exchange from the State to the City of Homer. When originally installed, a hot-dipped galvanized coating protected the piling. This coating is typically effective between 15 and 20 years. Harbor pile range in age from 34 to 26 years old.

Over time, electrolysis has depleted this original protective coating to the point where it is no longer protecting the pile. The potential readings obtained in a cathodic protection half-cell survey in 2018 were -0.60, a reading that indicates freely corroding steel according to National Association of Corrosion Engineers (NACE) Standards.

This project proposes to install a passive cathodic protection system to fully protect the saltwater and soil submerged harbor pile from corrosion. The method selected provides zinc anodes attached externally to the pile as a “sacrificial” source of positively charged ions. The anode material oxidizes preferentially to the steel, greatly reducing or eliminating the rusting of the steel pile.

The long-term benefit is to extend the remaining safe and usable service life of the harbor float system, at least an additional 20 years and perhaps indefinitely, avoiding the high costs of limiting allowable loads on corroded load-bearing piles and eventually repairing or replacing structurally disabled piling.

Plans & Progress: The City began the process of installing cathodic protection in 2018. As part of that project, R&M Engineering designed a cathodic protection program for the entire harbor float system. The sacrificial anode system was selected as it has the advantage of being relatively simple to install, is suitable for localized protection, and less liable to cause interaction on neighboring structures. Utilizing \$200,000 in Port and Harbor reserve funds, the City contracted a firm to install zinc anodes on 139 of the 500 harbor pile. Test results from a post-construction cathodic protection survey verified that the system is providing adequate levels of cathodic protection to the piles as defined by the applicable NACE International Standards SP0176-2007.

It is our goal to get this work done as quickly as possible to preserve the integrity of the foundation the float system harbor-wide.

Total Project Cost:	\$914,240
Cathodic Protection 2018: (completed 139 pilings)	\$200,000
Cathodic Protection 2019:	\$714,240

Schedule: 2020
Priority Level: 1



of

Example of the damage electrolysis causes to harbor pilings. This broken piling in 2012 caused the R & S floats in the harbor to be condemned until it could be repaired.

DRAFT

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

3 Aderhold

4 **RESOLUTION 19-048**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ESTABLISHING ADMINISTRATIVE GUIDELINES AND
8 EXPECTATIONS FOR CITY BOARD MEMBERS AND
9 COMMISSIONERS WHO REPRESENT THE CITY OF HOMER ON
10 OUTSIDE BOARDS OR COMMISSIONS.

11
12 WHEREAS, At times the City is asked to appoint a citizen representatives to a local or
13 regional board or commission to represent the City of Homer; and

14
15 WHEREAS, In this capacity, individual Commissioners or Board members hold a
16 position of trust on behalf of the City and its citizens; and

17
18 WHEREAS, Administrative guidelines for appointing City representatives to outside
19 boards and commissions and a set of expectations to support individuals in responsibly
20 performing this duty are lacking;

21
22 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
23 establishes the following expectations for City board members and commissioners who
24 represent the City of Homer on outside boards or commissions:

- 25
26
- 27 • Represent and work for the best interests and common good of the City of Homer;
 - 28 • When requested to speak to groups or are asked the City's position on an issue, the
29 response should reflect City of Homer approved policies or formally established
30 positions of the City Council as a whole;
 - 31 • Report at least annually to City Council on matters discussed at the board,
32 commission or agency meetings in which he/she is involved;
 - 33 • Bring issues on which the City is asked to weigh in or take a position to City Council's
34 attention in a timely manner; and

35 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska adopts the following
36 administrative guidelines:

37
38 Terms of Appointment

- 39
- 40 • City Representatives on outside boards or commissions shall be appointed by the
Mayor and confirmed by City Council for one term of service;

- 41 • If term of service is unspecified, the Mayor may establish one in the letter confirming
42 the appointment;

43
44 Terms for Reappointment

- 45 • City representatives must apply for reappointment at the end of their term;
- 46 • The Mayor may include additional expectations in the reappointment letter;

47
48 Terms for Removal

- 49 • City representatives on outside boards or commissions may be removed by
50 recommendation of the Mayor and by confirmation of the City Council for the
51 following reasons:
 - 52 ○ Failure to meet the expectations set forth in this resolution or as set forth in an
53 appointment or reappointment letter;
 - 54 ○ Conviction of a crime of moral turpitude;
 - 55 ○ Conviction of a crime or violation that is relevant to or within the purview of
56 the outside board or commission

57
58 PASSED AND ADOPTED by the Homer City Council this 22nd day of July, 2019.

59
60 CITY OF HOMER

61
62
63 _____
64 KEN CASTNER, MAYOR

65
66 ATTEST:

67
68
69 _____
70 MELISSA JACOBSEN, MMC, CITY CLERK

71
72 Fiscal Note: N/A



City of Homer

www.cityofhomer-ak.gov

Administration

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 18, 2019
SUBJECT: Resolution Establishing Administrative Guidelines and Expectations for City Board Members and Commissioners Serving as City Representatives on Outside Boards or Commissions

The Purpose of this memo is to provide a current list of individual serving as City Representatives on outside boards and commissions:

- Cook Inlet Regional Citizens Advisory Council: Carla Stanley
Term of service – April 2021
- Prince William Sound Regional Citizens Advisory Council: Robert Archibald
Term of service – May 2021
- Kenai Peninsula Economic Development Division: Karin Marks
Term of service – December 2021
- US Census Complete Count Committee: Karin Marks (end of Census Count)
- Cook Inlet Aquaculture Association: vacant

Recommendation: Informational



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

Senator Gary Stevens
Alaska State Legislature
Sent via email

July 9, 2019

Dear Senator Stevens:

As you prepare for the upcoming special session, I am writing to reiterate the unanimous position that the Homer City Council presented on the proposed State budget during your regular session. It is attached.

There are several "savings" in the Governor's line item vetoes that merely move expenses to others or, in the absence of others, eliminate programs and services, with unsustainable impacts on the residents of Alaska and the local governments that serve them.

Thank you for working with other Legislators to develop solutions that protect the public's interest. We are hoping it leads to a few budget veto compromises.

I'm sure this session will be full of angst and stress – I wish you well.

Sincerely:

Ken Castner
Mayor, City of Homer, Alaska

Enc: City of Homer Municipal Impact Statment



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

Representative Sarah Vance
Alaska State Legislature
Sent via email

July 9, 2019

Dear Representative Vance:

I ask that you revisit the unanimous position that the Homer City Council presented during your regular session. It is attached.

There are several "savings" in the Governor's line item vetoes that merely move expenses to others or, in the absence of others, eliminate programs and services.

I hope that you can use your position in the House minority to help broker a few compromises.

I'm sure this session will be full of angst and stress – I wish you well.

Sincerely:

Ken Castner
Mayor, City of Homer, Alaska

Enc: City of Homer Municipal Impact Statment



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

March 11, 2019

Honorable Governor Dunleavy
Alaska State Legislature, State Capitol
120 4th St.
Juneau, Alaska 99801

RE: City of Homer Municipal Impact Statement

Honorable Governor Dunleavy and Members of the Alaska State Legislature,

We appreciate the State's commitment to sustainable spending but want to draw attention to the unsustainable impact the proposed FY20 budget will have on local governments in Alaska and offer our support for considering revenue solutions. We believe the information below needs to be considered by you before these very drastic cuts occur.

REVENUE SOLUTIONS

The Homer City Council wants to be proactive and is supportive of a sincere and honest look at new revenue for the State of Alaska. This includes:

- Examining the oil tax credit structure to ensure oil and gas exploration is not being subsidized by citizens
- Exploring an income tax
- Using our largest asset, the Permanent Fund, to fund essential government services by capping the Permanent Fund Dividend

IMPACT OF PROPOSED CUTS IN HOMER

The City of Homer is responsible for municipal governance in our community of 5,313 residents. We have 101.5 full time employees who fulfill the obligations of a local government. Our ability to do so is limited by statute, public interest, and available resources. Traditionally those resources have included State and Federal funding, which offset the burdens that might otherwise be felt by a local tax base.

On average our tax revenue comprises 72% of our total General Fund budget, and any impact from State decision-making on Alaska's economy further weakens the City's ability to sustainably serve our community. The City of Homer is very concerned about the impact cuts to the University, Alaska Marine Highway System, education, and Medicaid will have on our local economy. You need to know that just stopping these services will have a direct impact on the quality of life for Alaskans.

- The Kachemak Bay Branch of the Kenai Peninsula College is part of the fabric of Homer. It educates students in a formal learning environment and the community through diverse programming. It provides critical job training for everyone from fisherman to nurses and employs 56 full and part-time professionals.
- The City of Homer is the Home Port to the M/V Tustumena. In addition to employing local residents

Alaska Marine Highway System brings visitors and residents into town as a gateway to Seldovia, Kodiak, and Western Alaska. The ferry port in Homer is also a freight destination for cars and trucks from Kodiak, Seldovia, and the Aleutians. Fishermen use the ferry to move gear, groceries are transported to and from the outlying villages, and mail is sent using the marine highway.

- South Peninsula Hospital is the largest employer in Homer with over 400 professional jobs. The Hospital provides critical care to our residents; the Kenai Peninsula Borough has the fastest growing senior population in the State.
- Without adequately funded schools, families will leave Homer. Cuts to the Kenai Peninsula Borough will have a direct impact on the City of Homer and our residents. We are especially concerned about \$20 million in cuts to the Kenai Peninsula Borough School District that will force the closure of schools and compromise the quality of education. Without good schools, people will leave Homer which will further effect our local economy and erode our tax base.

Based on the proposed FY20 budget, we have highlighted below some of the areas that will be directly impacted based on your administration's proposed budget:

- Our Community Assistance funding was \$177,172 in State FY2019.
- Our receipt of the Petroleum Property Tax was \$5,998 in 2018.
- We received \$62,069 in 2018 in Fisheries Taxes from the State. These funds are invested directly back into our public access fish dock to support fishing industry infrastructure.

The City of Homer was hit hard in 2015 when the State reduced the contract with communities for shared prisoner space by 45% and we removed Community Assistance from our operating budget due to the uncertain future of the fund. Also during this time, the City Council cut the budget, which included staff reductions, and with voter approval, restructured sales tax to cover municipal operations. Recognizing the need to pay our own way, voters approved a .35% sales tax increase in 2018 to fund a long overdue police station. The City of Homer and its residents have stepped up to the plate. There is no room in our budget or tax base for further cost shifting.

We believe the proposed FY20 budget and approach that you have outlined reflects little concern for the burden that you have passed on to the residents of Alaska and the local governments that serve them. The City of Homer will work to mitigate the damage from these administrative actions while partnering with our legislative leaders to develop solutions that protect the public's interest.

Sincerely,

Homer City Council



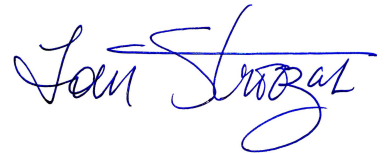
Mayor Ken Castner



Donna Aderhold




Heath Smith



Tom Stroozas



Shelly Erickson



Caroline Venuti



Rachel Lord



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

July 1, 2019

Joselyn Biloon
Area Planner
State of Alaska
Department of Transportation
P.O. Box 196900
Anchorage, Alaska 99519-6900

RE: Pedestrian Safety Study in Downtown Homer

Dear Ms. Biloon:

Thank you for taking the time to chat with me and hear my concerns about the ever-evolving mix of motorized vehicles and pedestrian traffic in Homer. I hope that we can incorporate some additional pedestrian features into our traffic schemes as the State repairs and makes improvements are to our streets over the next couple of construction seasons.

The City has the financial resources to participate in the cost of those pedestrian features by providing the 10% matching funds necessary to secure federal grants.

As we do not have a perfect understanding of the most effective methods to achieve higher safety, we would request someone from your Department first visit Homer to perform a study and provide recommendations. Of interest to the City include the intersection of Lake, Pioneer, and East End Road; a crossing of Lake Street at Smokey Bay; and progressive ideas about the turning traffic and pedestrians crossings near Safeway and the Islands and Ocean Visitor Center on the Sterling Highway.

Please feel free to call if you have any questions. My office number is 907.235.9028.

Yours sincerely,

Ken Castner, Mayor
City of Homer

**CITY OF HOMER
HOMER, ALASKA
IN APPRECIATION AND RECOGNITION**

***South Peninsula Behavioral
Health Services, Inc.***

40 Years of Community Service

It is said that the longest journey begins with a first step, and yours was taken in July of 1979 with the organization of an association of local citizens and health providers. In your purpose, the founders recognized the need for providing specialized mental health care. A location was secured, a director was hired, and a new health service was born.

Over the next forty years, your organization matured with incorporation, facilities expansions, and, most importantly, the incredible and purposeful additions of new services and programs.

And over that time, there has been a healthy exchange of leadership and support – as the community matured, so did your agency.

Modern medicine now recognizes the positive relationship between the development and well-being of the brain and the improved resistance to physical ailments. Congratulations in reaching this 40-year milestone.

So now I, Mayor Ken Castner, on behalf of the City of Homer, express our appreciation for your community service. May the next forty years be as successful.



KEN CASTNER, MAYOR



MELISSA JACOBSEN, MMC, CITY CLERK



ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-23

An Ordinance of the City Council of Homer, Alaska, Repealing and Reenacting Homer City Code Title 14 to be Entitled “Homer Public Utility Systems” and Homer City Code Title 17 to be Entitled “Public Assessments” to: 1) Consolidate Water and Sewer System Regulations and Rates; 2) Update Definitions and Common Terms, and 3) Create Uniformity Between Service and Assessment Practices and Repealing Homer City Code Chapters 9.08, 13.24 and 13.28 to Relocate Utility Construction Practices and Fees from Homer City Code 13.24 and Homer City Code 13.28 Into Titles 14 and 17 and Move Homer City Code 9.08 to Homer City Code 17.03 and Update Assessment Lien Enforcement Provisions to Incorporate State Law Requirements.

Sponsor: Lord/Stroozas

1. City Council Regular Meeting May 28, 2019 Introduction

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

2. City Council Regular Meeting June 10, 2019 Worksession and Public Hearing

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

3. City Council Regular Meeting June 24, 2019 Public Hearing

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

4. City Council Worksession July 10, 2019

Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

5. City Council Regular Meeting July 22, 2019, Public Hearing

Memorandum 19-089 from Councilmember Lord as backup
Memorandum 19-058 from Councilmembers Lord and Stroozas as backup
Memorandum 19-063 from City Attorney as backup

**CITY OF HOMER
HOMER, ALASKA**

Lord/Stroozas

ORDINANCE 19-23(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA REPEALING AND REENACTING HOMER CITY CODE TITLE 14 TO BE ENTITLED “HOMER PUBLIC UTILITY SYSTEMS” AND HOMER CITY CODE TITLE 17 TO BE ENTITLED “PUBLIC ASSESSMENTS” TO: 1) CONSOLIDATE WATER AND SEWER SYSTEM REGULATIONS AND RATES; 2) UPDATE DEFINITIONS AND COMMON TERMS, AND 3) CREATE UNIFORMITY BETWEEN SERVICE AND ASSESSMENT PRACTICES AND REPEALING HOMER CITY CODE CHAPTERS 9.08, 13.24 AND 13.28 TO RELOCATE UTILITY CONSTRUCTION PRACTICES AND FEES FROM HOMER CITY CODE 13.24 AND HOMER CITY CODE 13.28 INTO TITLES 14 AND 17 AND MOVE HOMER CITY CODE 9.08 TO HOMER CITY CODE 17.03 AND UPDATE ASSESSMENT LIEN ENFORCEMENT PROVISIONS TO INCORPORATE STATE LAW REQUIREMENTS.

WHEREAS, The Homer City Code currently requires property owners to connect to the Homer Sanitary Wastewater and Sewage System and the Homer Public Water System and regulates construction, installation, and use of these systems; and

WHEREAS, The regulatory, assessment, and fee provisions regarding Homer’s public utilities are located in various sections throughout the Code; and

WHEREAS, The laws governing Homer’s public utilities have not been recently updated to reflect the City’s growth, progress, and needs; and

WHEREAS, The Code contains technical construction and installation requirements that are best addressed via permit criteria rather than provisions in the Code; and

WHEREAS, It is in the City’s and the public’s best interest to identify assessments and procedures arising from public utilities and capital improvements in the same title and ensure all assessment procedures are clear, consistent, and easily understood; and

WHEREAS, Certain fees and assessments were addressed in Titles 9, 13, and 14 while others were in Title 17.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

43 Section 1: Chapter 13.24 entitled “Sanitary Systems” is hereby repealed.

44

45 Section 2: Chapter 13.28 entitled “Water Systems” is hereby repealed.

46

47 Section 3: Chapter 9.08 entitled “Enforcement of Local Improvement District
48 Assessments” is hereby repealed.

49

50 Section 4: Title 14 “Public Services” is repealed and reenacted to read as follows:

51

52

TITLE 14

53

CITY OF HOMER PUBLIC UTILITY SYSTEMS

54

55 Chapters

56 14.01 Homer Public Utility Systems-General Provisions

57 14.04 Homer Sanitary Wastewater and Sewage System

58 14.08 Homer Public Water System

59 14.50 Utility Distribution Facilities

60

61

CHAPTER 14.01

62

HOMER PUBLIC UTILITY SYSTEMS-GENERAL PROVISIONS

63

64 Sections:

65 14.01.010 Water and sewer service area.

66 14.01.020 City Manager rule making authority.

67 14.01.030 Immunity for discretionary acts.

68 14.01.040 Violation-Penalty.

69 14.01.045 Violation-Right of appeal.

70 14.01.050 Bond or cash deposit.

71 14.01.060 State contractor required.

72 14.04.070 Utility permits-Appeal procedure.

73 14.01.080 Utility permit appeals-Superior court.

74 14.04.090 Water and sewer rate schedules.

75

76 14.01.010 Water and sewer service area.

77

78 a. No water or sewer service shall be provided beyond the boundaries of the City of Homer
79 except as otherwise provided in this title or upon approval granted by City Council via
80 ordinance.

81

82 14.01.020 City Manager rulemaking authority

83

84 a. The City Manager is empowered to make rules and regulations for the administration of
85 City water and sewer services and construction, repair, operations, and maintenance of City
86 water and sewer systems. Any rules and regulations adopted by the City Manager under this
87 section and the current utility rates adopted by Council shall be available for public
88 inspection at the City Clerk's office, the Public Works Department, and on the City's website.

89
90 b. No person shall fail to comply with any rule or regulation adopted under the authority of
91 this section.

92
93 14.01.030 Immunity for discretionary acts.

94
95 An action for damages may not be brought against the City, or any of its agents, officers,
96 contractors or employees, for a claim based on the exercise or failure to exercise any
97 discretionary function or duty granted in this title, whether or not the discretion was abused,
98 including, without limitation, the exercise of discretion to restrict, interrupt, decrease, or
99 terminate the sale of water to bulk water customers, resellers, or others for export or
100 consumption outside the certificated service area or the discontinuance of water or sewer
101 services. Nothing in this section shall be construed to limit any defenses or immunities
102 available under AS 09.65.070 or any other provision of law.

103
104 14.01.040 Violation-Penalty.

105
106 a. The penalty for violating a provision of this title is the fine listed in the fine schedule in HCC
107 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in
108 court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless
109 another penalty is specifically provided.

110
111 b. The City shall provide notice of a violation via certified return receipt U.S. mail to the owner
112 of the property on which the violation is occurring. This notice shall include the name of the
113 property owner, the location of the violation, the Code provisions violated, and the action
114 necessary to correct the violation.

115
116 c. Before assessing penalties under this section, the City shall provide written notice of
117 penalty to the property owner via certified return receipt U.S. mail and personal delivery.
118 This notice shall include all the information required in subsection (b), the date from which
119 penalties incur, and notice of the right to appeal to the City Manager.

120
121 14.01.045 Violation-Right of appeal.

122
123 a. The finding of a violation and assessment of a penalty within 30 days from the date the
124 notice of penalty was postmarked.

125

126 b. Untimely appeals shall not be accepted. A notice of appeal must be filed in writing with the
127 City Clerk and be accompanied by the appeal fee set forth in the Homer fee schedule. The
128 notice must contain:

- 129 1. Name and address of the owner of the property issued the citation;
- 130 2. A copy of the notice being appealed;
- 131 3. A statement of the grounds for appeal that must include detailed and specific
132 allegations of error and references to applicable provisions of the Code or other law.

133
134 c. The City Manager may appoint a hearing officer or City official, other than the Public Works
135 Director, to act as the decision maker in an appeal under this section.

136
137 d. An appeal before the City Manager or his or her designee shall be heard within 30 days
138 from the day the appeal is filed. The person against whom the violation is assessed shall be
139 given an opportunity to be heard at a public hearing and shall have an opportunity to make
140 an oral argument and present evidence.

141
142 e. The City Manager or his or her designee shall issue a final written decision with his or her
143 findings no more than 30 days after the hearing.

144
145 14.01.050 Bond or cash deposit
146

147 a. Every person, firm or corporate entity carrying on the business of construction and
148 connecting to City sewer and/or water within the City may be required to deposit a bond or
149 cash deposit in favor of the City in an amount and under such conditions deemed appropriate
150 by the City Manager or his or her designee to cover damages of any kind resulting from that
151 person's, firm's or entity's operations. All such sewer or water construction and connections
152 shall be completed in a good and workmanlike manner in accordance with the specifications
153 required by the City. The bond or cash deposit shall be further conditioned that the principal
154 shall repair any damage done to the public sewer or water system on account of such work
155 and shall return the surface of the ground, street, road, building, facility, right-of-way or
156 easement to its original condition insofar as possible and in accordance with the
157 requirements of the City.

158
159 b. Every person, firm or corporate entity carrying on the business of construction and
160 connecting to City sewer and/or water within the City must be approved in writing by the
161 Public Works Director. The Public Works Director shall approve a person, firm or corporate
162 entity under this section so long as he, she or it:

- 163 1. Meets all state and local licensing requirements
- 164 2. Provides a statement demonstrating experience in substantially similar or the
165 same construction projects
- 166 3. Carries liability insurance in the aggregate amount of not less than \$500,000 or
167 as may be additionally required in an amount in excess of \$500,000 as may be deemed

168 necessary for the work by the Public Works Director or their designee to cover the insurance
169 requirement of the work.

170

171 14.01.060 State contractor required.

172

173 A contractor working for the City on a water or sewer project or conducting construction
174 within a public easement or right-of-way shall file a copy of their current State contractor's
175 certificate with the office of the City Clerk.

176

177 14.01.070 Utility permits-Appeal procedure.

178

179 a. Any person who is dissatisfied with the approval or denial of a permit under this title may
180 appeal the decision to the City Manager no more than 30 days after the Public Works Director
181 approves or denies the permit.

182

183 b. An appeal to the City Manager must be filed within 30 days of the written approval or
184 denial of a permit under this chapter. Untimely appeals shall not be accepted. A notice of
185 appeal must be filed in writing with the City Clerk and be accompanied by the appeal fee set
186 forth in the Homer fee schedule. The notice must contain:

- 187 1. Name and address of the permit applicant;
- 188 2. A copy of the order or decision being appealed;
- 189 3. A statement of the grounds for appeal that must include detailed and specific
190 allegations of error and references to applicable provisions of the Code or other law.

191

192 c. The City Manager may appoint a hearing officer or City official, other than the Public Works
193 Director, to act as the decision maker in an appeal under this section.

194

195 d. An appeal before the City Manager or his or her designee shall be heard within 30 days
196 from the day the appeal is filed. The permit applicant shall be given an opportunity to be
197 heard at a public hearing and shall have an opportunity to make an oral argument and
198 present evidence.

199

200 e. The City Manager or his or her designee shall issue a final written decision with his or her
201 findings no more than 30 days after the hearing.

202

203 14.01.080 Utility permit appeals- Superior Court

204

205 A final decision of the City Manager or his or her designee may be appealed to the Superior
206 Court no later than 30 days following the date the decision of the hearing officer is issued. An
207 appeal to the court must be filed according to the applicable court rules.

208

209 14.01.090 Water and sewer rate schedule

210 a. The City Council shall adopt, renew, review and amend, as necessary, a water and sewer
211 rate schedule annually via resolution. Copies of the rate schedule shall be available at the
212 Public Works Department. The schedule may also be available on the City’s website.

213
214 b. The City will allow, upon approval of a written application and payment of fee established
215 by the City Council, a second water usage meter to measure the flow of City water that is not
216 discharged to the Sanitary System. This second meter will be read monthly and sewer
217 charges will be credited monthly.

218
219 CHAPTER 14.04
220 HOMER SANITARY WASTEWATER AND SEWAGE SYSTEM

221
222 Sections:

- 223 14.04.010 Purpose.
- 224 14.04.015 Definitions.
- 225 14.04.018 Service connection charges.
- 226 14.04.020 Connection – Required.
- 227 14.04.030 Industrial waste.
- 228 14.04.050 Sewer service connection and extension permit.
- 229 14.04.055 Sewer connection and extension permit fee.
- 230 14.04.060 Disposition of revenue.
- 231 14.04.070 Destruction/abandonment of private sewage disposal systems.
- 232 14.04.080 Commercial waste disposal permit.
- 233 14.04.090 Industrial waste disposal permit.
- 234 14.04.100 Discharge of surface drainage into HSWS illegal.

235
236 14.04.010 Purpose.

237
238 It is the intent of this chapter to establish rules and regulations for the operation and
239 installation of the Homer Sanitary Wastewater and Sewage System, which may be called the
240 “HSWS” or the “Sanitary System” throughout this chapter. It is the goal of the City of Homer
241 for all wastewater and sewage within City boundaries to be connected to the HSWS, ensuring
242 proper wastewater and sewage management throughout the City. This Code should be
243 interpreted in furtherance of that goal.

244
245 14.04.015 Definitions.

246
247 For the purposes of this chapter, the following words and phrases shall have the meanings
248 set forth below:

249
250 “ADEC” means the State of Alaska Department of Environmental Conservation.

252 A “directly adjacent” sewer main means either (1) the main extends the entire length of the
253 frontage of the lot along an easement or right-of-way; or (2) it extends at least 10 feet into an
254 easement or right-of-way adjacent to the lot and the Public Works Director determines that
255 the main will not be extended to serve additional lots.

256
257 “Domestic sewage” means waste containing human or animal excretion, other than
258 industrial waste.

259
260 “Dwelling” or “dwelling unit” means any building or portion thereof which contains living
261 facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than
262 one family.

263
264 “Industrial plant” means a plant or works producing waste material, other than domestic
265 sewage.

266
267 “Industrial waste” means liquid or solids contained within a liquid, other than domestic
268 sewage.

269
270 “Multiple-family dwelling” means a building or portion thereof designed for occupancy by
271 two or more families living independently in separate dwelling units which may or may not
272 share common entrances and/or other spaces.

273
274 “On-site sewer connection line” means the part of the sewer connection line located on the
275 property being serviced by that line.

276
277 “Off-site sewer connection line” means the part of the sewer connection line located in a
278 public easement or right-of-way.

279
280 “Premises” means a lot, parcel of land, building or establishment.

281
282 “Sewage” means a combination of liquid- or water-carried human waste conducted away
283 from residences, business buildings and institutions, which is known as domestic sewage,
284 together with the liquid- or water-carried waste resulting from a manufacturing process
285 employed in industrial establishments, including the washing, cleaning or drain water from
286 such process or establishment, which is known as industrial waste.

287
288 “Sewer connection line” means a line or pipe carrying sewage from a premises to a sewer
289 main.

290
291 “Sewer extension” means an extension of the sewer main.
292

293 “Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent
294 to the lot being serviced by the line or pipe.

295

296 14.04.018 Service connection charges.

297

298 A person applying for sewer service to property not previously connected to the Sanitary
299 System shall pay a sewer connection charge, which shall include engineering costs of
300 inspecting and/or installing the on-site sewer connection line and permit application fees
301 and costs. The amount of the sewer connection charge and the costs included in that charge
302 shall be published annually on the City website and a newspaper of general circulation.

303

304 14.04.020 Connection – Required.

305

306 a. Except as otherwise provided in this chapter, no person shall erect or occupy a dwelling or
307 commercial or industrial building directly adjacent to the Sanitary System without
308 connecting to the Sanitary System.

309

310 b. Except when expressly approved by permit, spaghetti lines are prohibited. No service will
311 be provided to a lot that is not directly adjacent to a sewer main.

312

313 c. Where the Sanitary System is not available, a septic system may be used so long as the
314 septic system is installed and maintained as required by ADEC and all other laws and provide
315 adequate disposal of waste.

316

317 d. Except as otherwise provided in this section, Property owners must connect to the Sanitary
318 System no more than three years after the owner of a property receives written notice that
319 the Sanitary System is available to the property.

320

321 e. Property owners with compliant and fully functioning septic systems may wait to connect
322 to the Sanitary System but shall connect to the Sanitary System before and instead of
323 replacing or repairing any substantial component of a septic system on the property.
324 Property owners delaying connection the Sewer System under this subsection must provide
325 written notice of the property owner’s intent to temporarily stay connection only in
326 compliance with the code. The notice of stay must be received by the City no more than 60
327 days after the City provides written notice to the property owner that the Sanitary System is
328 available to the property. A Notice to Stay Connection is available at the Clerk’s office, the
329 Public Works Department, and/or on the City’s website.

330

331 f. Outhouses, cesspools, privies or any private wastewater system that is not subject to
332 approval and regulation by **ADEC** is prohibited within the City.

333

334 14.04.030 Industrial Waste.

335
336 The City shall adopt industrial pretreatment discharge and waste disposal procedures and
337 regulations. These procedures and regulations and any amendments to them must be
338 approved by Council via ordinance.

339
340 14.04.050 Sewer service connection and extension permit.

341
342 a. No person shall install a sewer extension or a sewer connection line without first obtaining
343 a sewer connection permit from the City. Permit applications may be obtained from the
344 Public Works Department, the City Clerk's office, and/or the City's website. Permit fees must
345 be paid at the time the application is submitted. The sewer connection and extension permit
346 fee shall include all inspection and administrative costs. All other fees for delayed or deferred
347 services, in lieu of assessments and necessary right-of-way permits shall be in addition to the
348 permit fee.

349
350 b. A property owner installing a sewer connection or extension which qualifies for a deferred
351 assessment payment or makes a payment in lieu of assessment, shall pay the assessment
352 prior to issuance of the connection or extension permit.

353
354 c. The sewer connection permit criteria shall be identified in the permit application obtained
355 from the Public Works Office.

356
357 d. All work and materials must meet the standards and specifications as described in the
358 permit application, Homer City Code, the Uniform Building Code, and ADEC.

359
360 e. Property owners connecting to the Sanitary System shall provide and pay for all materials,
361 labor, and equipment for the excavation, connection and installation of the sewer line and
362 shall be responsible for any liability, damages or costs arising from installation, excavation,
363 and connection.

364
365 f. All sewer connections and extensions shall be inspected by the Public Works Department
366 before the connection is used. The customer shall make arrangements with the Public Works
367 Department at least 24 hours in advance for all required inspections.

368
369 14.04.070 Destruction/Abandonment of private sewage disposal systems.

370
371 All septic tanks, cesspools, privies, or sewage holding tank/vaults shall be removed, filled or
372 destroyed in full compliance with Conservation requirements and the Uniform Plumbing
373 Code.

374
375 14.04.080 Commercial waste disposal permit.

376

377 a. Except for property owners connecting to the Sanitary System for disposal of waste from a
378 single family dwelling or property owners required to obtain an industrial waste disposal
379 permit, all property owners must obtain a commercial waste disposal permit before
380 discharging any waste into the Sanitary System.

381
382 b. The waste disposal permit application shall be available at the Public Works Office and
383 may be available on the City's website. The permit fee must be paid at the time the
384 application is submitted. The criteria for the permit shall be included in the application.

385
386 c. The Public Works Director shall issue a commercial waste disposal permit so long as:
387 1. The Public Works Director reasonably believes, and the property attests that the
388 type of waste reported by the property owner will not damage the Sanitary System;
389 and
390 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

391
392 d. The Public Works Director or his designee may revoke, modify or impose conditions upon a
393 disposal permit if he or she finds, in his or her sole discretion, that revocation, conditions or
394 modifications to the permit are required to prevent or stop damage to the Sanitary System.
395 Except when immediate action is necessary to protect the Sanitary System and prevent
396 immediate harm to public health and sanitation, the Public Works Director shall provide
397 notice to the property owner at least 30 days before revoking or modifying a disposal permit.

398
399 14.04.090 Industrial waste disposal permit.

400
401 a. All significant industrial users must obtain an industrial waste disposal permit from the
402 City. A significant industrial user means an industrial user of the System who meets any one
403 of the following criteria:

- 404 1. Is subject to or potentially subject to national pretreatment standards promulgated
405 under Section 307(b) or (c) of the Clean Water Act;
406 2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part
407 403 or listed by the Public Works Director;
408 3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Clean
409 Water Act or regulations promulgated thereto;
410 4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
411 5. Has a flow greater than five percent of the flow into the HSWS or of the design
412 pollutant loading capacity of the HSWS; or
413 6. Is determined by the Public Works Director to have a significant impact or potential
414 for significant impact, either singly or in combination with other contributing
415 industries, on the wastewater treatment system, the quality of sludge, the HSWS
416 effluent quality, or air emissions generated by the HSWS.

417

418 b. The industrial waste disposal permit application shall be available at the Public Works
419 Office, and may also be available on the City’s website. The permit fee must be paid at the
420 time the application is submitted. The criteria for the permit shall be included in the
421 application.

422 c. The Public Works Director shall only issue an industrial waste disposal permit after finding
423 that:

424 1. The applicant and the sewage generated on the property subject to the permit
425 complies with the City of Homer Industrial Pretreatment and Discharge Policies as
426 adopted by Council; and

427 2. The sewer pipeline has sufficient capacity to dispose of the disclosed wastes.

428
429 d. The Public Works Director or his designee may revoke, modify or impose conditions upon
430 an industrial waste disposal permit if he or she finds, in his or her sole discretion, revocation,
431 conditions or modifications to the permit are required to prevent or stop damage to the
432 Sanitary System. Except when immediate action is necessary to protect the Sanitary System
433 and prevent immediate harm to public health and sanitation, the Public Works Director shall
434 provide notice to the property owner at least 30 days before revoking or modifying a disposal
435 permit.

436
437 14.04.100 Discharge of surface drainage into HSWS Illegal.

438
439 No connections shall be made to any public sewer or any premises for the purpose of
440 directing or diverting any storm water or any surface or underground drainage into the
441 sewer, and no person shall discharge into any public sewer or house lateral any leader pipe
442 from a roof, surface drain, underground drain or any solid or liquid waste other than the
443 sewage composed of the ordinary liquid wastes of residences, business buildings and
444 institutions from baths, toilets, laundries, wash tubs, sinks and floor drains. Connections of
445 surface or groundwater to the sanitary sewer are considered illegal.

446
447 CHAPTER 14.08
448 HOMER PUBLIC WATER SYSTEM

449 Sections:

- 450 14.08.010 Purpose.
- 451 14.08.020 Definitions.
- 452 14.08.030 Water connections and extensions.
- 453 14.08.037 Water meters.
- 454 14.08.040 Water meter installation.
- 455 14.08.050 Water connection and extension permit.
- 456 14.08.060 Disconnection due to nonpayment.
- 457 14.08.070 Frozen pipes – City not liable.
- 458 14.08.080 Discontinuance of water.
- 459 14.08.090 Priority use of water.

- 460 14.08.100 Surplus water – Sale.
- 461 14.08.110 Water shortage or emergency declaration.
- 462 14.08.120 Water shortage or emergency – Interruption of sale of surplus water –
- 463 Other measures.
- 464 14.08.130 Water shortage or emergency – Appeal.
- 465 14.08.150 Service deposits.
- 466 14.08.160 Bulk water sales.
- 467 14.08.170 Water filling station permit.
- 468
- 469 14.08.010 Purpose.
- 470

471 It is the intent of this chapter to establish rules and regulations for the operation of the
472 Homer Public Water System. The Homer Public Water System may also be called “HPWS” or
473 the “Water System” in this chapter, permit applications, and/or City regulations and policies.
474 The provisions in this chapter also provide for the financial management of the Water
475 System.

476

477 14.08.020 Definitions.

478

479 For the purposes of this chapter, the following words and phrases shall have the meanings
480 set forth below:

481

482 “Bulk water” means water purchased from the City and supplied to the customer by means of
483 fire hydrant, tanker truck, or by any other means other than through a direct connection from
484 a water main to the premises where the water is consumed.

485

486 “Bulk water customer” means a person who purchases bulk water from the City.
487 A “directly adjacent” water main either (1) extends the entire length of the frontage of the lot
488 along a public easement or right-of-way; or (2) extends at least 10 feet into the easement or
489 right-of-way adjacent to the lot and the Public Works Director has determined that at no time
490 will the water main be extended to serve additional lots.

491

492 “Reseller” or “reseller of water” means a person who purchases water from the City and, for
493 valuable consideration, provides any quantity of such water to another person, but it shall
494 not include any eating or drinking establishment that provides its customers City water only
495 by the glass.

496

497 “Standard service account” means an established City water utility account for metered
498 water service through a direct connection from the City water main to the premises served.

499

500 “Surplus water” means water that the City administration has determined, in its sole
501 discretion, is in excess of the water needed to meet the consumption, sanitation, and fire
502 protection needs within the boundaries of the City.

503

504 “Multiple-family dwelling” means a building or portion thereof designed for occupancy by
505 two or more families living independently in separate dwelling units which may or may not
506 share common entrances and/or other spaces.

507

508 “Off-site water connection line” means the part of the water connection line located in a
509 public easement or right-of-way.

510

511 “On-site water connection line” means the part of the water connection line located on the
512 property being serviced by that line.

513

514 “Premises” means a lot, parcel of land, building or establishment.

515

516 “Water connection line” means a line or pipe carrying water from the water main to a
517 premises.

518

519 “Water extension” means an extension of the water main.

520

521 “Spaghetti line” means a pipe or line connecting to a sewer main that is not directly adjacent
522 to the lot being serviced by the line or pipe.

523

524 “Water filling station” means a non-City facility used to supply bulk water from the Water
525 System to a tanker truck or other means of conveyance.

526

527 14.08.030 Operation of water valves, fire hydrants and curb stops.

528

529 Only authorized City personnel shall operate water valves, fire hydrants, and curb stops.

530

531 14.08.040 Water meter installation.

532

533 a. Property owners must install a water meter and related components before they will be
534 eligible to connect to the Water System. Installation of all water meters must comply with
535 installation instructions drafted by the Public Works Department and approved by City
536 Council and available at the City Clerk’s Office and Public Work’s office. A violation of the
537 installation instructions shall constitute a violation of this chapter.

538

539 b. The property owner required to install the water meter shall be responsible for all costs
540 associated with installation of that meter and its corresponding mechanisms and a rental fee
541 for the meter from the City.

542

543 c. The City shall have the right to install a water meter remote on a building serviced or
544 scheduled to be serviced by the Water System. The meter shall be the size and model
545 indicated by the Public Works Director.

546

547 d. Water meters remain City property. Persons renting meters shall be responsible for
548 damage arising from external damage and freezing. Internal wear and tear and failure of the
549 meter due to general external wear and tear shall be the responsibility of the City. Customers
550 shall provide reasonable access for City personnel to maintain, monitor, and service a meter.

551

552 14.08.050 Water connection and extension permit.

553

554 a. All property owners connecting to the Water System must obtain a permit prior to starting
555 construction.

556

557 b. The Water System connection and extension permit application shall be available at the
558 City Clerk's office, the Public Works Department, and/or on the City's website. The permit fee
559 must be paid at the time the application is submitted. The criteria for the permit shall be
560 included in the application.

561

562 c. The Public Works Director or his or her designee may revoke, modify or impose conditions
563 upon a Water System permit if he or she finds, in his or her sole discretion, that revocation,
564 conditions or modifications to the permit are required to prevent or stop damage to the
565 Water System. Except when immediate action is necessary to protect the Water System and
566 prevent immediate harm to public health and sanitation, the Public Works Director shall
567 provide notice to the property owner at least 30 days before revoking or modifying a Water
568 System permit.

569

570 d. Installation of a Water System connection or extension of a water main must meet the
571 standards and specification in the permit application, the Homer City Code, and any
572 applicable state or federal law or regulations, including but not limited to State of Alaska
573 Department of Labor Occupational Safety and Health requirements.

574

575 e. A property owner installing an on-site water connection line or extending a water main is
576 solely responsible for all costs and liability associated with or arising from the excavation,
577 connection, and installation of the on-site water line or water main extension.

578

579 14.08.060 Disconnection due to nonpayment.

580

581 The City may discontinue water service for nonpayment of any utility service charges,
582 connection fees and related charges. The City shall provide notice to a Water System user at
583 least 30 days before discontinuing water service due to nonpayment.

584
585 14.08.070 Frozen pipes – City not liable.
586
587 Customers will be solely responsible for all on-property frozen water connections and
588 extensions.

589
590 14.08.080 Discontinuance of water.
591
592 Water may at any time be shut off from water mains without notice for repairs, extensions or
593 other necessary purposes. The City will not be liable to the customer for any loss or damage
594 caused by disruptions in water service.

595
596 14.08.090 Priority use of water.
597
598 The first priority of use of the water produced by the Water System is to provide for human
599 consumption, sanitation, and fire protection needs of water consumers within the
600 boundaries of the City of Homer.

601
602 14.08.100 Surplus water – Sale.
603
604 a. Subject to subsection (b) of this section and other provisions of this chapter, water may be
605 made available for sale to bulk water customers, resellers, and others for export or
606 consumption outside the boundaries of the City of Homer.

607
608 b. Notwithstanding any other provision of this title, City Council may by resolution restrict,
609 interrupt, decrease, or terminate the sale of water for export or consumption outside the
610 boundaries of the City if Council determines it is in the best interests of the City to do so.

611
612 14.08.110 Water shortage or emergency declaration.
613
614 a. City Council may declare a water shortage and restrict the use of water within the
615 boundaries of the City if it finds, via resolution, and after conducting a public hearing,
616 insufficient water available to meet the sanitation, fire protection, and consumption needs
617 within the boundaries of the City.

618
619 b. City Council may declare a surplus water shortage via resolution and restrict use of surplus
620 water as Council deems necessary and in the City’s best interest.

621
622 c. The City Manager may declare a water emergency of up to 30 days if he or she finds that
623 there is an imminent threat or actual impairment to the City’s ability to meet water supply
624 demands. The City Manager shall submit a summary of the declaration of water emergency
625 and the reasons for the declaration at the next regularly scheduled Council meeting.

626 14.08.120 Water shortage or emergency – Interruption of sale of surplus water – Other
627 measures.

628

629 a. If a water shortage or water emergency is declared, the City shall first restrict, decrease,
630 interrupt, or terminate the sale of surplus water. The City may take any other measures that
631 the City determines, in its sole discretion, are necessary to address the water shortage or
632 emergency so long as it does so without discrimination between similarly situated
633 consumers.

634

635 b. Any measures adopted in response to a declared water shortage or emergency shall, for
636 the duration of the period of the declared shortage or emergency, prevail over any conflicting
637 provisions of law establishing rights of persons to receive specific or proportionate amounts
638 of the water supply.

639

640 c. Any measures adopted in response to a declared water shortage or water emergency will
641 be made available for public inspection at the City Clerk’s office, at the City Library, and at
642 the Public Works Department while those measures are in effect. Notice of the measures shall
643 also be posted on the City’s website within 48 hours after the declaration of the water
644 shortage or emergency.

645

646 14.08.130 Water shortage or emergency – Appeal.

647

648 Any person aggrieved by a City Council declaration of a water shortage or water emergency
649 under HCC 14.08.110, or by any action taken by the City in response to such a declaration,
650 may appeal the declaration or action to the Superior Court. The appeal must be filed within
651 30 days from the date the declaration was adopted or action taken. The declaration or action
652 of the City shall not be reversed except on the ground that such declaration or action was
653 fraudulent, arbitrary, or capricious.

654

655 14.08.150 Service deposits.

656

657 a. All water service users, at the time the service is established, shall pay a deposit based on
658 meter size, established by Council via resolution.

659

660 b. Deposits and any accrued interest shall be refunded:

661 1. After one year of service provided the customer has made all payments owed in full
662 and at the time due; or

663 2. No more than 45 days after the date customer is disconnected from the Water
664 System or stops receiving service. Service deposits and any interest shall first be
665 applied to any outstanding balance owed by the disconnecting customer. If there is a
666 balance, the remaining deposit and interest after the payment of that balance shall be
667 refunded to the disconnecting customer.

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c. Waiving of Deposits. If a customer has had utility service with the City within the last two years and paid their City utility payments on time, the Finance Department may waive the deposit requirement under this section.

d. Landlord Agreement. An owner/customer who requests an automatic continuance of utility service between renters may enter into a landlord agreement with the City for this purpose. This request should be directed to the Finance Department.

14.08.160 Bulk water sales.

a. Bulk water sales rates shall be established by City Council via resolution. The schedule for service fees shall apply to all bulk water service requests.

b. The meter deposit will be returned when the meter is returned undamaged.

c. If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, the customer must repair or replace the meter at its sole expense. The City may at any time test the meter for accuracy and reject a repaired meter that it is not accurate.

14.08.170 Water filling station permit.

a. No person shall establish or operate a water filling station to obtain water from the Water System unless that person has a water filling station permit issued by the City.

b. A person shall apply for a water filling station permit on a form provided by the City. The permit application is available at the City Clerk's office, the Public Works Department, and may be available on the City's website. The permit fee must be submitted with the application.

c. The water filling station permit criteria shall be included in the permit application and any conditions and terms of the permit shall be included on the face of the permit. Water filling station permit terms and conditions may include, but are not be limited to, uniform or site-specific flow rate restrictions, storage tank requirements, and other provisions required by the Public Works Department to minimize adverse effects on the Water System and promote its efficient operation.

CHAPTER 14.50
UTILITY DISTRIBUTION FACILITIES

710 Sections:

711 14.50.010 Definitions.

712 14.50.020 Underground installation of cable extensions.

713 14.50.030 Enforcement of this chapter.

714

715 14.50.010 Definitions.

716

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

720

721 “Cable” includes cables and wires of all descriptions.

722

723 “Natural Gas Assessment District” means City of Homer Natural Gas Distribution Special
724 Assessment District created by Homer City Ordinance 13-02.

725

726 “Public utility” includes every corporation, whether public, cooperative, or otherwise,
727 company, individual, or association of individuals, their lessees, trustees, or receivers
728 appointed by a court, that owns, operates, manages, or controls any plant or system for (1)
729 furnishing, by generation, transmission, or distribution, electrical service to the public for
730 compensation; (2) furnishing telecommunication service to the public for compensation.

731

732 “Public utility” includes all public utilities, whether or not subject to regulation by the
733 Regulatory Commission of Alaska.

734

735 “Telecommunications” means the transmission and reception of messages, images,
736 impressions, pictures, data, and signals by means of electricity, electromagnetic waves, and
737 any other kind of energy, force variations, or impulses, whether conveyed by cable, wire,
738 radiated through space, or transmitted through other media within a specified area or
739 between designated points.

740

741 14.50.020 Underground installation of cable extensions.

742

743 After October 24, 2006, all public utility cable facilities, including, but not limited to, electric
744 power, telephone, and telecommunications cables constructed or installed for the purpose of
745 providing utility service to any land not served before that date by overhead cable facilities,
746 shall be installed underground, and no cables or supporting poles shall be constructed or
747 installed above ground for such purpose, unless the utility obtains an approved exception
748 pursuant to HCC 22.10.055(e) or (f).

749

750 14.50.030 Enforcement of this chapter.

751

752 a. In addition to penalties and remedies set forth in this title, no permit may be issued to
753 install a utility line on City property or in a City-owned or controlled easement or right-of-way
754 in violation of this chapter.

755

756 Section 8: Title 17 entitled “Improvement Districts” is hereby repealed and reenacted
757 to read as follows:

758

759

TITLE 17
PUBLIC ASSESSMENTS

760

761 Chapters:

762 17.01 General Provisions

763 17.02 Special Assessment Districts

764 17.03 Enforcement of Public Assessments

765 17.05 Homer Public Water System Assessment Fund

766 17.10 Water and Sewer Zone Connection Assessments

767 17.15 Water and Sewer Individual Connection Assessments

768 17.15 Public Utility and improvement short-term financing

769 17.20 Developer Reimbursement Plans

770

771

CHAPTER 17.01
GENERAL PROVISIONS

772

773 Sections:

774 17.01.010 Definitions.

775 17.01.020 Purpose.

776 17.01.030 Assessment authority.

777 17.01.010 Definitions.

778

779 17.01.010 Definitions.

780

781 For the purposes of this title, the following words and phrases shall have the meanings set
782 forth below:

783

784 “Benefited area method” means a method of assessment that determines each parcel’s share
785 of the assessment by dividing the total cost of the improvements on which the assessment is
786 based by the total square footage of land benefitted by the improvement and then allocating
787 a portion of the cost of the assessment to each parcel based upon the square footage of the
788 land benefitted by the improvement. The Public Works Director has the authority and
789 discretion to calculate and apply the benefited area method. The square footage included in
790 the calculation shall include only developable land.

791

792 “Cost” means all expenses incurred by the City for an improvement, including but not limited
793 to, advertising expenses, fees of engineers, architects and surveyors, legal fees, costs of

794 property acquisition, payments to construction contractors, costs of interim and long-term
795 financing of the improvement, including costs of issuing bonds and notes, and City
796 administrative costs.

797
798 “Developable land” means land that, in the discretion of the Public Works Director, can be
799 reasonably developed for uses permitted within the property’s zoning district.

800
801 “District” means a special assessment district created under this chapter unless otherwise
802 specified.

803
804 “Improvement” means a capital improvement, including without limitation streets,
805 sidewalks, alleys and bridges; street lighting; drainage and flood control facilities; sanitary
806 sewage collection and treatment facilities; water supply and distribution facilities; natural
807 gas distribution facilities; and parks, playgrounds, public squares and open space.

808
809 “Public Works Director” means the Public Works Director or his or her designee. If the Public
810 Works Director position is not filled or temporarily empty, the City Manager or his or her
811 designee will serve as the “Public Works Director” for purposes of this Title.

812
813 “Special Assessment Application Fee” means the fee charged for the processing of the special
814 assessment district application. The fee is approved annually by Council in the resolution
815 adopting the City fee schedule.

816
817 “Record owner” means the person in whose name real property is listed on the property tax
818 roll prepared by the Kenai Peninsula Borough and thus the record owner of that real property
819 for purposes of this Title.

820
821 17.01.020 Purpose.

822
823 a. The purpose of this title is to identify the assessments the City may charge for acquiring,
824 installing or constructing capital improvements and utility systems that benefit real property
825 within City boundaries.

826
827 17.01.030 Assessment authority.

828
829 The City may assess all or part of the cost of a capital improvement against real property
830 benefited by the improvement, whether the property is privately or governmentally owned,
831 including real property that is exempt from taxation.

832
833 CHAPTER 17.02
834 SPECIAL ASSESSMENT DISTRICTS

835

836 Sections:

837

838 17.02.030 Purpose and authority for special assessment districts.

839 17.02.040 Initiation of a special assessment district.

840 17.02.050 Creation of a special assessment district.

841 17.02.060 Contract – Approval of increased costs.

842 17.02.070 Special assessment roll.

843 17.02.080 Certification of assessment roll.

844 17.02.090 Payment.

845 17.02.100 Subdivision after levy of assessments.

846 17.02.120 Reassessment.

847 17.02.130 Objection and appeal.

848 17.02.140 Interim financing.

849 17.02.150 Special assessment bonds.

850 17.02.160 Time limit for special assessment districts.

851 17.02.170 Water and sewer connections required.

852 ~~17.02.180 Road improvement assessments for lots with two street frontages.~~ **[This section**
853 **was clarified and moved to a new Chapter, HCC 17.15. The original language of the**
854 **section has been edited in HCC 17.15 to permit review of the changes.]**

855 17.02.190 Hardship deferrals.

856 17.02.200 Payment in lieu of assessment.

857

858 17.02.030 Purpose and authority for special assessment districts.

859

860 a. A special assessment district may be created for the purpose of acquiring, installing or
861 constructing a capital improvement that primarily benefits real property in the district, in
862 contrast to capital improvements that benefit the entire community and are paid for with
863 general government resources or improvements that benefit a specific individual parcel.

864

865 b. The purpose of this chapter is to prescribe the procedure for initiating a special assessment
866 district, authorizing an improvement in a special assessment district, approving and levying
867 special assessments, payment of special assessments, and the authorization of special
868 assessment bonds, for public information and administrative guidance.

869

870 17.02.040 Initiation of special assessment district.

871

872 a. A special assessment district may be initiated by:

873 1. A Resolution, initiated by a Council member, the City Manager, or through the
874 developer reimbursement application process set forth in this Title and approved by a
875 vote of not less than three-fourths of Council; or

876 2. A Petition signed by 50% of the total record owners who receive notice from the City
877 Clerk's office that they will be assessed a portion of the costs of a single capital
878 improvement.

879
880 b. Special assessment petition applications are available from the Clerk's office. A benefited
881 property owner proposing a special assessment district by petition must file with the Clerk a
882 complete special assessment petition application no more than 60 days after the notice of
883 assessment is issued to record owners. The Clerk shall approve all properly and timely
884 submitted applications within 10 days of the date on which the application is filed. The Clerk
885 shall notify the petition sponsor in writing that the petition has been approved, prepare the
886 petition, and distribute it by certified mail to all record owners of property in the proposed
887 district no more than 30 days after the petition application is approved.

888
889 c. Upon adoption of a resolution initiating a special assessment district, or the filing of a
890 sufficient petition with the Clerk, the City Clerk shall:

891 1. Schedule a meeting of record owners of real property in the proposed district, notify
892 the record owners by mail of the date, time and location of the meeting, and include a
893 copy of the notice in the City's regular meeting advertisement; and

894 2. Refer the proposed district to the Public Works Director, who shall prepare an
895 improvement plan for the proposed district. The proposed district improvement plan
896 shall include:

- 897 A. The boundaries of the proposed district
- 898 B. The design of the proposed improvement
- 899 C. A cost estimate for the improvement
- 900 D. The assessment allocation method used to calculate the amount owed by
- 901 each record owner in the proposed district
- 902 E. The percentage of the improvement cost to be assessed against properties
- 903 in the district
- 904 F. The time period over which assessments will be financed, and
- 905 G. Preliminary assessment roll for the proposed district.

906 3. The Public Works Director shall use the benefitted area method in calculating the
907 assessment amount unless another method is specified in the improvement plan.

908
909 17.02.050 Creation of a special assessment district.

910
911 a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time
912 for a public hearing on the necessity of the improvement and proposed improvement plan.
913 Notice of the hearing shall be published at least twice in a newspaper of general circulation in
914 the City, and mailed via certified mail to every record owner of real property in the proposed
915 district not less than 60 days before the hearing.

916

917 b. A record owner of real property in the proposed district may file a written objection to the
918 improvement plan with the City Clerk no later than the day before the date of the public
919 hearing on the improvement plan. If owners of real property that would bear 50 percent or
920 more of the assessed cost of the improvement file timely written objections, the Council may
921 not proceed with the improvement unless it revises the improvement plan to reduce the
922 assessed cost of the improvement that is borne by objecting record owners to less than 50
923 percent of the assessed cost of the improvement. If the resolution changes the district
924 boundary in the improvement plan, the City Clerk shall notify all record owners of property
925 included in the district under the improvement plan of the change.

926
927 c. At the noticed date and time, Council shall hold a public hearing and shall adopt a
928 resolution approving the assessment if Council finds, via resolution, that the improvement is
929 necessary and benefits the properties that will be assessed. Council must also approve the
930 proposed improvement plan. The resolution shall contain a description of the improvement,
931 the estimated cost of the improvement, the percentage of the cost to be assessed against the
932 properties in the district, and a description of the properties to be assessed.

933
934 d. If record owners of all real property in the proposed assessment district waive in writing
935 the notice, protest period and public hearing required under this section, the question of
936 creating the district may be submitted to Council without such notice, protest period or
937 public hearing.

938
939 17.02.060 Contract – Approval of increased costs.

940
941 a. After a special assessment district has been created, the City shall contract for the
942 construction of the improvement. If the City will own the improvement, it shall solicit bids for
943 construction of the improvement. If the City will not own the improvement, it shall contract
944 with the owner of the improvement to provide for its construction.

945
946 b. If the cost of constructing the improvement will exceed 15 percent of the estimated cost of
947 construction identified in the improvement plan, the City shall not contract for the
948 construction of the improvement without first notifying all record owners in the district via
949 certified mail of the increased cost and providing record owners in the proposed district 30
950 days to object to the increase.

951
952 c. If the City receives written objections from record owners collectively bearing one-half or
953 more of the cost of the improvement, the City may not contract to construct the
954 improvement unless it can do so at an amount not more than 15 percent above the estimated
955 cost of construction identified in the improvement plan. The City may still impose an
956 assessment or levy taxes on the district for the costs of developing the improvement plan so
957 long as the record owners approved the initiation of the district and the improvement plan.

958

959 17.02.070 Special assessment roll.

960

961 a. After completion of the improvement, the City shall assess costs of the improvement and
962 prepare an assessment roll stating for each property in the special assessment district the
963 name and address of the record owner, Kenai Peninsula Borough parcel number, the legal
964 description of the property, the amount assessed against the property, and the assessed
965 value of the property as determined by the Borough Assessor.

966

967 b. Council shall certify the assessment roll by resolution.

968

969 c. Prior to certifying the assessment roll, Council shall hold a hearing. All record owners in the
970 proposed district will have an opportunity to raise objections to the assessment roll at the
971 hearing. At least 15 days before the hearing, the City Clerk shall send written notice of the
972 hearing on the certification of the assessment roll by certified mail to each record owner
973 appearing on the assessment roll and publish notice of the hearing in a newspaper of general
974 circulation in the City.

975

976 17.02.080 Certification of assessment roll.

977

978 After the hearing the Council shall correct any errors or inequalities in the assessment roll. If
979 an assessment is increased, a new hearing shall be set and notice published, except that a
980 new hearing and notice is not required if all record owners of property subject to the
981 increased assessment consent in writing to the increase. Objection to the increased
982 assessment shall be limited to record owners of properties whose assessments were
983 increased. When the assessment roll is corrected, the Council shall confirm the assessment
984 roll by resolution. The City Clerk shall record the resolution and confirmed assessment roll
985 with the District Recorder.

986

987 17.02.090 Payment.

988

989 a. In the resolution certifying the assessment roll, Council shall fix the time or times when
990 assessments or assessment installments are due, the amount of penalty on a delinquent
991 payment and the rate of interest on the unpaid balance of an assessment. An assessment
992 that is to be paid in a single payment shall not be due before 60 days after billing.

993

994 b. Within 30 days after fixing the time when payment of the assessments is due, the Finance
995 Director shall mail a statement to the record owner of each assessed property identifying the
996 property and stating the assessment amount, the payment due date, and the amount of the
997 penalty on a delinquent payment. Within five days after mailing the statements, the Finance
998 Director shall publish notice of mailing the statements in a newspaper of general circulation
999 in the City.

1000

1001 17.02.100 Subdivision after levy of assessments.

1002

1003 a. Except as otherwise provided in this section or required by a governing tariff, a “subdivided
1004 property connection fee” shall be paid before subdivided lots may be connected to an
1005 improvement for which the original assessment was levied.

1006

1007 b. The “subdivided property connection fee” shall only be required when the original
1008 assessment on the pre-subdivided lot was apportioned equally between parcels and was not
1009 apportioned based upon lot size or area.

1010

1011 c. The amount of the “subdivided property connection fee” shall be equal to the
1012 amount of the original assessment adjusted by the increase in the number of parcels.

1013

1014 d. If the original assessment was payable in installments the City may enter into a
1015 written agreement for the payment of the connection fee in installments on terms that
1016 are substantially the same as those authorized for the payment of the original assessment,
1017 secured by a deed of trust on the parcel.

1018

1019 e. Upon the subdivision of a property assessed as a single parcel in an assessment district for
1020 natural gas distribution improvements where assessments were levied in an equal amount
1021 per parcel (i.e., without regard to parcel area, dimension or other characteristic), the
1022 assessment levied on the property that is to be subdivided shall be paid in full before the
1023 recording of the final plat. No parcel that results from the subdivision shall be subject to
1024 assessment for the improvements, but shall be charged for connecting to the improvements
1025 in accordance with the tariff of the public utility that provides natural gas service to the
1026 parcel.

1027

1028 f. Subdivisions of lots included in the original assessment shall only incur the “subdivided
1029 property connection fee” when the subdivision of the lot occurs on or before the date the
1030 total assessment for the district is paid in full.

1031

1032 g. All subdivided property connection fees collected under this section shall be deposited in
1033 the Homer Accelerated Water Sewer Program fund.

1034

1035 17.02.120 Reassessment.

1036

1037 a. Council shall within one year correct any deficiency in a special assessment found by a
1038 court, under the procedure for certification of the assessment roll in HCC 17.02.

1039

1040 b. Payments on the initial assessment are credited to the property upon reassessment. The
1041 reassessment becomes a charge upon the property notwithstanding failure to comply with
1042 any provision of the assessment procedure.

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17.02.130 Objection and appeal.

a. An assessment may only be contested by a person who filed a written objection to the assessment roll before its certification. Council’s decision regarding an objection to the assessment role is final and may be appealed to the Superior Court within 30 days after the date of certification of the assessment roll.

b. If no objection is filed or appeal taken within the time provided in this section, the assessment procedure shall be considered regular and valid in all respects.

17.02.140 Interim financing.

a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of an improvement from the special assessments for that improvement. The notes shall bear interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed either in cash or bonds for the improvement project.

b. Notes issued against assessments shall be claims against the assessments that are prior and superior to a right, lien or claim of a surety on the bond given to the City to secure the performance of the contract for construction of the improvement, or to secure the payment of persons who have performed work or furnished materials under the contract.

c. The Finance Director may accept notes against special assessments on conditions prescribed by the Council in payment of:

1. Assessments against which the notes were issued in order of priority;
2. Judgments rendered against property owners who have become delinquent in the payment of assessments; and
3. Certificates of purchase when property has been sold under execution or at tax sale for failure to pay the assessments.

17.02.150 Special assessment bonds.

a. Council by ordinance may authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal and interest of the bonds shall be payable solely from the special assessments levied against property in the district. The assessment shall constitute a sinking fund for the payment of principal and interest on the bonds. The benefited property may be pledged by the Council to secure payment of the bonds.

b. On default in a payment due on a special assessment bond, a bondholder may enforce payment of principal, interest, and costs of collection in a civil action in the same manner and

1085 with the same effect as actions for the foreclosure of mortgages on real property. Foreclosure
1086 shall be against all property on which assessments are in default. The period for redemption
1087 is the same as for a mortgage foreclosure on real property.

1088
1089 c. Before the Council may issue special assessment bonds, it shall establish a guarantee fund
1090 and appropriate to the fund annually a sum adequate to cover a deficiency in meeting
1091 payments of principal and interest on bonds if the reason for the deficiency is nonpayment of
1092 assessments when due. Money received from actions taken against property for nonpayment
1093 of assessments shall be credited to the guarantee fund.

1094
1095 17.02.160 Time limit for special assessment districts.
1096
1097 a. If five or more years elapse between the creation of a special assessment district and the
1098 City contracting for construction of the improvement, the City may not enter into the contract
1099 unless the Council by resolution extends the period for entering into the contract by not more
1100 than an additional five years.

1101
1102 b. Before the Council acts on a resolution under subsection (a) of this section, the City Clerk
1103 shall mail notice of the resolution to each current record owner of property listed on the
1104 preliminary assessment roll that the City will not contract for construction of the
1105 improvement in the district unless the resolution is adopted. The notice also shall include an
1106 updated copy of the preliminary assessment roll.

1107
1108 17.02.170 Water and sewer connections required.
1109
1110 Except as otherwise provided in Title 14, the owner of property in a water or sewer special
1111 assessment district that contains an occupied building shall connect to the improvement
1112 constructed in the district within three years after the date that the resolution confirming the
1113 assessment roll for the district becomes final.

1114
1115 17.02.190 Hardship Deferrals.
1116
1117 a. A person may obtain a deferment of assessment payments under this section if the person:
1118 1. Has an annual family income that is less than 200% of the current U.S. Health and
1119 Human Services Poverty Guidelines for Alaska;
1120 2. Is the record owner of the assessed property, and permanently resides in a single-
1121 family dwelling on the property; and
1122 3. Is not determined by the City, after notice and hearing, to have been conveyed the
1123 property primarily for the purpose of obtaining the deferment.

1124
1125 b. A person seeking deferment of an assessment payment shall file a written application with
1126 the Finance Director supported by documentation showing that the applicant meets the

1127 criteria in subsection (a) of this section. A person requesting an assessment payment
1128 deferment the first year the assessment is levied must file an application for deferment with
1129 the City no more than 15 days after receiving the initial assessment. A person requesting an
1130 assessment payment deferment under this section in any year after the first year must file an
1131 application for deferment no later than April 15th of the year for which the deferment is
1132 sought. A person must file an application each year for which deferment is sought and shall
1133 be required to prove eligibility for deferment as of January 1st of each year for which a
1134 deferment is requested. Within the same year the City for good cause shown may waive the
1135 claimant's failure to make timely application and approve the application as if timely filed.

1136
1137 c. A person who receives an assessment payment deferment shall execute a deed of trust on
1138 the property subject to assessment, together with a promissory note payable to the City on
1139 demand, to secure the eventual payment of the deferred payment.

1140
1141 d. A deferred assessment payment shall be immediately due and payable upon the earlier to
1142 occur of the following events:

- 1143 1. The sale or lease of the assessed property; or
1144 2. The death of both the deferred assessment applicant and the applicant's surviving
1145 spouse, if any.

1146
1147 e. Except for assessments imposed upon the Natural Gas Assessment District, hardship
1148 deferrals are not available from assessment payments for the infrastructure of a privately
1149 owned utility.

1150
1151 17.02.200 Payment in lieu of assessment.

1152
1153 a. A payment in lieu of assessment may be available to owners of property outside a special
1154 assessment district who want to connect to the improvement funded by a special assessment
1155 district. In order to qualify for connection to an improvement under this section, the record
1156 owner of the property and the City shall enter into a written agreement. The record owner
1157 shall agree in writing to:

- 1158
1159 1. Pay the full and actual costs of extending the benefit of the improvement onto their
1160 property; and
1161 2. Pay in full the property's pro-rated share of the assessed improvement.

1162
1163 b. The Public Works Director retains authority to deny a request for extension of an
1164 improvement under this section.

1165
1166 c. A payment in lieu of assessment must be paid in an equal or shorter period than the term of
1167 the original assessment.

1168

1169 d. Property accessing an improvement under this section may be included in a special
1170 assessment district for the same service created in the future. If a property is included in an
1171 assessment district under this subsection, the property will receive a credit towards the total
1172 assessment equal to (1) the amount of the “in lieu of assessment” already paid for the
1173 property or(2) the amount of the assessment levied on the property in the future special
1174 assessment district, whichever amount is less.

1175 CHAPTER 17.03

1176 ENFORCEMENT OF PUBLIC ASSESSMENTS

1177 Sections:

1178 17.03.010 Delinquent assessment payments-enforcement.

1179 17.03.020 Priority of lien.

1180

1181 17.03.010 Delinquent assessment payments-enforcement.

1182

1183 a. Assessments under this title and any interest or penalties on these assessments are liens
1184 on the property assessed.

1185

1186 b. Foreclosure of assessment liens shall be in accordance with the procedures required for
1187 foreclosure of property tax liens under Alaska Statute.

1188

1189 17.03.020 Priority of Lien.

1190

1191 a. Assessments under this title and any interest or penalties on these assessments are liens
1192 on the property assessed and are prior and paramount to all liens except municipal tax liens.
1193 Assessment liens may be enforced as provided in this Code and AS 29.45.320-29.45.470 for
1194 enforcement of property tax liens.

1195

1196 b. Assessment liens run with the land, and that portion of the assessment under the
1197 assessment contract that has not yet become due is not eliminated by foreclosure of a
1198 property tax lien.

1199

1200 CHAPTER 17.15

1201 ROAD IMPROVEMENT ASSESSMENTS

1202

1203 Sections

1204 17.15.010 Partial payment for inaccessible frontage road.

1205 17.15.020 Corner lot assessment.

1206

1207 17.15.010 Partial payment for inaccessible frontage road.

1208

1209 a. The record owner of a through lot or flag lot may delay payment of the part of an
1210 assessment for road improvements that is based on frontage on a road to which the lot does

1211 not yet have access. To delay payment under this section, the owner shall enter into a
1212 delayed payment agreement with the City before the end of the period for filing objections to
1213 the district under HCC 17.01.050.

1214

1215 b. A delayed payment agreement shall include provisions confirming:

1216 1. The lot fronts two streets but only has access to one of those streets;

1217

1218 2. The lot owner agrees to pay the part of the assessment based on frontage on
1219 the street to which the lot has access; and

1220 3. When and if the lot acquires access to the other street the property fronts, the
1221 owner agrees to the remaining part of the assessment.

1222

1223 c. A delayed payment agreement shall be recorded with the District Recorder's office.

1224

1225 17.15.010 Corner lot assessment.

1226

1227 The assessment for road improvements against a corner lot shall be based only on the longer
1228 of the lot's road frontages.

1229

1230

1231 CHAPTER 17.18

1232 DEVELOPER REIMBURSEMENT PROGRAM

1233 Sections:

1234 17.18.010 Purpose.

1235 17.18.020 Definitions.

1236 17.18.030 Developer Requested Special Assessment District

1237 17.18.040 Developer Incentive and Reimbursement Program

1238

1239 17.18.010 Purpose.

1240

1241 It is the intent of this chapter to provide incentive through reimbursement and access to the
1242 City's special assessment district process and procedures to developers expanding access to
1243 public utilities and capital improvements within the boundaries of the City.

1244

1245 17.18.020 Definitions.

1246

1247 In this chapter, unless otherwise provided, or the context otherwise requires, the following
1248 words and phrases shall have the meaning set forth below:

1249

1250 "Benefiting property" means one or more parcel(s) of real property which are adjacent to,
1251 will benefit from, or are likely to require connection to a Municipal Improvement.

1252

1253 “Cost of Construction” means the developer’s actual direct cost of constructing a Municipal
1254 Improvement.

1255

1256 “Developer” means an owner of real property who is developing his, her, or its real property.

1257 “Developer Reimbursement Agreement” means a written contract between the City, as
1258 approved by the Council, and one or more developers, which provides for reimbursement of a
1259 portion of the Costs of Construction of a Municipal Improvement by a developer, and the
1260 method for assessing the pro rata share of the Costs of Construction of a Municipal
1261 Improvement to Benefitted Property.

1262

1263 “Municipal Improvement” means water, sewer, electrical, and/or storm water systems or
1264 other capital improvements which have been designed and constructed according to City
1265 standards, approved by the City, accepted by the City, and provide potential benefits and/or
1266 service to Benefitted Property.

1267

1268 17.18.030 Developer Requested Special Assessment District.

1269

1270 a. A developer may request a Resolution of the Council approving a special assessment
1271 district in connection with the construction of a Municipal Improvement as set forth in HCC
1272 17.02.040.

1273

1274 b. A request for special assessment district initiated by a developer shall be filed on the
1275 Special Assessment District Resolution Request Form, which is available from the City Clerk’s
1276 Office.

1277

1278 c. The developer’s request must include all information required by the Special Assessment
1279 District Resolution Request Form, including, without limitation, a description of the
1280 boundaries of the district requested and the Municipal Improvement the developer intends to
1281 construct or extend, a cost estimate for the improvements to be constructed, the proposed
1282 method used to calculate the amount claimed by each record owner of Benefitted Property in
1283 the proposed district, the percentage of the improvement cost to be assessed to Benefitted
1284 Properties within the district, and the percentage of the improvement cost to be assessed to
1285 the developer’s property and/or project.

1286

1287 d. Upon adoption of a Resolution of Council finding there is a necessity for the special
1288 assessment district identified by the developer in the developer’s application and the
1289 initiation of the special assessment district process under this chapter, a Developer
1290 Reimbursement Agreement must also be presented to Council for approval. This agreement
1291 must include the terms and conditions of the improvement plan and the proposed
1292 construction and installation terms by the Contractor.

1293

1294 17.18.040 Developer Incentive and Reimbursement Program.

1295
1296 a. If Council approves the district and the Developer Reimbursement Agreement under the
1297 procedures set forth in Title 17.02, and upon completion of the approved Municipal
1298 Improvement in accordance with the City’s standards and acceptance of the same by the
1299 City, and only to the extent permitted by law, the City shall transfer any payments received by
1300 the City in payment for the assessments within the district. The City will disburse any
1301 payments received from property owners in the district to the developer within 90 days from
1302 the date the City collects or receives the assessment payment.

1303
1304 b. The City may collect, but is not required to collect, the amounts assessed to any Benefitted
1305 Property for the pro rata share of the developer’s Costs of Construction. The Pro Rata
1306 Payment must be paid before any Benefitted Property connects to or uses the Municipal
1307 Improvement. No Benefitted Property is permitted to connect to or use the Municipal
1308 Improvement without first making the Pro Rata Payment. The Pro Rata Payment is in
1309 addition to any connection fees, service fees, or other fees that may be charged for
1310 connection and/or use of the Municipal Improvement, or any other fees chargeable by the
1311 City under the Code for the construction of a particular Municipal Improvement.

1312
1313 c. The City accepts no liability to collect any Pro Rata Payment from the owners of Benefitted
1314 Property, or in the event of non-payment, to pursue enforcement for non-payment of any Pro
1315 Rata Payment, or to disconnect or remove any Benefitted Property from the Municipal
1316 Improvement for non-payment of a Pro Rata Payment. The City assumes no liability or
1317 responsibility regarding the enforceability of any Reimbursement Agreement, or the
1318 developer’s ability to seek a Pro Rata Payment. To the extent permitted by law, enforcement
1319 matters relating in any way to a Pro Rata Payment, or recovery or reimbursement of any
1320 Costs of Construction, shall be the sole responsibility of the private developer.

1321
1322 Section 9: This ordinance is of a permanent and general character and shall be
1323 included in the Homer City Code.

1324
1325 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ____ DAY OF _____, 2019.

1326
1327 CITY OF HOMER
1328
1329 _____
1330 KEN CASTNER, MAYOR

1331
1332 ATTEST:
1333
1334 _____
1335 MELISSA JACOBSEN, MMC, CITY CLERK

1336

1337

1338 YES:

1339 NO:

1340 ABSTAIN:

1341 ABSENT:

1342

1343 First Reading:

1344 Public Hearing:

1345 Second Reading:

1346 Effective Date:

1347

1348

1349 Reviewed and approved as to form:

1350

1351 _____

1352 Katie Koester, City Manager

1353

1354 Date: _____

1355

Holly Wells, City Attorney

Date: _____



Memorandum 19-089

TO: Mayor Castner and Homer City Council

FROM: Councilmember Lord

DATE: July 22, 2019

SUBJECT: Summary of July 10, 2019 Worksession Regarding Ordinance 19-23(S)

During the July 10th Council worksession, council discussion focused on Title 17. Councilmembers and the Mayor raised a number of questions and next steps that are outlined below. The purpose of this memo is to confirm with Council progress that was made during the worksession and lay the ground work for a worksession scheduled for **August 12 at 4pm** and schedule an extended worksession for the fall on larger 'next step' topic.

Title 17 Major Policy Considerations (PHCC = Proposed Homer City Code in Ord 19-23(S))

PHCC 17.01.010 Definitions: Benefited Area

Proposed Homer City Code recommended benefited area (assigning cost based on the benefited square footage of the property) as the default option for the method of assessing parcels. There was quite a bit of discussion surrounding the pros and cons of implementing a benefited area method. Conversation loosely coalesced around maintaining the definition of benefited area in code so it could be an option, but not designating it as the default, members preferring the per parcel approach where everyone pays the same regardless of lot size.

Council tasked the sponsors with working on a recommended solution and bringing it to the body.

PHCC 17.02.100 Subdivision after Levy of Assessment

This section triggers the levying of a subdivision connection fee roughly equal to the original assessment for new parcels created in a subdivision where every lot was assessed equally. It added a sunset equal to the term of the district whereupon the fee would no longer be levied.

Members agreed with the changes proposed in this section.

PHCC 17.02.190 Hardship Deferral

Proposed Homer City Code increased the hardship deferral for an annual assessment payment from 125% of federal poverty to 200% of federal poverty guidelines. Council members expressed concern with increasing the hardship deferral. For example, 200% of federal poverty guideline levels for a family of four in Alaska is \$64,380 according to the US Office of Child Care and the median household income for the City of Homer is \$59,185 (in 2017 dollars) according to the US Census. Approximately 39% of Homer households live below median income with 61% living at or above according to the 2017 American Community Survey. This change would potentially greatly increase the

number of eligible applicants and have an adverse impact on the health of the funds. Council members requested more data on potential economic impacts to the City.

Council tasked the sponsors with working on a recommended compromise and bringing it to the body.

PHCC 17.02.200 Payment In Lieu of Assessment

Payment in lieu of assessment is a mechanism to collect funds from a property that benefits from the improvement but is not included in the original district. This tool is used very rarely in practice. Councilmember Smith expressed concern over potentially dis-incentivizing future assessments and how that would be accounted for financially in the future. Mayor Castner questioned the ‘one-off’ nature of these assessments.

Council tasked the sponsors with further thinking through in lieu of assessments, including potential scenarios on Sterling Highway, and bringing recommendations back to the body.

Rulemaking Authority

Council wanted to clarify the definition of rulemaking authority given to the City Manager and wanted to make sure the word “implement” was used when it came to policy and the City Manager’s role. This triggered a greater discussion regarding the definitions of various terms including rules, regulations, code, policy, and procedures in Homer City code. The follow up on this was two-fold:

Council tasked the sponsors with working on recommended language that preserved Council’s policy making role as it pertains to this title and bring it to the body.

A broader conversation on the roles of Council, manager, and the difference between code policies and procedures was put in the parking lot for a broader conversation, perhaps as an amendment to the operating manual.

Council can Agree on...

Council came to an agreement on a number of additional items that can be implemented in the next version of Title 14/17 revisions. These include

- Re-ordering residential and industrial waste sections
- Leave natural gas exclusion in levy of assessment after subdividing as written (original code)
- Use term ‘sanitary system’ throughout Title 14 rather than acronym
- Remove word ‘surface’ from 14.04.100
- placing the topic of extraterritorial services to the side while Ordinance 19-19 works its way through the process (parking lot)

Next Steps

In addition to continuing the discussion on Ordinance 19-23(S) at the proposed August 12 worksession, outstanding items that will need to be addressed and adopted by Council are listed below. Council will need to schedule an extend worksession to get through these items. **I would suggest Monday September 16 from 3pm-5pm.**

- Permit applications for a variety of permits (6)
- Changes to the fine schedule to provide enforcement options for some of the newly adopted sections
- Changes to the fee schedule to implement new permit and application fees in the title
- Updating the HART and HAWSP policy manuals to reflect changes in special assessment districts



Memorandum 19-080

TO: Mayor Castner and Homer City Council
FROM: Councilmembers Lord & Stroozas
DATE: July 3, 2019
SUBJECT: July 10 Worksession Regarding Ordinance 19-23(S)

The purpose of this memo is to outline our conversation for the upcoming Title 14/17 worksession on July 10th. We propose the primary goal of that worksession will be to develop a working document that moves the conversation forward. That document will include:

1. Changes/updates agreed upon at the worksession that can be incorporated into a draft revision of Ord. 19-23(S)
2. Questions that need more discussion (during the worksession Council will task sponsors with collecting feedback and returning to the body with recommendations)
3. Items Council can agree to put in a parking lot for a later date (with timeline for addressing them separately from this ordinance)
4. Next steps and associated timelines

Title 14 Points of Conversation

During our June 24th Council worksession, our discussion focused on Title 14. Councilmembers and the Mayor raised a number of questions and flags that are outlined below (transcribed from the notes taken by Katie on the flip chart during our meeting). If you had a concern that was flagged, or one not listed below, please come to the worksession on July 10th prepared to flush out your concerns in more **detail. With Council's agreement, we will suggest a prioritized order for the discussion that starts us off with the biggest high-level questions and moves from there to the (hopefully) simpler ones.**

General Comments

- Extraterritorial equals water service in proposed Homer City Code.

- Councilmember Aderhold – Our service area is inclusive than extraterritorial. This does not include sewer.
- Councilmember Smith – RCA service area?

14.01 - Public Utility Systems-General Provisions

- Councilmember Smith – What constitutes rules and regulations? Where else in code do we designate this authority?
 - Attorney Wells – Admin can draft policy as directed in code (manuals, forms, permits).
- Industrial Waste is duplicative. Separate from commercial. HCC 14.090 to follow HCC 14.030.
- Councilmember Smith – Get rid of “sanitary system.” Use only 1 term. Use acronym.

14.04.100-Discharge of surface drainage into HSWS Illegal

- Mayor Castner – Keep more than surface drainage out. Better described in more detail below. Take out the word ‘surface.’

14.08.030 - Water connections and extensions

- Councilmember Smith – Define ‘surplus’ and ‘bulk’
 - ‘Surplus’ defined by PHCC 14.08.020, Lines 500 – 502 as being synonymous with ‘in excess of’
 - “Surplus water” means water that the City administration has determined, in its sole discretion, is in excess of the water needed to meet the consumption, sanitation, and fire protection needs within the boundaries of the City.
 - ‘Bulk’ defined by PHCC 14.08.020, Lines 482 – 484 as being synonymous with ‘cargo’
 - “Bulk water” means water purchased from the City and supplied to the customer by means of fire hydrant, tanker truck, or by any other means other than through a direct connection from a water main to the premises where the water is consumed.
- Mayor Castner – Line 502: “*protection needs within the boundaries of the City.*”

14.08.060 - Disconnection due to nonpayment

- Councilmember Erickson – Disconnection due to nonpayment
- Councilmember Smith – Freezing pipes. Include “from the stub out” to clarify (curb-stop)

Title 17 Proposed Points of Conversation

- Title 17 comments from June 24th worksession notes:
 - Councilmember Smith - Line 906 - **Benefited area:** “3. *The Public Works Director shall use the benefited area method in calculating the...*”
 - Councilmember Smith - HCC 17.02.100 – How gas impacts a subdivision

Sponsors Lord and Stroozas highlighted sections of Title 17 in Memorandum 19-058 that need further input by the Body:

PHCC 17.02.010 - Definitions

- This section provides definitions for benefited area and developable land, providing a clear alternative to equal area assessments and maintaining flexibility in establishing the assessment method for a district. Discuss Benefited Area as preferred methodology for levying assessments

HCC/PHCC 17.02.100 - Subdivision after levy of assessments

- This section is a revision of the subdivision after levy of assessment section of current code which you may recall from Ordinance 18.18 (failed). This proposal clarifies the calculation of the connection fee, and provides for a sunset date equal to the financing terms for the original assessment. Discuss proposed changes to how city policy deals with a property owner who subdivides including sunset date and fund reverting to HAWSP

HCC 17.04.190/PHCC 17.04.190 - Deferral of assessment payments for low income residents

- This section increases the qualifying income to 200% instead of 125% to be consistent with surrounding communities on the Kenai Peninsula. This would mean a family of four making less than \$64,380 would be able to qualify for a hardship deferral (vs. the current guideline of 125% or \$40,237). Discuss expansion of eligible applicant pool for deferred assessments

HCC 17.04.200/PHCC 17.02.200 -Payment in lieu of assessment

- This section provides a clear process for properties outside an assessment district to join the district. Explain history of in lieu of assessment code and the rare need for this section of code via an example

Next Steps

Updates to Title 14 and 17 are massive and far reaching. Once the code has been updated, other policy documents will need to be created or updated. One way Council could tackle this

issue is to give Ordinance 19-23 an effective date of January 1, 2020, which would give time to work through the next steps.

As detailed in Attorney Wells' Memorandum 19-063, the next steps for this project include:

- a. Council adoption of permits for water and sewer system extension and connection and waste disposal (both commercial and industrial)
- b. Updating Fine Schedule to include penalties for non-compliance with sections of city code adopted in these chapters
- c. Updating Fee Schedule for permit application and appeal fees
- d. Updating the HART and HAWSP Policy Manual to reflect changes in SAD process (including conversation on how and when to re-open HAWSP for projects)

MEMORANDUM 19-063

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

FROM: HOLLY C. WELLS

**RE: ORDINANCE 19-23: PUBLIC UTILITY SYSTEM AND SPECIAL
ASSESSMENTS ORDINANCE**

CLIENT: CITY OF HOMER

FILE NO.: 506,742.27

DATE: MAY 22, 2019

Introduction

In early 2018 City Council Member Lord and City administration requested a review of the public utility provisions in the Homer City Code and City practices and procedures regarding public utilities to ensure they were up to date, clear, and consistent. As a result of the substantive review, Ordinance 19-23 proposes substantial changes to the Code's public utility provisions to address the current inconsistencies and outdated procedures enumerated in the Code. The purpose of this memorandum is to provide a blueprint to Council and the public regarding the revisions proposed in Ordinance 19-23. This ordinance was designed to accomplish several goals:

1. Place all Homer City Code provisions that require property owners to pay for public utilities or improvements into one area in the Code so property owners know what to expect.
2. Create clear public utility and improvement assessment procedures that can be consistently applied and anticipated by property owners and future purchasers and investors.
3. Ensure that local laws reflect local practice, obligations, and needs.

To this end, this memorandum provides a summary of the proposed substantial changes and the reasons for these changes. It includes tables specifically enumerating most of the changes made to ensure Council focuses on these changes during its consideration of the Ordinance. Of course, in light of the significant changes, this memo should be supplemented with public hearings and Council work sessions to ensure that all of the changes, and the effects of these changes, are understood.

The Reasons Behind the Rewrite

In order to understand the proposed changes, it is helpful to understand the current relevant titles of the Code.

Current Title 14

Currently, Title 14 entitled “Public Services” regulates both the water and sewer systems within the City but has separate sections governing both. While many of the processes related to management of the Homer sewer and water systems are the same, the Code provisions were adopted and apply to each system separately. Additional provisions were adopted or changed sporadically over the last 50 years, with enactment in the late 1960s and the latest amendment in 2013.¹ As a result of the disjointed evolution of HCC Title 14, utility users must be familiar with Code provisions in different Code locations in order to understand their obligations. The inclusion of water and sewer management provisions in multiple Code titles increases the potential for unintended violations of the City Code and leads to frustration among those attempting to comply with local law.

The most substantial changes to Title 14 involve:

1) consolidating common terms and provisions that apply to all Homer’s public utility systems into a single “general provisions” section;

2) integrating Code provisions from Title 13, namely Chapters 13.24 and 13.28, governing the management of the public utility systems into Title 14 so individuals connecting into the systems and users of the system have one place in the Code to look for all the relevant regulations;

3) removing conflicting or inconsistent terminology and requirements in order to ensure that the laws governing the systems are user-friendly; and

4) consolidating the permit and appeals procedures to the greatest extent possible to encourage compliance and ensure the public knows its rights, remedies, and responsibilities.

¹ See Ordinance 13-30(A), which amended HCC 14.08.080 and 14.04.040 to adopt the respective water and sewer rate schedules annually via resolution. Ordinance 90-24(A) repealed and reenacted HCC 14.04, 14.05, and 14.08 to add the industrial wastewater treatment regulations required by the Environmental Protection Agency and the Clean Water Act and to create a mechanism to bill fish processors separately for their water since they use large amounts of water but that water does not enter the City sewer system.

The Ordinance also removes the highly technical and lengthy industrial pretreatment and sewage system regulations in HCC Chapter 14.05 and places them in procedures and regulations approved by Council. To this end, Council will have a resolution approving the industrial waste management policy manual and the proposed manual before it for review in June. The removal of the industrial waste management provisions from the Code and the placement of these requirements into a policy manual prevents the average user of City utilities from being confused or misdirected by the industrial waste requirements.

Current Title 17

Unlike HCC Title 14, HCC Title 17, entitled “Improvement Districts,” has been recently updated and the current special assessment procedure provides a fairly straightforward, albeit in-depth, process for creating a special assessment district. However, additional provisions regarding assessment for public utilities are located in Title 14 and in other areas of the Code. Exceptions to the assessment districts or programs such as the developer reimbursement program are codified in separate titles or, in some cases, by agreement. This inconsistency in process does not provide for a user-friendly assessment process.

The Ordinance consolidates all public assessment processes in Title 17 and incorporates the developer reimbursement program into the special assessment district procedure. The assessment procedures were also changed to adopt a presumed “benefited area” method of assessment while preserving the ability for different methodologies to be used when more appropriate in a particular district. The proposed Title requires a subdividing lot owner to pay the subdivision connection fee in assessment districts where the assessment was equally apportioned between the existing lots but it limits imposition of the assessment fee on subdivided lots to those created before the original assessment amount is paid in full.

Given the unique terrain in Homer, affording flexibility in the assessment methodology provides the City more options to ensure fair and tailored cost distribution in a given district. The Ordinance also directs the Public Works Director rather than Council, to review and approve hardship deferral requests, which provides greater confidentiality to those seeking such a deferment.

Other Relevant Current Code Provisions: HCC 9.08, 11.30, 13.24, AND 13.28

In addition to Title 14 and 17, it is also helpful to examine HCC 9.08, 11.30, 13.24, and 13.28. While these provisions are being repealed, the content of these provisions has been updated and incorporated into the proposed provisions in the Ordinance.

Chapter 9.08 entitled “Enforcement of Local Improvement District Assessments” was codified in the late 1960s. It appears that these provisions properly reflect the process for collecting delinquent assessments under Alaska Statutes. However, Alaska statutes are ever changing and HCC 9.08 does not ensure that the City’s lien enforcement

procedure will change with the statutory requirements. Accordingly, HCC 9.08 was repealed and the identification of delinquent assessment payments as liens and the incorporation of the state process for enforcing and foreclosing on such liens using the property tax procedure was incorporated into HCC 17.03. This ensures that all the provisions regarding public assessments are in one title and easy to locate.

Similarly, HCC Chapter 13.24 entitled “Sanitary Systems” and HCC 13.28 entitled “Water Systems” were both relocated to ensure a user-friendly Code. These provisions were also adopted decades ago as part of a City project to update its construction design manual. The focus of the Council at the time of adoption was to ensure uniform construction practices within City right-of-ways. However, the interplay between the construction practice requirements with management and operation of City water and sewer systems was not anticipated. As a result, many of the definitions and expectations are inconsistent or disjointed. To this end, the Ordinance removes these provisions from the “Standard Construction Practices” title and places them in the respective sections governing the water and sewer systems. The Ordinance also removes many of the specific technical requirements addressed in HCC 13.24 and 13.28 and places those in a permit application process. The permit applications will be presented to Council for review and approval alongside the industrial waste management manual referenced above.

While the majority of Code provisions governing public projects and assessments have been addressed in the Ordinance, HCC 11.30 entitled “Street Extension Cost Reimbursement Plan,” which addresses reimbursement of developers for road projects that benefit adjacent property owners, has not. Although I recommend Council eventually review and update Chapter 11.30 and relocate it if warranted, a review of the road improvement practices will require pointed and independent consideration by Council and the administration and would be difficult to do alongside the Title 14 revisions. For now, Title 11 governs construction of streets, sidewalks, and driveways and thus a developer intending to construct a road will likely turn to Title 11 before beginning road construction and will be aware of the reimbursement program detailed in HCC 11.30. Consequently, HCC 11.30 has not been revised or relocated at this time.

Understanding the Proposed Changes

While the above provides an overview of the most substantial changes in the Ordinance, the following tables present a more detailed summary of the differences between the governing law in this area and the Code provisions proposed in the Ordinance. The first table shows the differences between existing Code Title 14 and Title 14 as proposed in the Ordinance. The second table shows the differences between existing Code Title 17 and Title 17 as proposed in the Ordinance. For ease of reference, the current code is referred to as HCC but proposed sections are identified as PHCC.

Table 1: Title 14 Comparison

Current HCC Title 14	The Ordinance
No Chapter 14.01	PHCC Chapter 14.01 was added to consolidate general provisions that apply to all utilities. It includes a definition of the “service area,” the City Manager’s rulemaking authority, City immunity, and contractor licensure requirements. It also incorporates the appeal and violation procedures that apply to all violations of Title 14 and all Title 14 permit appeals. PHCC 14.01.045 provides the process for setting both water and sewer rate schedules.
No purpose section in HCC 14.04	PHCC 14.04.010 “Purpose” added. This section provides a formal name for the City’s system, namely, the “Homer Sanitary Wastewater and Sewage System” and recognizes the general purpose of the Code to ensure that all properties are eventually connected to the City’s system.
HCC 14.04.010 Definitions	PHCC 14.04.010 is the purpose section and definitions are in PHCC 14.04.015. “Definitions” have been revised to remove definitions not referenced in Title 14 and adds definitions for important terms such as “directly adjacent,” “on-site sewer connection line,” “off-site sewer connection line,” “sewer connection line,” and “spaghetti line.” The Ordinance revises the Code to ensure these defined terms are consistently and uniformly used throughout.
No HCC 14.04.018	PHCC 14.04.018 “Service Connection Charges” consolidates numerous sections regarding fees and costs surrounding connection in one user-friendly location.
HCC 14.04.020 “Connection-Required” Exempts “alternative sanitary facilities” in one subsection but requires all properties to connect to the system when available in another subsection.	PHCC 14.04.020 “Connection-Required” provides property owners three years instead of just one to connect to the City System and provides an exemption from connection for those with compliant and fully-functioning septic systems until those systems require replacement or substantial repair.

HCC 14.04.050 "Sewer service connections and extensions"	PHCC 14.04.050 "Sewer Service connections and extensions permits" removes the lengthy references to the standards and specifications needed to install a connection or extension and instead creates a permit process. This allows the property owner to access the permit application and have clearly-delineated requirements applicable to that process. It also allows the City to update the permit criteria as needed.
HCC 14.04.060 "Disposition of Revenue"	Removed: Provision requiring 100% of funds deposited into "central treasury" of the City and the "sewer utility fund" referred to requirements that are no longer necessary.
HCC 14.04.070 "Destruction of private sewage disposal systems" Requires destruction of private sewage facilities within 60 days of connection to City System.	PHCC 14.04.070 "Destruction/Abandonment of private sewage disposal systems" removes the 60-day restriction because in practice it may be too strict but instead requires compliance with the Alaska Department of Environmental Conservation.
HCC 14.04.080 "Sewage or waste disposal permit requirements" Grants a "permit" to one family existing or "future" dwellings connecting to the system and requires all others to have a permit, except for "significant industrial users." There is no notice provision.	PHCC 14.04.080 "Commercial waste disposal permit" Incorporates as-built and survey requirements unless the specific lease agreement provides otherwise. Simplifies language but adds protections for permit applicants, such as requiring notice before revocation or modification of a permit, except in cases of emergency.
HCC 14.04.090 "Discharge of Surface Drainage into City Sewer"	Moved to PHCC 14.04.100 "Discharge of surface drainage into HSWS Illegal." Simplified and clarified language.
HCC 14.04.100 "Board of Appeals"	Moved to PHCC 14.01.070 and changed from permitting an appeal to the "Board of Appeals," which was Council and the Mayor to the City Manager or a designated hearing officer.
HCC 14.04.105 "Appeals Procedure"	Moved to PHCC 14.01.070 "Utility Permits-Appeal Procedure." Provides less extensive appeal procedures because briefing schedules and process can be tailored to the needs of each case. Different permits will have differing levels of complexity.
HCC 14.04.110 "Appeal to Superior Court"	Moved to PHCC 14.01.080 "Utility Permit Appeals-Superior Court."
HCC 14.04.115 "Extraterritorial services"	Moved to PHCC 14.01.010 "Water and sewer service area." Removes lengthy extraterritorial services application procedure for sewage and provides for a uniform policy for water and sewer, both of which will require Council approval by ordinance before property outside the City will be approved to connect to the System.

HCC 14.04.120 "Rulemaking Authority"	Moved to PHCC 14.01.020 "City manager rulemaking authority."
HCC 14.04.130 "Violation"	Moved to PHCC 14.01.040 "Violation Penalty" and PHCC 14.01.045 "Violation right to appeal." Adopts uniform appeal procedures and rights to appeal for all Title 14 violations.
Chapter 14.05 "Sewage-Industrial Pretreatment and Discharge"	Chapter 14.05 repealed. Inserted PHCC 14.04.090 "Industrial waste disposal permit requirements." HCC 14.05 incorporated through a separate policy and procedure manual adopted and/or revised by Council via resolution.
HCC Chapter 14.08 "Water Rules and Regulations"	PHCC Chapter 14.08 renames the chapter "Homer Public Water System." HCC Chapter 13.28 is repealed and its provisions incorporated into PHCC 14.08.
HCC 14.08.010 "Purpose"	PHCC 14.08.010 "Purpose" revises the purpose to include reference to the intent to provide for the financial management of the Water System and to include a formal name for the system, namely "The Homer Public Water System."
HCC 14.08.020 "Definitions"	PHCC 14.08.020 provides a consistent definition of "directly adjacent," defines "surplus water," "water connection line," "water extension," "spaghetti line," "water filling station," "on-site water connection line," "off-site water connection line," and provides a definition of "multiple-family dwelling." It removes the definition for "certified service area" since the service area boundaries and limitations were incorporated into PHCC 14.01.010.
HCC 14.08.030 "Water connections and extensions"	PHCC 14.08.030 "Operation of water valves, fire hydrants, and curb stops" incorporates the basic requirement in HCC 13.28.040 "Operation of water valves, fire hydrants, and curb stops" that only City personnel may operate these things.
HCC 14.08.040 "Private water systems-Connection Permits-Fees."	PHCC 14.08.040 "Water meter installations" incorporates the core components of HCC 13.28.050. The more specific criteria regarding water meter installation are now placed in "Water Meter Installation Instructions" adopted by the Public Works Director and approved by Council.
HCC 14.08.037 "Water meters"	Removed.
HCC 14.08.050 "Water connections and extensions."	PHCC 14.08.050 "Water connections and extension permit."
HCC 14.08.060 "Frozen Pipes-City not liable."	Moved to PHCC 14.08.070 "Frozen Pipes-City not liable." No substantial changes.

HCC 14.08.070 "Discontinuance of supply"	Moved to PHCC 14.08.080 and renamed "discontinuance of water". No substantial changes.
HCC 14.08.072 "Priority use of water."	Moved to PHCC 14.008.090 "Priority use of water." No substantial changes.
HCC 14.08.074 "Surplus water-Sale."	Moved to PHCC 14.08.100 "Surplus water-Sale" simplified but not substantially changed.
HCC 14.08.076 "Water shortage or emergency declaration"	Moved to PHCC 14.08.110 "Water shortage or emergency declaration" simplified the water shortage declaration process and requires a resolution by Council but does not require the hearing and other procedures that may derail a response to a water shortage.
HCC 14.08.077 "Water shortage or emergency- Interruption of sale of surplus water-Other measures."	Moved to HCC 14.08.120 and simplified to provide the City Manager with the flexibility to react swiftly to a water shortage but ensure public awareness and notice.
HCC 14.08.078 "Water Shortage or emergency- Appeal"	Moved to PHCC 14.08.130. No substantial changes.
HCC 14.08.079 "Immunity for discretionary acts."	Moved to PHCC 14.01.030 to apply to all public utility systems.
HCC 14.08.080 "Schedule of rates-Rules and regulations and HCC 14.08.090 "Schedule of Rates Outside of the City Limits"	Moved to PHCC 14.01.090 "Sewer and water rate schedule," which consolidates the rate provisions for sewer and water and provides that rates will be in a schedule adopted by Council.
HCC 14.08.091 "Service deposits."	Moved to PHCC 14.08.150 "Service deposits." No substantial changes but language was simplified to identify clear criteria for refund.
HCC 14.08.100 "Bulk Water Sales"	Moved to PHCC 14.08.160; No substantial changes.
HCC 14.08105 "Resale of water"	Repealed.
HCC 14.08.110 "Permit for resale of water"	Moved to PHCC 14.08.170 "Water filling station permit." Requires a permit application but moves the technical criteria for the permit into the permit application itself. It does identify some of the types of criteria that will be included in the application to ensure applicants have notice of the nature and scope of the permit criteria.
HCC 14.08.130 "Permit suspension, revocation" HCC 14.08.140 "Board of appeals-Notice of appeal" HCC 14.08.150 "Appeals-procedure" HCC 14.08.160 "Appeal to superior court" HCC 14.08.170 "Violation-penalty."	Moved to PHCC 14.01.040 "Violation"; PHCC 14.01.065 "Permit suspension, revocation"; PHCC 14.01.070 "Utility permits-Appeal procedure"; and PHCC 14.01.080 "Utility permit appeals-Superior Court" and applied to all City/public utility systems.

HCC Chapter 14.12 "Water and Sewer Zone Connection Fee"	Repealed. This fee has not been charged and is not administered. The Code was adopted to reflect longstanding practice.
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HCC Chapter 14.16 "Sewer Contractors State Registration"	Moved to PHCC 14.01.060 "State contractor required" and applied to all City public utility systems.
HCC Chapter 14.20 "Sewer Contractors Bond"	Moved to PHCC 14.01.050 "State contractor required" and applied to all contractors installing, constructing, maintaining or repairing public utility systems.
HCC Chapter 14.30 "Water and Sewer Extension Cost Reimbursement Plan"	Moved to PHCC Chapter 17.18 "Developer Reimbursement Plan." This new chapter applies to all developers expanding access to public utilities and capital improvements within the City. The new chapter provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement.

Table 2: Title 17 Comparison

Title 17	The Ordinance
<p>HCC Title 17 “Improvement Districts” Chapters 17.04 Special Assessment Districts 17.08 Repealed 17.16 Assessment Fund</p>	<p>PHCC Title 17 “Public Assessments.” Changed title to reflect greater scope. PHCC 17 Chapters 17.01 General Provisions HCC 17.14 moved to PHCC 17.02 “Special Assessment Districts” PHCC 17.03 “Enforcement of Public Assessments” added. HCC 17.16 “Assessment fund” moved and renamed to 17.05 Homer Public Water System Assessment Fund 17.15 Water and Sewer Connection Assessments 17.20 Developer Reimbursement Plans</p>
<p>No Title definition section.</p>	<p>PHCC 17.01.010 “Definitions” provides a definition of “benefited area method” that identifies a method of assessment by which each parcel’s share of an assessment is determined, by dividing the total cost of the improvements on which the assessment is based by the total square footage of land benefitted by the improvement and allocating a portion of the cost of the assessment to each parcel based on that parcel’s square footage of the land benefitted by the improvement. This definition gives the Public Works Director discretion to calculate and apply the benefited area method. This method was proposed because it balances flexibility with oversight. While the Public Works Director uses his discretion, his methodology will be subject to review by Council in the special assessment district process under PHCC 17.02.</p> <p>A definition is also added for “developable land,” which also provides the Public Works Director discretion to determine what property can be reasonably developed for uses permitted within the property’s zoning district to ensure the most accurate proportion of an assessment. Definitions for “Public Works Director” and “Special Assessment Application Fee” were also added.</p>

<p>HCC Chapter 17.02 “Special Assessment Districts” HCC 17.04.040 “Initiation of district.”</p>	<p>PHCC 17.02.040 “Initiation of district” revised to permit a special assessment district to be requested by a developer through a written request form to Council for resolution. This permits a developer to trigger the assessment district process but ensures that all assessments and the obligations that accompany them follow the same notice and hearing procedures. The petition process was not substantially changed but the language was simplified and the contents of the petition required by the Clerk were removed. The Clerk’s petition forms will include that information as a matter of course and under State law. Referral of all proposed districts now go to the Public Works Director rather than the City Manager in order to reflect longstanding practice.</p>
<p>HCC 9.08 “Enforcement of Local Improvement District Assessments” repealed</p>	<p>HPCC 17.03 “Enforcement of Public Assessments” incorporates the essential and current provisions from HCC 9.08. PHCC 17.03.010 declares that assessments create a lien and requires that foreclosure of an assessment lien be done in accordance with the procedures required under Alaska Statute for property taxes, as required by State law. PHCC 17.03.020 acknowledges that a lien under Title 17 has priority.</p>

<p>HCC 17.02.050 “Creation of district.”</p>	<p>Moved to PHCC 17.02.050 “Creation of a special assessment district.” No substantial changes, just clarification of language.</p>
<p>HCC 17.04.060 “Approval of increased costs.”</p>	<p>Moved to PHCC 17.02.060 without substantial changes to the requirements but significant changes to clarify the language.</p>
<p>HCC 17.04.070 “Assessment roll.”</p>	<p>Moved to PHCC 17.02.070 and language simplified.</p>
<p>HCC 17.04.100 “Subdivision after levy of assessments.”</p>	<p>Moved to PHCC 17.02.100 and limited to property that is assessed by a method other than the benefited area method. The connection fee is identified as the amount of the original assessment adjusted by the increase in the number of parcels but does not require an adjustment for CPI. It removes the allocation of assessment amounts among property owners because of the difficulty of administering this provision and limits the duty to pay a subdivided property connection fee to lot subdivisions that occur before the original assessment has been paid in full.</p>
<p>HCC 17.04.170 “Water and sewer connection required.”</p>	<p>Moved to PHCC 17.02.170. The time for connection for water and sewer assessments was extended from one to three years.</p>

<p>HCC 17.04.190 “Deferment of assessment payments for low income residents”</p>	<p>Moved and renamed to PHCC 17.02.190 “Hardship deferrals.” Increased the qualifying income to 200% instead of just 125% of U.S. Poverty Guidelines for Alaska. Under this change, more people will qualify for a hardship deferral but the percentage used mirrors that adopted by the Kenai Peninsula Borough for other deferral and exemption programs. Removed the application to a person with “life tenancy” as the record owner bears the payment obligation. Removed the requirement that a deferral be approved by Council and changed the submission of the applications to the Finance Director rather than Council to protect confidentiality of the deferral process.</p>
<p>HCC 17.04.200 “In lieu of assessment”</p>	<p>Moved to PHCC 17.02.200 “Payment in lieu of assessment.” Payments in lieu of assessment were substantially changed to provide a clear process for parcel owners outside an assessment district to request to join a district. The terms require a written request that may or may not be granted by the Public Works Director and only allow an outside parcel owner to participate if he, she or it pays all costs for extending the improvement onto their property and the pro-rated share of the improvement for which the assessment district was formed.</p>
<p>No HCC 17.18</p>	<p>Added PHCC 17.18 “Developer Reimbursement Plan,” which applies to all developers expanding access to public utilities and capital improvements within the City. It provides a clear procedure by which a developer may trigger a special assessment district process by requesting a resolution from Council. A developer agreement must be submitted with all the terms of the district and the utility or capital improvement installation proposed by the developer and it must be approved by Council. Once an approved agreement is in place and the special assessment district process complete, the City will transfer payments to the developer within 90 days of receipt of those payments. The Code clarifies, however, that the City is not required to collect payments and has no liability to the developer if it does not do so. This is necessary given the fluctuation in municipal resources necessary for enforcement</p>

What Comes Next?

Upon introduction of the Ordinance, the sponsors and the administration will begin preparing several documents that are necessary to complete the revisions proposed in the Ordinance. These documents include:

- 1) The industrial waste management policy manual and a proposed resolution approving the manual;
- 2) Permit applications for the following permits:
 - A. Sewer System extension and connection permit
 - B. Water System extension and connection permit
 - C. Waste Disposal permit
 - D. Water filling station permit
 - E. Commercial waste disposal permit
 - F. Industrial waste disposal permit
- 3) An ordinance updating HCC 1.16.040 "Disposition of scheduled offenses-Fine schedule."
- 4) A resolution updating the City fee schedule to include the permit application and appeal fees imposed under Titles 14 and 17.
- 5) A resolution updating HART and HAWSP manuals and the accompanying updated manuals.

Finally, in addition to the documents identified above, the City administration and Council will need to educate the public regarding the substantial changes to the water and sewer system management and public assessment processes.

Conclusion

While this memorandum attempts to identify the changes between existing Code and the Ordinance, the Ordinance presents significant changes to the structure of the City's process that is not easily captured in a memo. For this reason, I have also attached copies of the current HCC Chapters 9.08, 13.24, and 13.28 and Titles 14 and 17 for easy comparison and reference. In addition, I am prepared to walk Council and the public through the changes in a presentation and any other medium that Council deems helpful.

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Memorandum 19-058

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: COUNCIL MEMBERS LORD AND STROOZAS
DATE: MAY 22, 2019
SUBJECT: REWRITE OF HOMER CITY CODE TITLE 14 AND TITLE 17

Ordinance 19-23 provides a major overhaul of our City Code regarding water and sewer public utilities and special assessment districts. The legal memo outlines the major changes, encompassing both the proposed structural and policy changes. We have reserved June 11, 2019 at 4:00 p.m. for a worksession on this Ordinance, and we propose at least two public hearings to ensure time for both the public and Council to review and digest these proposed changes.

This is a huge undertaking, and we want to highlight several proposed **policy changes for the Council's** attention:

- Proposed Homer City Code (PHCC) 14.01. While also providing a critical consolidation of general **provisions for Homer's water and sewer utilities, this section also includes basic language that is a skeleton of Ordinance 19-19 (14.04.010)**. We understand these are moving simultaneously, and suggest that the language be maintained in this Ordinance as a place-holder while 19-19 moves through the public process. As this Ordinance will likely take substantially longer to move, an amendment can be made to replace the language on Page 2, Lines 24-26 as appropriate. Note that this Ordinance also proposes deleting HCC 14.04.115
- Homer City Code (HCC)/PHCC 14.04.02 (Page 4 of the legal memo)
- HCC 14.30 deleted, revised and moved to PHCC 17.18. Pulls the developer reimbursement program in line with the special assessment district process and provides clarity on City responsibility (Page 7 of the legal memo)
- PHCC 17.02.010 Provides definitions for benefited area and developable land, providing a clear alternative to equal area assessments and maintaining flexibility in establishing the assessment method for a district.
- HCC/PHCC 17.02.100 is a revision of the subdivision after levy of assessment section of current code which you may recall from Ordinance 18.18 (failed). This proposal clarifies the calculation of the connection fee, and provides for a sunset date equal to the financing terms for the original assessment.
- HCC 17.04.190/PHCC 17.04.190 increases the qualifying income to 200% instead of 125% to be consistent with surrounding communities on the Kenai Peninsula. This would mean a family of four making less than \$64,380 would be able to qualify for a hardship deferral (vs. the current guideline of 125% or \$40,237).

- HCC 17.04.200/PHCC 17.02.200 Provides a clear process for properties outside an assessment district to join the district. See the accompanying diagram.
Future work, following on the heels of this Ordinance, will include updates to HCC 11.38 (the developer reimbursement program for roads), the HAWSP/HART policy manuals, the fee schedule, and a review of the penalty schedule (a copy of our current schedule is included in this packet for your reference).
Similar to the legal memo provided by BHBC, this does not encompass all of the substantive changes in the Ordinance. However, it does highlight significant points that we believe the Council should review and discuss at a minimum, and we look forward to the conversation.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-31

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 21.18 Central Business District, Section 21.18.020, Permitted Uses and Structures, to Add Medical Clinics as a Permitted Use.

Sponsor: Planning Commission

1. City Council Regular Meeting June 24, 2019 Introduction
Memorandum 19-078 from City Planner as backup
2. City Council Regular Meeting July 22, 2019, Public Hearing and Second Reading
Memorandum 19-078 from City Planner as backup

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

3 Planning Commission

4 **ORDINANCE 19-31**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 21.18 CENTRAL
8 BUSINESS DISTRICT, SECTION 21.18.020, PERMITTED USES AND
9 STRUCTURES, TO ADD MEDICAL CLINICS AS A PERMITTED USE.

10
11 WHEREAS, the 2018 Homer Comprehensive Plan promotes a pattern of growth
12 characterized by a concentrated mixed-use center; and

13
14 WHEREAS, the Central Business District is a centrally located area for the provision of
15 professional services,

16
17 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

18
19 Section 1. Homer City Code 21.18.020, Permitted uses and structures, is hereby
20 amended to read as follows:

21
22 21.18.020 Permitted uses and structures.

23
24 The following uses are permitted outright in the Central Business District, except when such
25 use requires a conditional use permit by reason of size, traffic volumes, or other reasons set
26 forth in this chapter:

27
28 a. Retail business where the principal activity is the sale of merchandise and incidental services
29 in an enclosed building;

30
31 b. Personal service establishments;

32
33 c. Professional offices and general business offices;

34
35 d. Restaurants, clubs and drinking establishments that provide food or drink for consumption
36 on the premises;

37
38 e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;

39
40 f. Hotels and motels;

41
42 g. Mortuaries;

- 43 h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not
44 including mobile homes;
45
46 i. Floatplane tie-up facilities and air charter services;
47
48 j. Parks;
49
50 k. Retail and wholesale sales of building supplies and materials, only if such use, including
51 storage of materials, is wholly contained within one or more enclosed buildings;
52
53 l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided,
54 that a separate permit shall not be issued for the construction of any detached accessory
55 building prior to that of the main building;
56
57 m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
58
59 n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
60
61 o. Ministorage;
62
63 p. Apartment units located in buildings primarily devoted to business or commercial uses;
64
65 q. Religious, cultural, and fraternal assembly;
66
67 r. Entertainment establishments;
68
69 s. Public, private and commercial schools;
70
71 t. Museums and libraries;
72
73 u. Studios;
74
75 v. Plumbing, heating and appliance service shops, only if such use, including the storage of
76 materials, is wholly within an enclosed building;
77
78 w. Publishing, printing and bookbinding;
79
80 x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from
81 Lake Street west to the boundary of the Central Business District abutting Webber Subdivision,
82 and from Heath Street to the west side of Lakeside Village Subdivision, provided they shall
83 conform to the standards in HCC 21.54.200 and following sections;
84

85 y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles;
86 maintenance of taxis must be conducted within an enclosed structure, and requires prior
87 approval by the City Planner of a site, access and parking plan;

88

89 z. Mobile food services;

90

91 aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright
92 under this zoning district;

93

94 bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;

95

96 cc. Rooming house, bed and breakfast and hostel;

97

98 dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer
99 Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling
100 Highway, subject to the following additional requirements: Vehicles awaiting repair or service,
101 inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked
102 indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence
103 shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside
104 of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible
105 outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other
106 debris created in the repair or servicing of vehicles shall also be stored indoors or inside the
107 fenced enclosure out of view of the public;

108

109 ee. Farmers' market;

110

111 ff. Dormitory;

112

113 gg. Financial institutions;

114

115 hh. As an accessory use, one small wind energy system per lot having a rated capacity not
116 exceeding 10 kilowatts;

117

118 ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal
119 single-family dwelling on a lot;

120

121 jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities
122 as defined by State law;

123

124 **kk. Medical clinics.**

125

126 Section 2: This ordinance is of a permanent and general character and shall be included in
127 the City Code.

128
129 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
130 2019.

131
132 CITY OF HOMER
133
134 _____
135 KEN CASTNER, MAYOR
136

137 ATTEST:
138
139 _____
140 MELISSA JACOBSEN, MMC, CITY CLERK
141

142
143 YES:
144 NO:
145 ABSTAIN:
146 ABSENT:
147
148
149 First Reading:
150 Public Hearing:
151 Second Reading:
152 Effective Date:

153
154 Reviewed and approved as to form:

155
156 _____
157 Katie Koester, City Manager

Holly Wells, City Attorney

158
159 Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

MEMORANDUM 19-078

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD AICP, CITY PLANNER
DATE: June 19, 2019
SUBJECT: MEDICAL CLINICS IN THE CENTRAL BUSINESS DISTRICT (CBD)

After recently auditing the code during the Planning Commissions review of CUP's, we found that medical clinics are only listed as a conditional use in the Residential Office District (RO). The rules regarding the construction of code dictate that if a use is mentioned in code in a district, it is implied that use is prohibited where it is not listed in code. Thus, medical clinics are prohibited in the CBD.

Research has found the code issue was created during the 2008 technical update of the code when the definition of 'professional office' added the words "clinics are excluded" to the definition. Prior to this, a medical clinic would have been permitted in the CBD as a professional office.

I have found no support for the concept that medical clinics were meant to only be found in the RO district and have concluded that this change in policy was unintentional. Many medical clinics by definition have traditionally been found in the CBD and the district is a logical location to support such businesses.

It was moved and approved by unanimous consent that the Commission forward the draft ordinance to City Council for approval. This item was discussed at two meetings of the Planning Commission including a public hearing on the meeting of June 5, 2019.

Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- May 15, 2019
- June 5, 2019

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-32

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code 2.72 Advisory Planning Commission; Homer City Code 11.12.010 Street Address Assignment Plan Adopted; Homer City Code 21.03.040 Definitions Used in Zoning; and Homer City Code 22.10.040 Applicable and Exempted Subdivisions to Change the Name of the Advisory Planning Commission to the Planning Commission Throughout.

Sponsor: Mayor

1. City Council Regular Meeting June 24, 2019 Introduction
2. City Council Regular Meeting July 22, 2019 Public Hearing and Refer to Planning Commission

CITY OF HOMER
HOMER, ALASKA

Mayor

ORDINANCE 19-32(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 2.72 ADVISORY PLANNING COMMISSION; HOMER CITY CODE 11.12.010 STREET ADDRESS ASSIGNMENT PLAN ADOPTED; HOMER CITY CODE 21.03.040 DEFINITIONS USED IN ZONING; AND HOMER CITY CODE 22.10.040 APPLICABLE AND EXEMPTED SUBDIVISIONS TO CHANGE THE NAME OF THE ADVISORY PLANNING COMMISSION TO THE PLANNING COMMISSION THROUGHOUT.

WHEREAS, The Homer Advisory Planning Commission provides local knowledge and advice to the Kenai Peninsula Borough Planning Commission for matters that fall within their authority; and

WHEREAS, The Homer Advisory Planning Commission provides Advisory comments concerning municipal policy and code development to the Homer City Council; and

WHEREAS, The Homer Advisory Planning Commission is a decision-making body authorized and required to make decisions regarding variances, conditional use permits, and other land use matters; and

WHEREAS, The inclusion **of the word “Advisory” in the Commission’s name** highlights its role as an advisory commission to the Kenai Peninsula Borough, but not its identity as a decision-making governing body under the Homer City Code.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. HCC Chapter 2.72 “Advisory Planning Commission” is hereby amended as follows:

Chapter 2.72

~~ADVISORY~~ PLANNING COMMISSION

Sections:

2.72.010 Homer ~~Advisory~~ Planning Commission established.

2.72.020 Incorporation of State law.

2.72.030 Duties and powers.

2.72.040 Terms of Commission members.

43 2.72.050 Zoning powers and duties.

44 2.72.060 Record of proceedings.

45

46 2.72.010 Homer ~~Advisory~~ Planning Commission established.

47

48 a. In order to maximize local involvement in planning, and in the implementation and
49 modification of the Homer zoning ordinance, the Homer ~~Advisory~~ Planning Commission is
50 established. ~~Advisory~~ Planning Commission jurisdiction is limited to the area within the City
51 boundaries.

52

53 b. The Homer ~~Advisory~~ Planning Commission shall have seven members. No more than one of
54 its members may be from outside the City limits. Members shall be appointed by the Mayor
55 subject to confirmation by the City Council.

56

57 c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be
58 appointed from and by the appointive members.

59

60 d. In addition to the seven Commission members appointed by the Mayor, the Mayor, City
61 Manager **or the City Manager's designee** or his designee and Public Works Director, or his
62 designee, shall serve as consulting members of the Commission when the Commission is
63 sitting in its advisory-only capacity. In addition to the seven appointive members, and may
64 attend all meetings as consultants, but Consulting members of the Commission shall have
65 no vote.

66

67 2.72.020 Incorporation of State law.

68

69 The laws of the State of Alaska and dealing with the planning and zoning commissions present
70 and future are incorporated into this chapter as if expressly included in this chapter.

71

72 2.72.030 Duties and powers.

73

74 The Commission shall be required to do the following:

75

76 a. Develop, adopt, alter or revise, subject to approval by the City Council, a master plan for the
77 physical development of the City. Such master plan with accompanying maps, plats, charts,
78 **descriptive and explanatory matter shall show the Commission's recommendations for the**
79 development of the City territory, and may include, among other things:

80

81 1. Development of the type, location and sequence of all public improvements;

82

83 2. The relocation, removal, extension or change of use of existing or future public ways,
84 grounds, spaces, buildings, properties and utilities;

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3. The general extent and location of rehabilitation areas.

When a master plan for the City has been approved by the Council, amendments, revisions and extensions thereof may be adopted by the Council after consideration and report by the Commission;

b. Review and comment on all proposed vacations, abbreviated subdivision plats, subdivision plat waivers, and preliminary plats of land within the City before their submittal to the Kenai Peninsula Borough, as provided in the Kenai Peninsula Borough Code of Ordinances 20.25.050;

c. Draft an official map of the City and recommend or disapprove proposed changes in such map;

d. Promote public interest in and understanding of the master plan and of general regulations with regard to planning and zoning;

e. Make investigations regarding any matter related to City planning;

f. Make and prepare reports, prints, plats and plans for approval by the City Council;

g. Make or cause to be made surveys, maps and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street, alley or playground. For the purpose of implementing this subsection, all departments of the City considering any such improvement are required, and all public agencies not a part of the City are requested, to inform the Commission of the proposed improvement, and submit such pertinent information to the Commission and within such time as will enable the Commission to recommend to City Council whether the proposed improvement is consistent with the general plan and established planning principles. No public improvement shall be authorized by City Council until the recommendation of the Commission shall have been received, but the City Council shall not be bound by that recommendation.

2.72.040 Terms of Commission members.

a. Members of the first Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms;
2. Two members shall be appointed for two-year terms;
3. Two members shall be appointed for one-year terms.

b. At the end of the respective terms set forth in subsection (a) of this section, members shall be appointed for full three-year terms.

127
128 c. Any Commissioner who shall have two successive unexcused absences shall be subject to
129 removal by the Commission by a majority vote of the members present.

130
131 2.72.050 Zoning powers and duties.

132
133 ~~a. The Homer Advisory Planning Commission, sitting as the Homer Advisory Planning~~
134 ~~Commission to the Kenai Peninsula Borough, shall exercise zoning authority delegated by the~~
135 ~~Borough Assembly:~~

136
137 ~~1. Interpret the provisions of this chapter and make zoning compliance determinations~~
138 ~~when requested by the local administrative official;~~

139 ~~2. Act upon requests for PUDs, variances and conditional use permits; and~~

140 ~~3. Prepare and recommend to the Homer City Council modifications to the Homer City~~
141 ~~zoning ordinance.~~

142 ~~b. The Homer Advisory Planning Commission shall adopt additional procedural rules~~
143 ~~approved by the City Council.~~

144 ~~c. The fee schedule shall be established by resolution of the City Council.~~

145
146 The Commission shall act in an advisory capacity to the Kenai Peninsula Borough
147 Planning Commission regarding the following matters:

148 1. Subdivision plat proposals.

149 2. Right-of-way and easement vacation petitions.

150 3. City of Homer Comprehensive Plan amendments.

151
152 2.72.060 Record of proceedings.

153
154 The Commission shall meet regularly twice a month, and permanent records or minutes shall
155 be kept of Commission proceedings, and such minutes shall record the vote of each member
156 upon every question. Copies of such minutes shall be filed in the office of the City Clerk, shall
157 be provided to the City Council not later than its first regular meeting after their preparation,
158 and shall be a public record open to inspection by any person.

159
160 Section 2. HCC 11.12.010 Street address assignment plan adopted is hereby amended
161 to read:

162
163 11.12.010 Street address assignment plan adopted.

164
165 A plan for assigning street addresses in the City of Homer, Alaska, dated January 8, 1975, and
166 amended August 13, 1979, as prepared by the Homer ~~Advisory~~ Planning Commission is
167 adopted. The plan is to be kept on file in the office of the City Clerk, and is subject to
168 amendment by Council resolution.

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Section 3. HCC 21.03.040 Definitions used in zoning code shall be amended as follows:

21.03.040 Definitions used in zoning code.

As used in this title, the words and phrases defined in this section shall have the meaning stated, except where (a) the context clearly indicates a different meaning or (b) a special definition is given for particular chapters or sections of the zoning code.

“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent lots separated by a road right-of-way do not abut.

“Accessory building” means an incidental and subordinate building customarily incidental to and located on the same lot occupied by the principal use or building, such as a detached garage incidental to a residential building.

“Accessory use” means a use or activity that is customary to the principal use on the same lot, and which is subordinate and clearly incidental to the principal use.

“ADT” or “average daily traffic” means the estimated number of vehicles traveling over a given road segment during one 24-hour day. ADT is usually obtained by sampling and may be seasonally adjusted.

“Adverse impact” means a condition that creates, imposes, aggravates or leads to inadequate, impractical, detrimental, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.

Aggrieved. See “person aggrieved.”

“Agricultural activity” shall mean farming, including plowing, tillage, fertilizing, cropping, irrigating, seeding, cultivating or harvesting for the production of food and fiber products (excluding commercial logging and timber harvesting operations); the grazing or raising of livestock (excluding feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise. “Agricultural activity” excludes private stables and public stables.

“Agricultural building” means a building used to shelter farm implements, hay, grain, poultry, livestock, horticulture, or other farm products, in which there is no human habitation and which is not used by the public.

“Aisle” means an area within a parking lot that is reserved exclusively for ingress, egress and maneuvering of automobiles.

211
212 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a secondary
213 means of access to abutting property.

214
215 “Alteration” means any change, addition or modification in construction, occupancy or use.

216
217 “Animal unit equivalent” is a convenient denominator for use in calculating relative grazing
218 impact of different kinds and classes of domestic livestock. An animal unit (AU) is generally one
219 mature cow of approximately 1,000 pounds and a calf as old as six months of age, or their
220 equivalent. Animal unit equivalents vary according to kind and size of animals.
221 The following table of AU equivalents applies to the Homer Zoning Code.

222

Kinds and classes of animals	Animal- equivalent	unit
Slaughter/feed cattle	1.00	
Mature dairy cattle	1.40	
Young dairy cattle	0.60	
Horse, mature	2.00	
Sheep, mature	0.20	
Lamb, one year of age	0.15	
Goat, mature	0.15	
Kid, one year of age	0.10	

223
224 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted species
225 require application to the Planning Commission for determination of AU equivalents.

226
227 Apartment House. See “dwelling, multiple-family.”

228
229 “Area, building” means the total area, taken on a horizontal plane at the main grade level, of a
230 building, exclusive of steps.

231
232 “Area, floor” means the total area of all floors of a building as measured to the outside surfaces
233 of exterior walls, including attached garages, porches, balconies, and other structures when
234 covered by a roof.

235
236 “Area, footprint” has the same meaning as “area, building.”

237
238 “Area, lot” means the total horizontal net area within the boundary lines of a lot, exclusive of
239 rights-of-way for streets and alleys.

240

241 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on a lot to
242 the area of the lot.

243 “Arterial” means a street whose principal function is the transmission of vehicular through
244 traffic, that performs a major role in serving the transportation needs of the community, and
245 that is identified as a “major arterial” or “community arterial” in the Homer Roads and Streets
246 Master Plan.

247

248 “Assisted living home” has the meaning given in AS 47.32.900.

249

250 “Auto and trailer sales or rental area” means an automobile related use that may consist of
251 any combination of the following:

252 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
253 or sale;

254 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
255 trailers, and sale of parts and accessories customarily incidental to the sale of such
256 vehicles; and

257 3. Buildings at the location of a motor vehicle dealership used for auto repairs
258 customarily incidental to the operation of a dealership.

259

260 “Auto fueling station” means any premises used to sell motor fuels and lubrication to motor
261 vehicles. An auto fueling station may include the sale of minor accessories. Auto fueling station
262 does not include auto repair.

263

264 “Auto repair” means service and repair of motor vehicles, trailers and similar mechanical
265 equipment, including painting, upholstering, rebuilding, reconditioning, body and fender
266 work, frame straightening, undercoating, engine or transmission rebuilding or replacement,
267 tire retreading or recapping, and the like. It also includes minor service work to automobiles or
268 light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and
269 replacement of small items.

270

271 “Basement” means any floor level partly or wholly underground, except when such floor level
272 meets the definition of “story.”

273

274 “BCWP district” means the “Bridge Creek Watershed Protection District” described in Chapter
275 21.40 HCC.

276

277 “Bed and breakfast” means a dwelling in which an individual or family resides and rents
278 bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the
279 principal use of the dwelling as the primary residence of the operator. If the dwelling has six or
280 more bedrooms available for rental to overnight guests it is a hotel and not a bed and
281 breakfast.

282

283 “Bluff” means an abrupt elevation change in topography of at least 15 feet, with an average
284 slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal
285 distance).

286
287 “Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of
288 boats.

289
290 “Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge
291 Creek.

292
293 “Buffer” means an open space, landscaped area, fence, wall, berm, or any combination thereof
294 used to physically separate or screen one use or property from another so as to shield or block
295 visibility, noise, lights, or other undesirable effects.

296
297 “Buffer, runoff” means an area of natural or planted vegetation through which stormwater
298 runoff flows in a diffuse manner so that the runoff does not become channelized and that
299 provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is measured
300 landward from the normal full water elevation of impounded structures and from the top of
301 the bank of each side of a stream, river, ditch, or other channel.

302
303 “Buffer, stream” means a runoff buffer of a designated distance on each side of a channel
304 measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or
305 other channel.

306
307 “Building” means any structure used or intended for supporting or sheltering any use or
308 occupancy.

309
310 “Building construction” means the placing of construction materials in a permanent position
311 and fastened in a permanent manner in the course of constructing or erecting a building.

312
313 “Building height” is the vertical distance from grade to the maximum point of measurement of
314 the building, measured according to HCC 21.05.030.

315
316 “Building, main” means the building of chief importance or function on the lot.

317
318 “Business, open air” or “open air business” means the retail sale or display of merchandise or
319 services, including but not limited to farmers’ markets and flea markets, conducted outdoors
320 or under a canopy for protection from the elements and held on a regular or periodic basis.
321 Open air business does not include (1) outdoor display or sales of goods or services by a retail
322 or wholesale business that is principally located in a building, or (2) sales, services or rentals of
323 any kind of boat or motorized vehicle.

324

325 “Business, retail” means a place of business principally engaged in selling goods, substances
326 or commodities in small quantities to the ultimate consumer, and may include rendering
327 services incidental to the sale of such goods, substances or commodities. The term “retail
328 business” does not include, as either a principal or accessory use, automobile oriented uses,
329 the sale, rental, storage, service, or repair of any motor vehicles, or any use separately defined
330 or listed in any zoning district.

331
332 “Business, wholesale” or “wholesale” means a place of business principally engaged in selling
333 or distributing goods, substances or commodities in quantity to retailers or to industrial,
334 commercial or institutional users mainly for resale or business use.

335
336 “Campground” means a parcel of land where two or more campsites are located that provides
337 facilities for temporary recreational living in any manner other than a permanent building.

338
339 “Cemetery” means land used or intended to be used for burial of the dead and dedicated for
340 cemetery purposes, including columbaria and mausoleums when operated in conjunction
341 with and within the boundary of such cemetery.

342
343 “Channel protection storage volume” or “Cpv” means the volume used to design structural
344 management practices to control stream channel erosion.

345
346 Church. See “religious, cultural, and fraternal assembly.”

347
348 “City Engineer” means an engineer within the Homer Department of Public Works designated
349 by the Director of Public Works.

350
351 “Clearing” means the removal of trees and brush from the land, but shall not include the
352 ordinary pruning of trees or shrubs or mowing of grass.

353
354 “Clinic” means a professional office with facilities for providing outpatient medical, dental or
355 psychiatric services, which may include as incidental to the principal use a dispensary to
356 handle medication and other merchandise prescribed by occupants in the course of their
357 professional practices.

358
359 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of oil-
360 attracting plates. Oil droplets collect and float to the surface, where they can be skimmed off
361 or removed mechanically and separators may be installed above or below ground.

362
363 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line of
364 Kachemak Bay.

365

366 “Cold storage” means a building equipped with refrigeration or freezing facilities that provides
367 cold or frozen storage or freezing services.

368

369 “Collocation” means the placement or installation of wireless communications equipment on
370 an existing wireless communications support structure or in an existing equipment compound.

371

372 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a commercial motor
373 vehicle or any motor vehicle with signs or logos exceeding nine square feet in combined area.

374

375 “Commission” means the Homer Advisory Planning Commission.

376

377 “Community Design Manual” means the Community Design Manual for the City of Homer,
378 adopted by City Council Resolution 04-34, as may be amended from time to time.
379 Comprehensive Plan. See HCC 21.02.010.

380

381 “Construction camp” means one or more buildings, trailers, mobile homes or similar
382 structures used to house workers or employees for logging, mining, off-shore and on-shore
383 construction, development and other projects, installed primarily for the duration of the
384 project or operation and not open for use by the general public as accommodations or for
385 permanent mobile home living.

386

387 “Date of distribution” means the date on which a City official mails a written decision or order
388 issued under the zoning code or, if the document is personally delivered, the date of such
389 personal delivery.

390

391 “Day care facility” means any establishment for the care of children, whether or not for
392 compensation, excluding day care homes and schools. Such day care facility must also be duly
393 licensed by the State, if so required by State law or regulation.

394

395 “Day care home” means the principal dwelling unit of one or more persons who regularly
396 provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the
397 24-hour day, to eight or less children at any one time, not including adult members of the
398 family residing in the dwelling. The term “day care home” is not intended to include baby-
399 sitting services of a casual, nonrecurring nature, child care provided in the child’s own home,
400 or cooperative, reciprocating child care by a group of parents in their respective dwellings.

401

402 “Department” or “Planning Department” means the department or division of the City of
403 Homer under the direction of the City Planner, whose functions and powers include the
404 administration and enforcement of the zoning code as described in Chapter 21.90 HCC.

405

406 “Design year” means the year that is 10 years after the opening date of development.

407

408 “Detention, extended” means a stormwater design feature that provides gradual release of a
409 volume of water in order to increase settling of pollutants and protect downstream channels
410 from frequent storm events.

411
412 “Detention structure” means a permanent structure for the temporary storage of water runoff
413 that is designed so as not to create a permanent pool of water.

414
415 “Develop” or “development activity” means to construct or alter a structure or to make a
416 physical change to the land, including but not limited to excavations, grading, fills, road
417 construction, and installation of utilities.

418
419 “Development” means all manmade changes or improvements on a site, including buildings,
420 other structures, parking and loading areas, landscaping, paved or graveled areas, and areas
421 devoted to exterior display, storage, or activities. Development includes improved open areas
422 such as public spaces, plazas and walkways, but does not include natural geologic forms or
423 unimproved land. See also “project.”

424
425 “Development activity plan” or “DAP” means a plan, prepared according to standards set forth
426 in this title, that provides for the control of stormwater discharges, the control of total
427 suspended solids, and the control of other pollutants carried in runoff during construction and
428 the use of the development.

429
430 “Development, new” means development on a site that was previously unimproved or that has
431 had previously existing buildings demolished.

432
433 “Direct discharge” means the concentrated release of stormwater to tidal waters or vegetated
434 tidal wetlands from new development or redevelopment projects in critical habitat areas.

435
436 “Dividers” means areas of landscaping that separate from each other structures or
437 improvements, including parking lots or buildings.

438
439 “Dog lot” means any outdoor area where more than six dogs over the age of five months are
440 kept.

441
442 “Dormitory” means a building or portion of a building that provides one or more rooms used
443 for residential living purposes by a number of individuals that are rented or hired out for more
444 than nominal consideration on a greater than weekly or pre-arranged basis. A building or
445 structure that provides such rooms on less than a weekly basis shall be classified as a “hotel”
446 or “motel,” “rooming house,” or other more suitable classification. “Dormitory” excludes
447 hotel, motel, shelter for the homeless and bed and breakfast.

448

449 “Drainage area” means that area contributing water runoff to a single point measured in a
450 horizontal plane, which is enclosed by a ridge line.

451

452 “Dredging/filling” means an activity that involves excavating along the bottom of a water body
453 for the purpose of channeling, creating a harbor, mineral extraction, etc., and the subsequent
454 deposition of the dredge material to build up or expand an existing land mass or to create a
455 new one.

456

457 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected to the
458 ground.

459

460 “Drive-in car wash” means automated or manual car wash facilities and equipment used for
461 retail car wash services enclosed within a building, which may include accessory vacuum
462 cleaning and other equipment for car interior detailing outside of a building.

463

464 “Driveway” means the aisle area within a parking lot which abuts designated parking spaces
465 and which is reserved exclusively for ingress, egress and maneuvering of automobiles in and
466 out of those spaces.

467

468 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
469 residential occupancy by not more than one family and includes facilities for sleeping, cooking
470 and sanitation.

471

472 “Dwelling, duplex” means a building designed or arranged for residential occupancy by two
473 families living independently, the structure having only two dwelling units.

474

475 “Dwelling, factory built” means a structure containing one or more dwelling units that is built
476 off-site, other than a manufactured home, and: (1) is designed only for erection or installation
477 on a site-built permanent foundation; (2) is not designed to be moved once so erected or
478 installed; and (3) is designed and manufactured to comply with a nationally recognized model
479 building code or an equivalent local code, or with a State or local modular building code
480 recognized as generally equivalent to building codes for site-built housing.

481

482 “Dwelling, multiple-family” means a building or a portion thereof designed for residential
483 occupancy by three or more families living independently in separate dwelling units.

484

485 “Dwelling, single-family” means a detached dwelling unit designed for residential occupancy
486 by one family.

487

488 “Easement” means a grant or reservation by the owner of an interest in land for the use of such
489 land for a specific purpose or purposes, and which must be conveyed or reserved by an
490 instrument affecting the land.

- 491
492 “Educational Institution”. See “school.”
493
494 “Employee-occupied recreational vehicle” means a recreational vehicle utilized by an
495 employee or employer for housing.
496
497 “Entertainment establishment” means a public or private institution or place of business
498 providing live or pre-recorded shows or performances for entertainment.
499
500 “Equipment compound” means the area occupied by a wireless communications support
501 structure and within which wireless communications equipment is located.
502
503 “Extractive enterprises” means uses and activities that involve the removal of ores, liquids,
504 gases, minerals, or other materials or substances from the earth’s surface or subsurface.
505
506 “Extreme flood volume” or “Qf” means the storage volume required to control those
507 infrequent but large storm events in which overbank flows reach or exceed the boundaries of
508 the 100-year floodplain.
509
510 “Family” means an individual or two or more persons related by blood, marriage or adoption,
511 or a group not to exceed six unrelated persons living together as a single housekeeping unit in
512 a dwelling unit.
513
514 “Farmers’ market” means a location where the primary activity is the sale of goods:
515 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
516 other plant products, or other processed agricultural products;
517 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
518 viticulture, vermiculture, aquaculture, eggs, honey and bee products;
519 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
520 case of prepared foods; or
521 4. Created, sewn, constructed, or otherwise fashioned from component materials by
522 the seller.
523
524 Fence Height. See HCC 21.05.030(d).
525
526 “Financial institution” means banks, credit unions, saving and loan companies, stockbrokers,
527 and similar businesses.
528
529 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak discharge.
530
531 “Garage, parking” means any building (including an underground structure), except one
532 described as a private garage, used principally for the parking or storage of motor vehicles.

- 533
534 **“Garage, private”** means a building, or a portion of a building, in which motor vehicles used
535 only by the occupants of the building(s) located on the premises are stored or kept.
536 **Garage, Public.** See “auto repair.”
537
538 **“Gardening, personal use”** means gardening for personal purposes as an accessory use to the
539 primary residential use of a lot.
540
541 **“Glare”** means direct light emitted by a luminaire that causes reduced visibility of objects or
542 momentary blindness.
543
544 **“Grade”** in reference to adjacent ground elevation means the lowest point of elevation of the
545 existing surface of the ground within the area between the structure and a line five feet from
546 the structure.
547
548 **“Grading”** means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or
549 filled, or any combination thereof.
550
551 **“Group care home”** means a residential facility that provides training, care, supervision,
552 treatment or rehabilitation to the aged, disabled, infirm, those convicted of crimes or those
553 suffering the effects of drugs or alcohol. The term **“group care home”** does not include day care
554 homes, day care facilities, foster homes, schools, hospitals, assisted living homes, nursing
555 facilities, jails or prisons.
556
557 **“Guest room”** means a single unit for the accommodation of guests without kitchen or cooking
558 facilities in a bed and breakfast, rooming house, hotel or motel.
559
560 **“Guesthouse”** means an accessory building without kitchen or cooking facilities and occupied
561 solely by nonpaying guests or by persons employed on the premises.
562
563 **“Helipad”** means any surface where a helicopter takes off or lands, but excludes permanent
564 facilities for loading or unloading goods or passengers, or for fueling, servicing or storing
565 helicopters.
566
567 **“Heliports”** means any place including airports, fields, rooftops, etc., where helicopters
568 regularly land and take off, and where helicopters may be serviced or stored.
569 **Highway.** See “street” and “State highway.”
570
571 **“Home occupation”** means any use customarily conducted entirely within a dwelling or a
572 building accessory to a dwelling, and carried on by the dwelling occupants, that is clearly
573 incidental and secondary to the use of the dwelling for dwelling purposes and does not change
574 the character thereof, and includes no display of stock in trade, no outside storage of materials

575 or equipment and no commodity sold upon the premises. “Home occupation” does not
576 include bed and breakfast.

577

578 “Hospital” has the meaning given in AS 47.32.900.

579

580 “Hostel” means any building or portion of a building containing dormitory-style sleeping
581 accommodations for not more than 15 guests that are used, rented or hired out on a daily or
582 longer basis.

583

584 “Hotel” or “motel” means any building or group of buildings containing six or more guest
585 rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.

586 “Hotel” or “motel” also means any building or group of buildings containing five or less guest
587 rooms that are used, rented or hired out to be occupied for sleeping purposes by more than 15
588 guests. The terms “hotel” and “motel” exclude bed and breakfast, rooming house, dormitory,
589 shelter for the homeless, and hostel.

590

591 “Impervious coverage” means an area of ground that, by reason of its physical characteristics
592 or the characteristics of materials covering it, does not absorb rain or surface water. All parking
593 areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas
594 covered by buildings or structures, concrete, asphalt, brick, stone, wood, ceramic tile or metal
595 shall be considered to be or have impervious coverage.

596

597 “Impound yard” means a lot, establishment, area, facility or place of business used for the
598 temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or other
599 abandoned or illegally stored personal property pending determination of possessory or
600 proprietary rights therein. If impounded property is held in custody longer than six months, it
601 shall be classified as a junk yard and not an impound yard.

602

603 “Independent business” means a business establishment that operates independently of other
604 business establishments. If retail and wholesale business establishments have common
605 management or common controlling ownership interests, they are not operated
606 independently of one another.

607

608 “Infiltration” means the passage or movement of water into the soil surface.

609

610 “Islands,” when used to describe landscaped areas within parking lots, means compact areas
611 of landscaping within parking lots designed to support mature trees and plants.

612

613 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC 8.08.010.

614

615 “Joint use parking area” means a parking lot that contains required off-street parking spaces
616 for more than one lot.

617
618 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, or
619 damaged goods or tangible materials. Junk includes, without limitation, motor vehicles that
620 are inoperable or not currently registered for operation under the laws of the State and
621 machinery, equipment, boats, airplanes, metal, rags, rubber, paper, plastics, chemicals, and
622 building materials that cannot, without further alteration or reconditioning, be used for their
623 original purpose.

624
625 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor collection,
626 storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or sale of junk.

627
628 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or other
629 animals at least four months of age are kept for boarding, propagation or sale. If a use meets
630 the definitions of both “dog lot” and “kennel,” it shall be classified as a dog lot.

631
632 “Kitchen” means any room or part of a room intended or designed to be used for cooking or
633 the preparation of food. The presence of a range or oven, or utility connections suitable for
634 servicing a range or oven, shall be considered as establishing a kitchen.

635
636 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and wood
637 chips, and decorative features, including sculpture.

638
639 “Level of service” or “LOS” means a qualitative measure describing operational conditions
640 within a traffic stream, based on service measures such as speed and travel time, freedom to
641 maneuver, traffic interruptions, comfort, and convenience. Six levels of service, from A to F, are
642 used to represent a range of operating conditions with LOS A representing the best operating
643 conditions and LOS F the worst.

644
645 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in their
646 ability to maneuver within the traffic stream, passing demand is well below passing
647 capacity, drivers are delayed no more than 30 percent of the time by slow moving
648 vehicles.

649 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
650 restricted; passing demand approximately equals passing capacity, and drivers are
651 delayed up to 45 percent of the time; the level of physical and psychological comfort
652 provided to drivers is still high.

653 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
654 restricted and lane changes require more care and vigilance on the part of the driver;
655 percent time delays are up to 60 percent; traffic will begin to back up behind slow
656 moving vehicles.

657 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic flow,
658 density begins to increase somewhat more quickly, passing demand is very high while

659 passing capacity approaches zero, and the driver experiences reduced physical and
660 psychological comfort levels; the percentage of time motorists are delayed approaches
661 75 percent, even minor incidents can be expected to back up traffic because the traffic
662 stream has little space to absorb disruptions.

663 5. **“LOS E” means the LOS** at which roadway is at capacity; the percentage of time delay
664 is greater than 75 percent, passing is virtually impossible, as there are virtually no
665 usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
666 maneuver, physical and psychological comfort afforded to the driver is poor.

667 6. **“LOS F” means the LOS** at which traffic is heavily congested with traffic demand
668 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
669 high.

670

671 **“Light trespass” means light emitted by a luminaire** that shines beyond the boundaries of the
672 property on which the luminaire is located.

673

674 **“Living ground cover” means low growing, spreading, perennial plants that provide**
675 continuous coverage of the area.

676

677 **“Living plant life other than ground cover” means plants, including, but not limited to, trees,**
678 flower beds, rock gardens, shrubs and hedges.

679

680 **“Loading space” means an off-street space on the same lot with a building or contiguous to a**
681 group of buildings, designated or intended for the use of temporarily parked commercial
682 vehicles while loading and unloading, and that abuts upon a street, alley or other appropriate
683 means of access.

684

685 **“Lodging” means any building or portion of a building that does not contain a dwelling unit**
686 and that contains no more than five guest rooms that are used, rented or hired out to be
687 occupied for sleeping purposes by guests.

688

689 **“LOS”. See “level of service.”**

690

691 **“Lot” means a single parcel of land of any size, the boundaries of which have been established**
692 by some legal instrument of record, that is recognized and described as a unit for the purpose
693 of transfer of ownership. It may shown on a subdivision plat map, or record of survey map, or
694 described by metes and bounds and recorded in the office of the District Recorder. **“Lot”**
695 includes tracts and parcels of land of any size or shape.

696

697 **“Lot, corner” means a lot situated at the intersection of two or more streets having an angle of**
698 intersection of not more than 135 degrees.

699

700 “Lot depth” means the horizontal distance between the front and rear lot lines measured on
701 the longitudinal centerline.

702

703 “Lot, interior” means a lot other than a corner lot.

704

705 “Lot line, front” means the shortest lot line that is a street line. In the case of (1) a square, or
706 nearly square-shaped, corner lot, or (2) a through lot, the owner may choose which street to
707 designate as the front of the lot by giving written notice to the Department. Once the choice of
708 frontage has been made, it cannot be changed unless all requirements for yard space with the
709 new front lot line are satisfied.

710

711 “Lot line, rear” means a lot line that is opposite and most distant from the front lot line and, in
712 case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel to and at the
713 maximum distance from the front lot line.

714

715 “Lot line, side” means any lot boundary line that is not a front lot line or rear lot line.

716

717 “Lot, through” means a lot having a frontage on two parallel or approximately parallel streets.

718

719 “Lot width” means the width of a lot calculated according to HCC 21.05.050.

720

721 “Luminaire” means a complete lighting unit, including a lamp or lamps together with parts to
722 distribute light.

723

724 “Luminaire, cut-off” means a luminaire that allows no direct light from the luminaire above the
725 horizontal plane through the luminaire’s lowest light emitting part, in its mounted form either
726 through manufacturing design or shielding.

727

728 “Luminaire, height of” means the vertical distance from the ground directly below the
729 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

730

731 “Ministorage” means one or more buildings containing units available for rent for the purpose
732 of the general storage of household goods and personal property in which each unit (1) is
733 separated from all other such units, (2) is fully enclosed, and (3) does not have an area greater
734 than 600 square feet.

735

736 “Mitigation plan” means a plan designed to mitigate the effect of impervious cover on water
737 flow and loss of ground cover, and may include systems of water impoundment, settling
738 ponds, grease and sand traps, and leach fields among others.

739

740 “Mobile commercial structure” means a structure constructed as a movable or portable unit,
741 capable of being transported on its own chassis or wheels, that is designed for nonpermanent

742 uses and placed on a nonpermanent foundation and is used in any activity that promotes,
743 supports or involves a land use permitted outright in the zoning district in which the mobile
744 commercial unit is to be placed.

745
746 **“Mobile food service”** has the meaning defined in HCC 8.11.020 and, for purposes of the zoning
747 code, is treated as a temporary business.

748
749 **“Mobile home”** or **“manufactured home”** means a structure, transportable in one or more
750 sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or more in length,
751 or when erected on site is 320 square feet or more; and (2) that is built on a permanent chassis
752 and is designed for use as a dwelling with or without a permanent foundation when the
753 plumbing, heating, and electrical systems contained therein are connected to the required
754 utilities. A mobile home shall be construed to remain a mobile home whether or not wheels,
755 axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of
756 the foundation provided. A mobile home shall not be construed to be a recreational vehicle or
757 a factory built dwelling.

758
759 **“Mobile home park”** means one or more lots developed and operated as a unit with individual
760 sites and facilities to accommodate two or more mobile homes.

761
762 **“Native vegetation”** means native plant communities that are undisturbed or mimicked.

763
764 **“Natural or manmade features”** means features in landscaping other than plants, including,
765 but not limited to, boulders, or planters.

766
767 Nonconforming Lot. See HCC 21.61.010.

768
769 Nonconforming Structure. See HCC 21.61.010.

770
771 Nonconforming Use. See HCC 21.61.010.

772
773 **“Nursing facility”** means a facility that is primarily engaged in providing skilled nursing care or
774 rehabilitative services and related services for those who, because of their mental or physical
775 condition, require care and services above the level of room and board. **“Nursing facility”** does
776 not include a facility that is primarily for the care and treatment of mental diseases or an
777 assisted living home.

778
779 **“Occupancy”** means the purpose for which a building is used or intended to be used. The term
780 may also include the building or room housing such use. Change of occupancy does not result
781 from a mere change of tenants or proprietors.

782

783 “Office” means a physical location designed for, or used as, the office of professional, business,
784 administrative, institutional, charitable, personal service or public organizations or persons,
785 but does not include direct retail or wholesale sale of goods except for those sales that are
786 clearly incidental to the principal office use.

787
788 “Office, general business” means an office maintained and operated for the conduct of
789 management level administrative services or in which individuals or entities are provided
790 services in office settings in the nature of government, business, real estate, insurance,
791 property management, title companies, investment and financial, personnel, travel, and
792 similar services, including business offices of public utilities or other activities when the service
793 rendered is a service customarily associated with office services. Offices that are part of and
794 are located with a business or industrial firm in another category are considered accessory to
795 that firm’s primary activity. Professional office is excluded.

796
797 “Office, professional” means an office maintained and operated for the conduct of a
798 professional business or occupation requiring the practice of a learned art or science through
799 specialized knowledge based on a degree issued by an institute of higher learning, including
800 but not limited to medicine, dentistry, law, architecture, engineering, accounting, and
801 veterinary medicine. General business office and clinic are excluded.

802
803 “Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel
804 on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except
805 that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law
806 enforcement vehicles when used for such military, emergency, and law enforcement purposes,
807 and (3) any vehicle whose use is expressly approved by the City of Homer.

808 “Oil water separators” means passive, physical separation systems, designed for removal of
809 oils, fuels, hydraulic fluids, and similar products from water. They are generally large-capacity,
810 underground cement vaults installed between a drain and the connecting storm drain pipe.
811 These vaults are designed with baffles to trap sediments and retain floating oils. The large
812 capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid
813 material to settle out.

814
815 “Open space” means an area reserved or developed for recreational uses or preserved for its
816 natural amenities. Open space may include squares, parks, bicycle and pedestrian paths,
817 refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include
818 outdoor recreation facilities.

819
820 “Overbank flood protection volume” or “Qp” means the volume controlled by structural
821 practices to prevent an increase in the frequency of out of bank flooding generated by
822 development.

823

824 “Overlay district” means a defined area with supplementary regulations that is superimposed
825 upon all or part of one or more underlying zoning districts. The boundaries of an overlay district
826 are usually shown on the official map, but may be established by description

827 .
828 “Overslope development” means an overslope platform and the structures located on the
829 overslope platform.

830
831 “Overslope platform” means an elevated horizontal structure designed to support buildings
832 that are located above the slope between an upland lot and the water of the Homer small boat
833 harbor.

834
835 “Parking lot” means an off-street, ground level open area, usually improved, containing
836 parking spaces for motor vehicles.

837
838 “Parking lot, double-loaded” means all or any portion of a parking lot in which there are
839 parking spaces on both sides of the driving aisle.

840
841 “Parking lot, single-loaded” means all or any portion of a parking lot in which there are parking
842 spaces on only one side of the driving aisle.

843
844 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

845
846 “Parking stall” is synonymous with “parking space.”

847
848 “Peak hour” in reference to traffic means a one-hour period representing the highest hourly
849 volume of traffic flow on the adjacent street system during the morning (a.m. peak hour),
850 during the afternoon or evening (p.m. peak hour) or representing the hour of highest volume
851 of traffic entering or exiting a site (peak hour of generator).

852
853 “Pedestrian way” means a maintained walkway or path, no less than four feet wide, that
854 connects two or more focal points of pedestrian activity, including other pedestrian ways,
855 trails, transit stops, street or parking area crossings, or building entry points. Sidewalks may
856 be pedestrian ways.

857
858 “Performance standards” means minimum requirements or maximum allowable limits on the
859 effects or characteristics of a use.

860
861 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up of
862 materials such as, but not limited to, crushed rock, bark and mulch.

863
864 “Permit” means any permit, approval or other authorization issued by the City under the
865 authority of the Homer Zoning Code or regulations.

866
867 **“Person aggrieved” means a person who shows proof of the adverse effect an action or**
868 **determination taken or made under the Homer Zoning Code has or could have on the use,**
869 **enjoyment, or value of real property owned by that person. An interest that is no different from**
870 **that of the general public is not sufficient to establish aggrievement.**

871
872 **“Personal service” means a business primarily engaged in providing services involving the care**
873 **of an individual or his or her personal goods or apparel.**

874
875 **“Pipeline” means a line six inches or larger, which may include accessory pumps, valves and**
876 **control devices, for conveying liquids, gases or finely divided solids that are constructed within**
877 **rights-of-way or easements or from one parcel to another. However, for the purpose of**
878 **securing a conditional use permit the following are excluded: the mains, hydrants, pumps,**
879 **services, and pressure stations of the City of Homer water utility; the mains, services, manholes**
880 **and lift stations of the City of Homer sewer utility; and the local service mains, valves and**
881 **services of a gas utility legally authorized to provide such service within the City.**

882
883 **“Planned unit development” or “PUD” means a residential, commercial, office, industrial, or**
884 **other type of development, or a combination thereof, approved under the conditional use**
885 **procedures and applicable provisions of this title and characterized by comprehensive**
886 **planning for the entire project, the clustering of buildings to preserve open space and natural**
887 **features, and provision for the maintenance and use of open space and other facilities held in**
888 **common by the property owners within the project.**

889
890 **“Planning Commission” means the Homer Advisory Planning Commission.**

891
892 **“Pollutant” in reference to waters means any substance that causes contamination or other**
893 **alteration of the physical, chemical, or biological properties of waters including change in**
894 **temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid,**
895 **gaseous, solid, radioactive or other substance into the waters that will or is likely to create a**
896 **nuisance or render such waters harmful. These substances include, but are not limited to, any**
897 **dredge, spoil, solid waste, incinerator residue, oil, grease, garbage, sewage, sludge, medical**
898 **waste, chemical waste, biological materials, heat, petrochemical, and sediment.**

899
900 **“Pollution, nonpoint source” means pollution from any source other than from any**
901 **discernible, confined, and discrete conveyances and shall include, but not be limited to,**
902 **parking lots and roof tops and include substances such as pathogens, petrochemicals,**
903 **sediments, debris, toxic contaminants, or nutrients.**

904
905 **“Pollution, point source” means pollution from any discernible, confined, and discrete**
906 **conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,**

907 discrete fissure, container, landfill leachate collection system, vessel or other floating craft
908 from which pollutants are or may be discharged.

909

910 Principal Use. See “use, principal.”

911

912 “Project” means an existing or proposed development.

913

914 “Public spaces” means space containing amenities for public use or enjoyment, for example,
915 benches, bike racks, water features, public art, and kiosks that enhance the community.

916

917 “Public utility facility or structure,” for the purpose of requiring a conditional use permit,
918 means (1) any facility or structure owned and operated by a public or private utility, or (2) a
919 telecommunications tower or antenna, but it excludes water distribution mains, pressure
920 stations and hydrants, sewage collection lines, manholes and lift stations, underground and
921 overhead electrical, cable and telephone lines and poles, street lights and small wind energy
922 systems.

923

924 “Ravine” means a long, deep hollow in the earth’s surface with walls that have a height of at
925 least 15 feet and an average slope of not less than 500 percent (five feet difference in elevation
926 per one foot of horizontal distance).

927

928 “Recharge volume” or “Rev” means that portion of the water quality volume used to maintain
929 groundwater recharge rates at development sites.

930

931 “Recreational facility, indoor” means a building used for indoor sports, recreation, physical
932 activities or games such as bowling alleys, racquetball courts, skating rinks, and other physical
933 recreation activities.

934

935 “Recreational facility, outdoor” means a lot used for outdoor sports activities or games such
936 as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving ranges,
937 equestrian arenas, open air performing arts centers and similar activities. It does not include
938 sport fishing in the waters of any watercourse, water body, or Kachemak Bay.

939

940 “Recreational vehicle” is a vehicular unit, other than a manufactured home, that is designed
941 and manufactured as temporary lodging for travel, recreational and vacation use, and which
942 is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are
943 not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel
944 trailer.

945

946 “Recreational vehicle park” means a parcel of land that has been planned and improved for
947 use by two or more recreational vehicles for transient occupancy.

948

949 “Religious, cultural and fraternal assembly” means a use or building owned or maintained by
950 an organized religious organization or nonprofit entity for assemblies for social, cultural, civic,
951 or philanthropic purposes, or where persons regularly assemble for worship.

952
953 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage, regulation,
954 and control of water.

955
956 “Residential districts” or “residential zoning districts” means the rural residential, urban
957 residential, and residential office zoning districts.

958
959 “Retention structure” means a permanent structure that provides for the storage of water
960 runoff.

961
962 “Right-of-way” means the entire width of property dedicated for a public street or private
963 easement providing ingress and egress from property abutting thereon.

964
965 Road. See “street.”

966
967 “Roadside stand” means a temporary structure on land adjacent to a street, usually for the
968 attraction of motorists for profit-making purposes. Common roadside stands sell local food,
969 produce, firewood, handcrafted items or imported goods.

970
971 “Rooming house” means a dwelling containing not more than five guest rooms that are used,
972 rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not
973 accommodate in excess of 15 guests. A rooming house shall also include any structures
974 associated with the dwelling, such as guest cabins; provided, that a conditional use permit was
975 obtained for any associated structures, if a permit is required in order to have more than one
976 building containing a permitted principal use on the lot. “Rooming house” does not include
977 bed and breakfast.

978
979 “School” means an institution or place for instruction or education, including all structures and
980 land necessary to the accomplishment of educational purposes.

981
982 “School, commercial” means a school for the teaching of clerical, managerial, administrative,
983 service or artistic skills. This applies to schools operated privately for profit that do not offer a
984 complete educational curriculum, e.g., beauty school, modeling school and secretarial school.
985 Commercial school does not include trade, skilled or industrial school.

986
987 “School, private” means a school that provides a complete educational curriculum and is
988 owned and operated by private educational, religious, charitable, or other institution. It may
989 provide elementary, secondary or post-secondary levels of education.

990

- 991 **“School, public”** means a school owned and operated or chartered by the Kenai Peninsula
992 Borough or the State or University of Alaska for the purpose of public education.
993
- 994 **“School, trade, skilled or industrial”** means a school for the teaching of industrial, construction,
995 technical and skilled trades skills, including schools operated by or for labor unions. Examples
996 include welding, carpentry, electrician, and similar training schools.
997
- 998 **“Sediment”** means soils or other surficial materials transported or deposited by the action of
999 wind, water, ice, or gravity as a product of erosion.
1000
- 1001 **“Senior housing”** means attached or detached independent living developments, including
1002 retirement communities, age-restricted housing and active adult communities.
1003
- 1004 **Service Station.** See “auto fueling station” and “auto repair.”
1005
- 1006 **“Setback”** means the required minimum distance between the lot line and a building,
1007 measured according to Chapter 21.05 HCC. The setback area establishes a required yard in
1008 which structures are prohibited or limited as provided in the zoning code.
1009
- 1010 **“Sewer, community”** means that portion of a nonpublic sewerage serving:
1011 1. One or more multifamily dwellings;
1012 2. A mobile home park, a trailer park, or a recreational vehicle park;
1013 3. Two or more:
1014 a. Single-family homes or duplexes;
1015 b. Commercial establishments;
1016 c. Industrial establishments; or
1017 d. Institutions; or
1018 4. Any combination of two or more of the structures listed in subsections (3)(a) through
1019 (d) of this definition.
1020
- 1021 **“Sewer, public”** means a sewer system operated for the benefit of the public by the City of
1022 Homer or a public utility under a certificate of convenience and necessity issued by the
1023 Regulatory Commission of Alaska or by its predecessor or successor agency.
1024
- 1025 **“Shelter for the homeless”** means a building used primarily to provide on-site meals, shelter
1026 and secondary personal services such as showers and haircuts to the homeless and the needy
1027 on a nonpermanent basis for no or nominal compensation.
1028
- 1029 **Sign.** See HCC 21.60.040.
1030

1031 “Site” means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof
1032 that is in one ownership or is contiguous and in diverse ownership, where development exists
1033 or will be created as one unit, subdivision, or project.

1034
1035 “Site plan” means a plan, to scale, showing the proposed use and development of a site. The
1036 plan generally includes lot lines, streets, points of vehicular access to the site, building sites,
1037 reserved open space, existing buildings, major landscape features (both natural and
1038 manmade), and the locations of utility lines. Additional information may be required on a site
1039 plan by applicable provisions of the zoning code.

1040
1041 “Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or
1042 similar activity.

1043
1044 “Slope” means, with respect to two points on the surface of the ground, the ratio, expressed
1045 as a percentage, of the difference between their elevations divided by the horizontal distance
1046 between them. Slope is measured as provided in HCC 21.05.040.

1047
1048 “Small wind energy system” means a wind energy system having a rated capacity of less than
1049 25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric
1050 power for on-site consumption.

1051
1052 “Stabilization” means the prevention of soil movement by any of various vegetative or
1053 structural means.

1054
1055 “Stable, private” means an accessory building in which one or more horses are kept for private
1056 use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is
1057 kept for boarding, hire or sale.

1058
1059 “Stable, public” means a building in which two or more horses are kept for boarding, hire or
1060 sale.

1061
1062 “State highway” means a street designated by the State as a part of the State highway system.

1063
1064 “Steep slope” means an elevation change in topography of at least 15 feet, with an average
1065 slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal
1066 distance). A steep slope can occur naturally or can be created by excavation into or filling over
1067 natural ground.

1068
1069 “Stormwater management” means:
1070 1. For quantitative control, a system of vegetative and structural measures that control
1071 the increased volume and rate of surface runoff caused by manmade changes to the
1072 land; and

1073 2. For qualitative control, a system of vegetative, structural, and other measures that
1074 reduce or eliminate pollutants that might otherwise be carried by surface runoff.

1075
1076 **“Stormwater management, off-site” means the design and construction of a facility necessary**
1077 **to control stormwater from more than one development.**

1078
1079 **“Stormwater management, on-site” means the design and construction of systems necessary**
1080 **to control stormwater within an immediate development site.**

1081
1082 **“Stormwater management plan” or “SWP” means a set of drawings or other documents**
1083 **prepared according to the requirements of this title and submitted by a person as a**
1084 **prerequisite to obtaining a stormwater management approval. A SWP will contain all of the**
1085 **information and specifications pertaining to stormwater management.**

1086
1087 **“Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or**
1088 **snow melt.**

1089
1090 **“Story” means that portion of a building included between the upper surface of any floor and**
1091 **the upper surface of the floor next above, except that the topmost story shall be that portion**
1092 **of a building included between the upper surface of the topmost floor and the ceiling or roof**
1093 **above. If the finished floor level directly above a basement or cellar is more than six feet above**
1094 **grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at**
1095 **any point, such basement or cellar shall be considered a story.**

1096
1097 **“Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of**
1098 **which on at least two of its opposite exterior walls are not more than two feet above the floor**
1099 **of such story.**

1100
1101 **“Stream” means anybody of flowing water, including a river, creek, tributary, or other**
1102 **watercourse.**

1103
1104 **“Stream banks” are defined by the steep or sloping ground that borders a stream and confines**
1105 **the water in the natural channel when the water level or flow is normal.**

1106
1107 **“Stream, intermittent” means a stream that does not flow continuously but stops or dries up**
1108 **from time to time.**

1109
1110 **“Stream, perennial” means a stream that flows continuously throughout the year, in contrast**
1111 **to an intermittent stream.**

1112

1113 “Street” means a public thoroughfare including a public street, road or highway of any
1114 description that affords a principal means of access to abutting property. Street does not
1115 include alley or driveway.

1116
1117 “Street line” means the line of demarcation between a street right-of-way and the abutting
1118 lot(s).

1119
1120 “Stripping” means any activity that removes the vegetative surface cover including tree
1121 removal, clearing, grubbing and storage or removal of topsoil.

1122
1123 “Structural alteration” means any change of the supporting members of a building or structure
1124 such as bearing walls, columns, beams or girders.

1125
1126 “Structure” means anything constructed or erected that requires location on the ground or
1127 that is attached to something having location on the ground.

1128
1129 “Studio” means a room, rooms or building where an artist or photographer does work, a place
1130 where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or
1131 television programs are produced or where recordings are made.

1132
1133 “Taxi” means any motor vehicle, permitted and licensed by the City, having a manufacturer-
1134 rated seating capacity of nine passengers or less engaged in the carrying of persons in
1135 exchange for receiving fares, not operated over a fixed route, and subject to calls from a central
1136 location or otherwise operated for hire to perform public transportation.

1137
1138 “Taxi operation” means a taxi business operated from a fixed location, but not limited in its
1139 operation to any particular route, which may include a dispatch office and vehicle fleet
1140 parking.

1141
1142 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for
1143 commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and
1144 tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops
1145 such as cones, ferns, greenery, berries and moss.

1146
1147 “Total suspended solids” means the sum of the organic and inorganic particles (e.g., sediment)
1148 suspended in and carried by a fluid (e.g., water).

1149
1150 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
1151 antenna used by an amateur radio operator licensed by the Federal Communications
1152 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1153

1154 “Tower, communications” means a fixed vertical structure built for the primary purpose of
1155 supporting wireless communications equipment, plus its accompanying base plates, anchors,
1156 guy cables and hardware.

1157
1158 “Townhouse” means a building on its own separate lot containing one dwelling unit that
1159 occupies space from the ground to the roof and is attached to one or more other townhouse
1160 dwelling units by at least one common wall.

1161
1162 “Trip” in reference to traffic means a single one-way motor vehicle movement either to or from
1163 a subject property or study area.

1164
1165 “Turbidity” means an expression of the optical property that causes light to be scattered and
1166 absorbed rather than transmitted in straight lines through a water sample; turbidity in water
1167 is caused by the presence of suspended matter such as clay, silt, finely divided organic and
1168 inorganic matter, plankton, and other microscopic organisms.

1169
1170 “Use” means the purpose for which land or a structure is occupied, arranged, designed or
1171 intended, or for which either land or a structure is or may be occupied or maintained.

1172
1173 “Use, principal” means the use of a lot or structure that is of chief importance or function on
1174 the lot.

1175
1176 “Variance” means any deviation from the requirements of the zoning code authorized by the
1177 Planning Commission pursuant to Chapter 21.72 HCC.

1178
1179 “Vehicle fleet” means a group of vehicles operated under unified control.

1180
1181 Vehicle Maintenance. See “auto repair.”

1182
1183 Vehicle Repair. See “auto repair.”

1184
1185 “Visibility or vision clearance” means the assurance of adequate and safe vision clearance
1186 particularly for vehicle operators and pedestrians; a specified area of clearance at corners of
1187 intersections where no plantings, walls, structures or temporary or permanent obstructions
1188 exceeding a specified height above the curb level are allowed.

1189
1190 “Water-dependent” means a use or activity that can be carried out only on, in or adjacent to
1191 water areas because the use requires access to the water body.

1192
1193 “Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent of
1194 the average annual runoff volume at a development site.

1195

1196 “Water-related” means a use or activity that is not directly dependent upon access to a water
1197 body, but which provides goods and services that are directly associated with water-
1198 dependent uses or activities.

1199
1200 “Watercourse” means any natural or artificial stream, river, creek, ditch, channel, canal,
1201 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that
1202 is subject to inundation from overflow or floodwater.

1203
1204 “Watershed” means any area of land that water flows or drains under or across ground on its
1205 way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a
1206 topographical map by connecting the high points of the contour lines surrounding any water
1207 body.

1208
1209 “Wetland” means an area of land that is inundated or saturated by surface or groundwater at
1210 a frequency and duration sufficient to support, and that under normal circumstances do
1211 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
1212 Wetlands generally include swamps, marshes, bogs, and similar areas.

1213
1214 Wholesale. See “business, wholesale.”

1215
1216 “Wind energy system” means a wind turbine and its supporting wind energy system tower.

1217
1218 “Wind energy system tower” means a fixed vertical structure that supports a wind turbine,
1219 including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables
1220 and hardware.

1221
1222 “Wind turbine” means a bladed or other type of rotating mechanism that converts wind energy
1223 into electric energy.

1224
1225 “Wireless communications equipment” means the set of equipment and network components
1226 used in the provision of wireless communications services, including without limitation
1227 antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency
1228 generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless
1229 communications support structure.

1230
1231 “Wireless communications services” means transmitting and receiving information by
1232 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by
1233 the Federal Communications Commission.

1234
1235 “Wireless communications support structure” means a structure that is designed to support,
1236 or is capable of supporting, wireless communications equipment, including a communications
1237 tower, utility pole, or building.

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“Yard” means a required open, unoccupied space on a lot. A yard is unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward, except (1) fences, walls, posts, poles and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility, and (2) certain structures may be permitted in certain yards when authorized by code provisions applicable to a particular zoning district.

“Yard, front” means a yard extending across the full width of a lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

“Yard, rear” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto.

“Yard, side” means a yard between a main building and the side lot line extending from the front yard to the rear yard.

“Zoning code” means this title.

“Zoning districts” means those districts established and described in Division II of this title.

Section 4. HCC 22.10.040 Applicable and exempted subdivisions is amended to read as follows:

22.10.040 Applicable and exempted subdivisions.

The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions from the requirements of this chapter may be granted concurrent with preliminary plat approval by the Homer ~~Advisory~~ Planning Commission under the following conditions:

- a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new dedications of rights-of-way;
- b. Special conditions and circumstances exist which are peculiar to the property involved, and are not generally applicable to other properties in the City. These special conditions cannot be caused by the actions of the applicant;
- c. Financial hardship or inconvenience shall not be considered grounds for granting exception;
- d. Previous exceptions shall not be considered grounds for granting exception.

Section 5. This ordinance is of a permanent and general character and shall be included in the City Code.

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ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Holly Wells, City Attorney

Date:_____

Date:_____

Article 4. Planning, Platting and Zoning.

Title 29 From 1931

Sec. 29.33.070. Planning, platting and zoning. (a) First and second class boroughs shall provide for planning, platting and zoning on an areawide basis.

(b) The assembly by ordinance may

(1) designate the council of a city within the borough as a board of adjustment within the city;

(2) delegate other planning and zoning powers conferred by this chapter to a city within the borough;

(3) revoke or modify any part or all of the powers delegated under this subsection. (§ 2 ch 118 SLA 1972; am § 1 ch 17 SLA 1977; am § 7 ch 93 SLA 1977; am § 13 ch 83 SLA 1979)

Effect of amendments. — The first 1977 amendment, in subsection (b) deleted "If a city within a borough is located more than 25 miles from a boundary of the borough seat" from the beginning of the introductory language and substituted "a city within the borough" for "the city" in paragraph (1).

The second 1977 amendment substituted "First and second class boroughs" for "Boroughs" at the beginning of subsection (a).

The 1979 amendment, in subsection (b), substituted "powers conferred by this chapter to a city within the borough" for "administrative and enforcement responsibilities to the city, provided that borough jurisdiction is not impaired" in paragraph (2) and "revoke or modify any part or all of the powers" for "withdraw powers" in paragraph (3).

Cited in *Moore v. State*, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Sec. 29.33.080. Planning commission. (a) The borough planning commission consists of five residents unless a greater number is otherwise provided by ordinance. Commission membership shall be apportioned so that the number of members from first class cities reflects the proportion of borough population residing within those cities. Members shall be appointed by the borough executive for a term of three years subject to confirmation by the assembly, except that appointments of members from first class cities are selected from a list of recommendations submitted by the city council. Members first appointed shall draw lots for one-, two- and three-year terms. Appointments to fill vacancies are for the unexpired term. The compensation and expenses of the planning commission and its staff are paid as directed by the assembly.

(b) The commission shall prepare and recommend to the assembly

(1) a comprehensive plan consisting of maps and related texts for the systematic development of the borough;

(2) a zoning ordinance to implement the plan;

(3) a subdivision ordinance;

(4) the official map of the borough;

(5) modifications to the documents specified in (1) — (4) of this section.

(c) The commission shall publish notice of and hold at least one hearing before submitting its recommendations under (b) of this section to the assembly.

Introduced by: Mayor
Date: Dec. 15, 1981
Hearing: Feb. 16, 1982
Vote: 11 Yes, 3 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-2
(SUBSTITUTE)

DELEGATING MUNICIPAL ZONING POWERS TO THE CITIES OF THE BOROUGH
AT THE OPTION OF EACH MUNICIPALITY.

WHEREAS, the Borough, pursuant to AS 29.33.070 et seq, currently exercises zoning, planning and platting powers within all areas of the Borough, including those portions of the Borough lying within the boundaries of each city; and

WHEREAS, the Borough Planning Commission and the Borough Assembly have provided for advisory planning commissions within each city; and certain zoning powers, such as granting conditional use permits and variances, have already been delegated; and

WHEREAS, the enforcement of zoning ordinances within each city, is a matter of local concern for the administration of each respective city; and

WHEREAS, the Assembly has delegated its powers as a Board of Adjustment in certain instances to the city councils of each respective city; and

WHEREAS, the Alaska Statutes provide for the delegation of planning and zoning powers to a city; and

WHEREAS, the Assembly finds that zoning is primarily a matter of local concern, and it is desirable and appropriate for each city to guide its own zoning regulation in accordance with local requirements and demands, so long as such decisions and regulations do not conflict with the overall Borough jurisdiction over land use planning and zoning; and

WHEREAS, the Assembly finds that the municipalities should be given the option to request the delegation of municipal zoning powers;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That the Borough code of ordinances is amended by adding a new Chapter, to be numbered 21.01 which reads:

Kenai Peninsula Borough
Ordinance 81-2 (Substitute)
Page 1 of 3 Page

CHAPTER 21.01

LAND USE PLANNING AND ZONING POWERS IN THE BOROUGH
AND CITIES.

21.01.010. Powers of the Borough and the cities.

A. The Borough shall exercise all planning, zoning and platting powers on an areawide basis within that portion of the Borough designated as the rural district by Section 21.040.010(B) of the Code. The Borough Assembly shall be the Board of Adjustment for appeals made from decisions of the Borough Planning Commission.

B. The Borough Planning Commission shall exercise jurisdiction within the rural district and the municipal districts regarding planning, platting, subdivision approval, the siting of Borough schools, buildings and other Borough facilities, the planning and development of transportation networks and related facilities, the overall economic development of the Borough, and regarding Borough lands and natural resources. The decisions made by the Borough Planning Commission under this subsection shall take into consideration the recommendations of the affected municipalities.

21.01.020 Option--Delegation of zoning powers to cities.

A. If a city by resolution of the council requests the Assembly to delegate the power to provide zoning regulation within the city, the Assembly shall delegate the power. A city to which the zoning authority is delegated may exercise all zoning powers within the city to the extent that such powers have been granted to the Borough by statute, except those powers reserved to the Borough by Section 21.01.010.

B. The city council is delegated the power to establish a planning commission to hear all requests for amendments to zoning codes, or for variances, conditional use permits, contract rezoning or to hear all other matters coming under the zoning ordinances enacted by the city. Appeals from a decision of the city planning commission may be made to the council of the respective city, sitting as a Board of Adjustment. Appeals from decisions of the Board of Adjustment shall be made to the Superior Court as provided by law.

C. The Borough will not be responsible for the prosecution of zoning violations arising within cities, or for the defense and enforcement of decisions of the planning commission, the city council, or the Board of Adjustment.

D. The funding for zoning functions in the cities including administrative costs of exercising the delegated powers of zoning will not be the responsibility of the Borough.

E. The Borough will not be responsible to defend against any claims for damages, or other liability arising from the exercise of any zoning power by the city, the city advisory planning commission, or any administrative officer of the city.


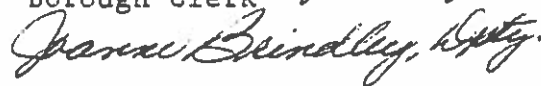
21.01.030 Borough and cities--Central files, maps, photographs. The Borough will maintain central files, maps, and other photographs showing the land use status of each area within the city and other areas of the Borough and this information shall be public and made available to the public upon request and payment of any appropriate fee establish by the Borough.

Section 2. That this ordinance takes effect at 12:01 a.m., July 1, 1982, Alaska time.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 16th DAY OF February, 1982.


Joan G. Davis, Assembly President

ATTEST:


Borough Clerk


Kenai Peninsula Borough
Ordinance 81-2 (Substitute)
Page 3 of 3 Page

Introduced by: Mayor
Date: Apr. 5, 1983
Hearing: ~~May 3, 1983~~
Vote: 14 Yes; 1 No
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 83-25

DELEGATING TO THE CITY OF HOMER THE POWER TO PROVIDE ZONING REGULATION WITHIN THE CITY, AND REPEALING KPB 21.28 - KPB 21.69 INCLUSIVE.

WHEREAS, under the authority of AS 29.33.070(b)(2), the Kenai Peninsula Borough has enacted KPB 21.01.020 providing that the Assembly will delegate power to provide zoning regulations in a city if requested by resolution of the city council; and

WHEREAS, the City of Homer has adopted Resolution 82-63 (S) requesting that the Kenai Peninsula Borough Assembly delegate to the City of Homer the power to provide zoning regulation within the city; and

WHEREAS, the City of Homer has adopted Ordinance 82-15 which, among other things, creates Title 21 in the Homer City Code of Ordinances to regulate zoning within the City of Homer; and

WHEREAS, the provisions of KPB 21.28 - KPB 21.69, inclusive, providing for regulation of zoning within the City of Homer will not be required for that purpose after the delegation of zoning power to the City of Homer;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Pursuant to the authority contained in AS 29.33.070(b)(2), the Kenai Peninsula Borough Assembly hereby delegates to the City of Homer the zoning powers conferred the Kenai Peninsula Borough by AS 29.33.

Section 2. KPB 21.28 - KPB 21.69, inclusive, are hereby repealed.

Section 3. This ordinance shall take effect on the date of its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 3RD DAY OF MAY, 1983.


Donald L. McCloud, Assembly President

ATTEST:


Frances Bryner
Borough Clerk

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-35

An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Chapter 3.05, Budget to Institute a Biennial Budget; Repealing Homer City Code 3.05.040, Equipment Replacement Reserve, Homer City Code 3.05.042, Alternative Funding For Depreciation, And Homer City Code 3.05.043, Health Insurance Reserve Fund; Amending Homer City Code 3.05.045, Balanced Budget Requirements; and Enacting Homer City Code 3.05.046, Emergency Operations Fund; 3.05.047, Capital Asset Repair And Maintenance Account; 3.05.048, Capital Improvement Fund; 3.05.049, General Fund - Fund Balance; And 3.05.050, Prioritization of Funding.

Sponsor: Mayor

1. City Council Regular Meeting July 22, 2019 Introduction

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

Mayor

4
5 **ORDINANCE 19-35**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE CHAPTER 3.05, BUDGET TO
9 INSTITUTE A TRADITIONAL BIENNIAL BUDGET; REPEALING
10 HOMER CITY CODE 3.05.040, EQUIPMENT REPLACEMENT
11 RESERVE, HOMER CITY CODE 3.05.042, ALTERNATIVE FUNDING
12 FOR DEPRECIATION, AND HOMER CITY CODE 3.05.043, HEALTH
13 INSURANCE RESERVE FUND; AMENDING HOMER CITY CODE
14 3.05.045, BALANCED BUDGET REQUIREMENTS; AND ENACTING
15 HOMER CITY CODE; 3.05.047, CAPITAL ASSET REPAIR AND
16 MAINTENANCE ALLOWANCE FUND; 3.05.048, CAPITAL
17 IMPROVEMENT FUND; 3.05.049, GENERAL FUND - FUND BALANCE;
18 AND 3.05.050, PRIORITIZATION OF FUNDING.
19

20 WHEREAS; It is the intent of the City to budget in a fair and transparent manner and
21 provide adequate oversight by the City Council; and
22

23 WHEREAS; The City Manager is required to prepare and present a budget proposal for
24 the following budget period by the third Friday in October; and
25

26 WHEREAS; It is imperative that the budget process provide the City Council adequate
27 opportunities to fulfill their appropriation and oversight duties; and
28

29 WHEREAS; Establishing funds and fund balance and reserve policies will provide better
30 fiscal accuracy and a more informed budget process; and
31

32 WHEREAS; It is in the best interest of the City to set aside funds for maintenance and
33 repairs to ensure the City is funding the highest city-wide priorities; and
34

35 WHEREAS; The unique location of the City next to the North Pacific Ocean and subject
36 to frequent earthquakes, volcanic eruptions, flooded rivers, and high fire danger, requires that
37 the City maintain an emergency reserve sufficient to carry out its municipal duties at a time of
38 disaster; and
39

40 WHEREAS; The City Council may supplement, or further delineate designations.
41

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

44 Section 1. Homer City Code 3.05.005 through 3.05.035 of Homer City Code Chapter 3.05,
45 Budget are amended to read as follows:
46

47 **3.05.005 Budget assumptions.**

48 The City of Homer operates on a traditional biennial budget. The budget shall be adopted every
49 second year of a mayoral term. By the third Friday in September the City Manager shall present
50 to the Council an overview of preliminary budget assumptions for a budget period containing
51 the next two fiscal years. These preliminary assumptions will address, by fund, revenue
52 projections, tax and utility rates, program additions or deletions, wages and benefits, or other
53 issues with potential effects upon the City's overall financial condition.
54

55 **3.05.010 Budget submission – Contents.**

56 By the third Friday in October the City Manager shall present to the Council a budget proposal
57 covering each of the next two fiscal years of the City.
58

59 **3.05.011 City Manager's budget message.**

60 The City Manager's budget message shall explain the budget in fiscal terms and in terms of
61 work programs. It shall contain an outline of the proposed financial policies of the City for the
62 ensuing two fiscal years, describe the important features of the budget, indicate any major
63 changes from the prior budget period and from current financial policies, expenditures, and
64 revenues, together with the reasons for such changes, summarize the City's debt position and
65 include other material as deemed desirable.
66

67 **3.05.012 Complete financial plan.**

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

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

76 c. The budget shall show in detail all estimated income, including the proposed
77 property tax levy, but shall exclude State revenue sharing, which will be appropriated when
78 received. The budget also shall show in detail all proposed expenditures, including debt
79 service, for the ensuing budget period.

80 d. The budget shall be prepared on a modified accrual basis and subsequent reporting
81 shall recognize revenues when they become available and measurable and recognize
82 expenditures when liabilities are incurred.

83 e. The budget shall include in separate sections:

- 84 1. Proposed expenditures for each current fund operation during the ensuing budget
85 period detailed by offices, departments and agencies in terms of their respective work
86 programs, and the method of financing such expenditures;
- 87 2. Anticipated net surplus or deficit (fund balance) for the ensuing budget period of each
88 fund owned or operated by the City and the proposed method of its disposition;
89 subsidiary budgets for each such fund, giving detailed income and expenditures
90 information, shall be presented in the budget;
- 91 3. Proposed capital budget will be presented as a separate section of the biennial budget.
92 The capital budget shall show capital expenditures during the ensuing budget period,
93 detailed by offices, departments and agencies, when practicable, and the proposed
94 method of financing each such capital expenditure.
- 95 f. Comparative data for the previous and ensuing budget periods shall be provided in a
96 format for ease of comparison of previous with proposed revenues and expenditures.

97

98 **3.05.015 Review – Hearing – Adoption – Appropriations.**

- 99 a. At a Council meeting held not less than 10 days prior to the end of the current budget
100 period, the Council shall, by ordinance, appropriate the money needed for the ensuing budget
101 period.
- 102 b. The budget proposal of the City Manager shall be reviewed by the Council and shall
103 be available for public inspection in the office of the City Clerk and posted on the City’s website.
- 104 c. A public hearing on the appropriation ordinance shall be held in accordance with
105 provisions for adoption of an ordinance. All interested parties shall be given an opportunity to
106 be heard on matters relative to the budget.
- 107 d. A separate appropriation shall be made to each of the various funds of the City. From
108 the effective date of the budget, the amounts stated therein as expenditures shall be and
109 become appropriated to the objects and purposes therein named. The City Council may make
110 supplemental and emergency appropriations, but payment may not be authorized or made
111 and an obligation may not be incurred except in accordance with approved appropriations.

112

113 **3.05.020 Amendments.**

114 The Council may, by ordinance, increase or decrease appropriations during the course of the
115 budget period, and may also amend the budget using the same method used for its initial
116 adoption.

117

118 **3.05.025 System of accounts.**

119 All City accounts shall be organized in a manner consistent with the approved budget. The City
120 Council may supplement or further delineate designations.

121

122 **3.05.030 Unencumbered balances of appropriations – Transfers.**

- 123 a. The necessary accounting records shall be maintained to reflect the unencumbered
124 balances of all appropriations. The Finance Director/Treasurer shall submit to the City Council
125 a quarterly report reflecting operating activity and anticipated expenditures.

126
127 b. Unencumbered appropriation balances may be transferred from one budget line item to
128 another within the same department by the City Manager at any time. Transfer of
129 appropriations within departments which would permanently amend the approved staffing
130 level or level of service delivery shall require Council approval.

131
132 c. At the request of the City Manager, or on its own initiative, the Council may, by resolution,
133 transfer unencumbered appropriation balances from one department to another within the
134 same fund.

135
136 d. Nothing allowed in this section shall violate the requirements of presenting a balanced
137 budget (HCC3.05.045).

138
139 **3.05.035 Lapse of appropriation at end of fiscal year.**

140 a. Except as provided in this section and in HCC 3.05.047 – 3.05.049, appropriations
141 shall lapse at the end of the fiscal year to the extent that they have not been fully expended or
142 fully encumbered. Any earnings from investment of monies accumulated in a fund shall accrue
143 to the fund.

144 b. An appropriation for a capital expenditure shall continue in force until the purpose
145 for which it is made has been accomplished or abandoned; the purpose of such appropriation
146 shall be deemed abandoned if three years pass without disbursement or encumbrance of the
147 appropriation.

148
149 Section 2. Homer City Code 3.05.040, Equipment replacement reserve fund, is repealed.

150
151 Section 3. Homer City Code 3.05.042, Alternative funding for depreciation, is repealed.

152
153 Section 4. Homer City Code 3.05.043, Health insurance reserve fund, is repealed.

154
155 Section 5. Homer City Code 3.05.045, Balanced budget requirements, is amended to read as
156 follows:

157
158 **3.05.045 Balanced budget requirements.**

159 Projected expenditures shall not exceed projected revenues in the operating budget. Any
160 action to reconsider, rescind, or veto the budget which would affect a balanced budget must
161 be accompanied by action which maintains a balanced budget.

162
163 Section 6. Homer City Code 3.05.047, Capital asset repair and maintenance account, is enacted
164 to read as follows:

165
166 **3.05.047 Capital Asset Repair and Maintenance Allowance Fund.**

167 a. There is established in the general fund a Capital Asset Repair and Maintenance
168 Allowance Fund (CARMA). The amount of the fund shall be established by City Council in the
169 biennial budget based on the projected maintenance and repair needs of the City.

170 b. Purpose. Capital asset management is essential to extending the life and use of
171 taxpayer funded assets, facilities and infrastructure.

172 c. Funds in the Capital Asset Repair and Maintenance Account shall be available for
173 appropriation and expenditure for equipment replacement, fleet replacement, engineering or
174 planning services, major maintenance of city facilities, or any other purpose as identified and
175 recommended by the City Manager and authorized by the City Council.

176

177 Section 7. Homer City Code 3.05.048, Capital improvement fund, is enacted to read as follows:

178

179 **3.05.048 Capital Improvement Fund**

180 a. There is established in the General Fund a General Fund Capital Improvement Fund
181 (CIF). The fund shall be comprised of various Council appropriations for capital projects which
182 shall not be limited to only the current budget period.

183 b. Purpose. The purpose of the Capital Improvement Fund is to help fund major capital
184 projects, new infrastructure or equipment replacement for the City of Homer.

185 c. Monies in the Capital Improvement Fund shall be designated for major capital
186 projects or initiatives, as identified and authorized by the City Council.

187

188 Section 8. Homer City Code 3.05.049, General fund – Fund balance, is enacted to read as
189 follows:

190

191 **3.05.049. General Fund – Fund Balance.**

192 a. Purpose. General Fund – Fund Balance represents the net assets of the general fund
193 and serves as a measure of financial resources. The purpose of the General Fund – Fund
194 balance is twofold:

195 1. Restricted fund balance shall not fall below six months operating revenue and
196 is intended to help the City of Homer provide quick response to weather
197 economic uncertainty and unexpected situations such as natural disasters so as
198 to avoid the need for short-term borrowing.

199 2. Unrestricted fund balance shall be available for appropriation by City Council

200

201 b. Any General Fund budget surplus at the end of a fiscal year will lapse into the General
202 Fund – Fund Balance.

203

204 Section 9. Homer City Code 3.05.050, Priority of funding, is enacted to read as follows:

205

206 **3.05.050 Priority of Funding**

207 Within the General Fund during the biennial budget process available revenue will be budgeted
208 in the following priority order in order to meet the financial obligations of the City of Homer:

209 i. Operating budget

- 210 ii. General Fund – Fund Balance Restricted
- 211 iii. Capital Asset Repair and Maintenance Allowance Fund
- 212 iv. General Fund – Fund Balance Unrestricted

213
214

215 Section 10. Section 1 of this ordinance shall take effect immediately

216

217 Section 11. Sections 2-9 shall take effect January 1, 2020.

218

219 Section 12. This ordinance is of a permanent and general character and shall be included in
220 Homer City Code.

221

222 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
223 2019.

224

CITY OF HOMER

225

226

227

KEN CASTNER, MAYOR

228

229 ATTEST:

230

231

MELISSA JACOBSEN, MMC, CITY CLERK

233

234 YES:

235

NO:

236

ABSTAIN:

237

ABSENT:

238

239 First Reading:

240

Public Hearing:

241

Second Reading:

242

Effective Date:

243

244 Reviewed and approved as to form.

245

246

Mary K. Koester, City Manager

Holly C. Wells, City Attorney

248



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

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: July 17, 2019
SUBJECT: July 22 City Manager Report

Question Period for Attorney Services RFP

The request for proposals (RFP) for attorney services has been advertised. We will be collecting questions from prospective proposers and addressing them in an addendum after the advertisement has run for one week. A response to Mr. Evans' questions submitted as public testimony for the July 10 special meeting will be included in that addendum.

City receives Homer Seawall Study from HDR

My office received the final Seawall study July 9th, and I met with Public Works Director Meyer to discuss the report's findings and the 5 conceptual maintenance solutions posed (price range is \$0.6M - \$4.4M). We will be sending out the final report to the Ocean Drive Loop Service Area (ODLSA) property owners, along with a Seawall maintenance/construction cash flow analysis. The purpose of the cash flow analysis will be to compare the current, annual "reactive" maintenance costs to the Rough Order Magnitude costs associated with concepts that use riprap/armor stone (Concept 1) and geotextile (Concept 2) as detailed in the Study. All ODLSA residents will be requested to attend an August neighborhood meeting to discuss next steps (tentatively scheduled for either August 20th or 21st). The City's call-in bridge line will be open for residents who cannot attend in person. In addition, HDR's coastal engineer Ronny McPherson will telephonically participate at this meeting to answer questions posed by residents in regards to the Seawall study.

Current Procedures for filling seats of City Boards and Commissions

The City currently has one advisory board, four advisory commissions, and one standing committee that meet once a month, with the exception of the Planning Commission which meets twice a month. The board and commissions have two to three seats that expire in a designated month each year as follows:

- February - Port and Harbor Advisory Commission (PHC)
- April - Library Advisory Board (LAB) and Economic Development Advisory Commission (EDC)
- July - Planning Commission
- October - Parks Art Recreation and Culture Advisory Commission (PARCAC)
- Term expirations were not outlined for the ADA Compliance Committee when it was established by Resolution 16-019.

The Planning Commission has one seat available for a non-city resident while the LAB, EDC, and PHC have two non-resident seats and PARCAC has three non-resident seats.

Thirty days prior to a term expiration, the Clerk's office staff notify expiring members and request they submit an application for re-appointment if they are interested. The City Clerk runs a Public Notice of Advisory Body Openings in the Homer News and it's published as featured content on the City of Homer main webpage. All openings are included, as space/time allows, in the weekly meeting notice published in the Homer News and announced on the Clerk's radio report with KBBI, which airs on Mondays. Information is also available on the Commission and Board webpages which can be accessed through the City Clerk's webpage or from the "Government" tab on the City's main webpage. The Commission and Board page lists current openings and links to each advisory body's page for additional information, as well as a link to apply via webform or download a pdf application. Applications are also available at the City Clerk's office.

Currently there are openings on the Planning Commission (city resident only), the Economic Development Advisory Commission (city resident or non-resident), and Student Representative Seats for the upcoming school year.

City Responsiveness to Slope Stability concerns in Baycrest Subdivision

Coastal bluff erosion, slope instability and drainage problems are common landscape features in Homer that are exacerbated in certain areas such as the Baycrest Subdivision. Since my tenure as City Manager and even before, staff and Councilmembers have repeatedly discussed and met with Baycrest homeowners on this topic and conducted site visits. We have escalated the issue to at least three sequential ADOT&PF Commissioners as a top City of Homer priority during legislative meetings. The Homer City Council has passed resolutions that supported the Planning Commission investigating the creation of a Natural Hazards Overlay District for the Baycrest Subdivision and requested the State of Alaska's involvement, especially with the Sterling Highway's installation of beehive drainage. Public Works has spent time on ditch clearing to help drainage in the area. The City partnered with the United States Geological Survey (USGS) to secure funding by FEMA to conduct a Bluff Stability Study. The City of Homer's response to the concerns brought up by residents of Baycrest subdivision (specifically Judy Rebecca Court) for the last three years is summarized below. Former City Manager Wrede was also involved with Baycrest Subdivision erosion through litigation that occurred with both Homer Electric and the Country Club Estates Subdivision between 2006-2008.

Brief Summary of Actions Related to Baycrest Subdivision Over the Last Three Years:

2017: Councilmember Erickson, City Manager Koester, and Public Works Director Meyer meet with homeowners multiple times; Public Works Department ditches to improve drainage; City passes Resolution 17-082 (Natural Hazards Overlay District).

2018: City passes Resolution 18-008 requesting ADOT&PF fix Sterling Highway drainage; City meets with ADOT&PF Leadership in Juneau; City continues notifying State Delegation regarding Baycrest Subdivision; City staff and Councilmember Erickson conduct site visits, Public Works replaces culverts.

2019: Mayor Castner and Homer City Council continue notifying AKDOT&PF Leadership and State Delegation regarding Baycrest Subdivision; City receives notice that FEMA would like to fund the bluff stability project in Homer in coordination with USGS.

The City will continue to prioritize communications with the State regarding this issue. In the meantime, the City is in communication with the attorney representing Judy Rebecca Court residents regarding scheduling a professional engineer to conduct a site visit to the impacted properties and provide the City with additional analysis. Thank you for the opportunity to provide an update on this important and sensitive topic.

Notice to Rescind Issued from East Road Cottages

On March 27, 2019, Homer City Council passed Ordinance 19-09(S) which authorized the extension of City of Homer Water services to a planned low income housing development (East Road Cottages) in Kachemak City. Alaska Statute AS 29.35.020 allows municipalities to provide utility services outside their boundaries with the approval of the other municipality by ordinance. Condition a(ii) of the agreement between the City of Homer and East Road Cottages stated that “applicant must provide an ordinance or resolution passed by Kachemak City Council confirming that the utility service to East End Cottages meets the requirements set forth in Kachemak City Code 6.02 Water Rules and Regulation and approval of services as required in Alaska Statute 29.35.020(b).”

On July 10, Kachemak City Council introduced Resolution 2019-04, “expressing a condition of city approval by ordinance as required by AS 29.35.020(b) to allow the water utility of the City of Homer, Alaska to extend water utility service to lot 2B Puffin Acres located within the boundaries of Kachemak City.” On July 17, I received notice from East Road Cottages that they were rescinding the agreement they submitted for City water service due to their inability to meet the conditions of the agreement.

Enc:

July Anniversaries

Kachemak City Resolution 2019-04

Letter of support for SVT grant application

Updates on Police Station Project from Project Manager McNary



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

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: Katie Koester
DATE: July 22, 2019
SUBJECT: July Employee Anniversaries

I would like to take the time to thank the following employees for the dedication, commitment and service they have provided the City and taxpayers of Homer over the years.

John Wythe,	Public Works	28	Years
Brian McCarthy,	Port	20	Years
Lori Sorrows,	Finance	20	Years
Dan Olsen,	Public Works	18	Years
Julie Engebretsen,	Planning	17	Years
Rick Abboud,	Planning	11	Years
Dave Welty,	Public Works	11	Years
David Bernard,	Library	8	Years
Jason Hoffman,	Public Works	4	Years
Clinton Scritchfield,	Police	1	Year

CITY OF KACHEMAK
KACHEMAK, ALASKA
RESOLUTION 2019-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KACHEMAK, ALASKA EXPRESSING A CONDITION OF CITY APPROVAL BY ORDINANCE AS REQUIRED BY AS 29.35.020 (b) TO ALLOW THE WATER UTILITY OF THE CITY OF HOMER, ALASKA TO EXTEND WATER UTILITY SERVICE TO LOT 2B PUFFIN ACRES LOCATED WITHIN THE BOUNDARIES OF KACHEMAK CITY

WHEREAS, Kachemak City does not maintain a municipal water system; and

WHEREAS, The City of Homer constructed a water main in Kachemak City immediately adjacent to Kachemak City parcels abutting East End Road; and

WHEREAS, East End Partners, LLC, made a proposal to pay the City of Homer \$100,000 for an extraterritorial connection to Homer's water utility to provide public water to an anticipated 24 unit affordable housing project located in Kachemak City on a parcel adjacent to the East End Road water main; and

WHEREAS, the City of Homer, in finding the East End Partners, LLC project provides significant social value to the community has ordained and agreed to extend piped and metered water service to Puffin Acres Subdivision addition Number 1 of lot 2B (T 6S R 13 W SEC 11 SEWARD MERIDIAN HM 0910010 PUFFIN ACRES SUB ADDN NO 1 LOT 2B EXCLUDING DOT ROW) and include the parcel in its certificated water service area; and

WHEREAS, Kachemak City believes as a matter of policy and law there is equal social value to the community in extending public water service to all parcels adjacent to the water main and in providing water service to them; and

WHEREAS, Kachemak City finds value in treating all parcels adjacent to the water main equally, and Kachemak City Code 6.01.030 states that a public utility may not establish, maintain, or provide an unreasonable difference as to service.

NOW THEREFORE BE IT RESOLVED by the City of Kachemak:

1. One Kachemak City property owner does not have utility preference over another Kachemak City property owner pursuant to Kachemak City Code 6.01.03; and
2. Kachemak City would accept the City of Homer's power to hook up **all** the Kachemak City parcels adjacent to the existing East End Road water main as detailed in attachment (map and list of parcel owners) to Homer City water once the following conditions are met:

- a. The City of Homer develops a policy that allows the extension of water service by the City of Homer to all parcels within the boundaries of Kachemak City fronting the existing East End Road water main; and
- b. The City of Homer establishes the actual cost of the East End Road water main extension and offers all the parcels in Kachemak City along the existing East End Road water main a hook up to water at a price that does not exceed their share of that expense; and
- c. The \$100,000 offered to the City of Homer for providing water to the future affordable housing project should apply against the actual cost of Kachemak City's share of the cost of the East End Road water project and thereby reduce by that amount the total amount Homer establishes is due when the remaining Kachemak City parcels hook up to water; and
- d. Approval of an ordinance to support this resolution would not authorize the City of Homer to extend zoning and planning power within Kachemak City.

3. Should the above conditions be met to the reasonable satisfaction of the City of Kachemak City Council, an ordinance will be prepared for introduction and public hearing authorizing and approving extension of water service and service area certification by the City of Homer within specified areas of the City of Kachemak pursuant to the provisions of AS 29.35.020 (b) and Kachemak City Code 6.02, Water Rules and Regulation.

ADOPTED by the Council of the City of Kachemak on this _____ day of _____, 2019.

CITY OF KACHEMAK

William R. Overway, Mayor

ATTEST:

Erica Fitzpatrick, City Clerk



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

Crystal Collier, President
Seldovia Village Tribe
P. O. Drawer L
Seldovia, Alaska 99663
Submitted electronically

July 22th, 2019

Dear Ms. Collier,

The “open door policy” of Seldovia Village Tribe (SVT)’s Community Health Center provides an affordable continuum of care for all residents of the Kenai Peninsula, especially for vulnerable community members who are at-risk, low income, and/or uninsured.

The City of Homer supports SVT’s application for the U.S. Health Resources & Service Administration Health Center Program’s FY2020 Service Area Competition (SAC) Technical Assistance grant, which will help SVT continue their comprehensive primary health care for Kenai Peninsula residents.

On average from 2016-2018, 60% of SVT patients had incomes at or lower than 200% of the federal poverty level. This compares to 52% from 2013-2015. This increase in places additional pressure on SVT to provide much needed services to the greater Homer community.

The City of Homer would like to thank SVT for 18 years of service to Kenai Peninsula residents, and applaud them for opening their doors to people in need.

Sincerely,

Katie Koester

City Manager

PROGRESS STATUS REPORT

New Homer Police Station

June 19 – July 16, - 2019

Work Completed this Period:

Form/pour valley drive gutters, north entries. Form/rebar/pour footings for VSB. Form/rebar/pour all lower lever footings and elevator pit/sump. Form/rebar/pour GL-7 stem wall. Strip/prepare for backfill. Strip footings and begin tall wall, elevator pit wall form work. Begin rebar install, all lower walls. Staging of structural forms and framing materials. New main WL fittings on back order.

Work to be Performed Next Period:

Trench/install main waterline and new hydrant. Continue form/rebar/pour structural concrete for walls. Form/rebar/pour VSB stem walls. Install drain tile. Form lower slab. Begin framing on lower level. Install Lift station and sewer lines. Prep structural concrete for backfill.

Schedule Status: Below are milestone start dates for this period:

Milestone Task	Original Start Date	Actual Start Date
Foundation Forming	06/27/19	06/12/19

Anticipated Problems: No specific problems are anticipated at this time.

End of week, (Friday), Daily Reports with site photos attached for information.

Prepared by: Pat McNary
Project Manager

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 06/21/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

50°

Overcast

Wind: 4 MPH | Precipitation: .0" | Humidity: 82%

12:00 PM

52°

Drizzle

Wind: 3 MPH | Precipitation: .0" | Humidity: 85%

4:00 PM

53°

Overcast

Wind: 7 MPH | Precipitation: .01" | Humidity: 83%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Carl Brinkerhoff	Supervision, coordination and documentation. Placed, finished and cured and sealed curb and gutter at north and west driveway entrances. Built concrete wash out and secondary containment for diesel tank. <small>Carl Brinkerhoff 06/21/19 04:45PM</small>	4	1	196
Total		4	4	670.5

Time Cards

No entry

Notes, Issues, Concerns

- Got email confirmation that rebar will be onsite Tuesday morning. Placers I would assume based on conversation will be here then as well.

Carl Brinkerhoff | 06/21/19 | 04:48PM

Site Safety Observations

- Site safety protocols were observed onsite today.

Carl Brinkerhoff | 06/21/19 | 04:48PM

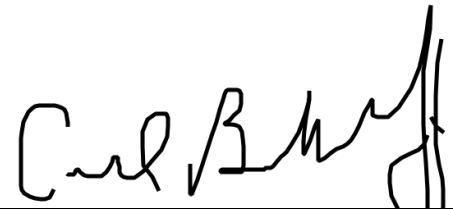
Quality Control Observations

1. 4 yards of 3000 psi concrete with 6% air was placed today.

Carl Brinkerhoff | 06/21/19 | 04:49PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	John Bishop stopped by today. Carl Brinkerhoff 06/21/19 04:52PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Concrete in footings waiting on rebar arrival and placement. Carl Brinkerhoff 06/21/19 04:52PM
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 06/21/19 | 04:52PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 06/28/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM	12:00 PM	4:00 PM
<h3>54°</h3> <p>Clear</p> <p>Wind: 2 MPH Precipitation: .0" Humidity: 84%</p>	<h3>65°</h3> <p>Partly Cloudy</p> <p>Wind: 6 MPH Precipitation: .0" Humidity: 66%</p>	<h3>64°</h3> <p>Partly Cloudy</p> <p>Wind: 6 MPH Precipitation: .0" Humidity: 69%</p>

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination, documentation. Crew placed and finished concrete at lower level footings and elevator sump pit.placed concrete at parking shed footings and pilaster footings. 32 yards of concrete pumped , placed and finished onsite today. Tester was onsite taking tests for air , slump and temperature. Took sample cylinders from first to trucks per Carey Meyers directive. All concrete placed met spec. <small>Carl Brinkerhoff 06/28/19 09:08PM</small>	5	8	40
Total		5	40	808.5

Time Cards

No entry

Notes, Issues, Concerns

No entry

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 06/28/19 | 09:09PM

Quality Control Observations

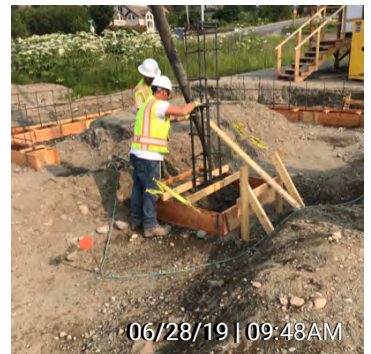
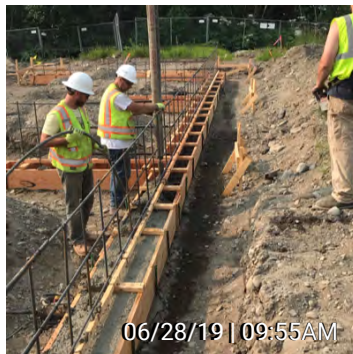
1. All concrete placed on site today met contract specifications.

Carl Brinkerhoff | 06/28/19 | 09:10PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Bill Smith was onsite to drop off plans for electrical / comm sleeve locations and required sleeves at concrete walls. Carl Brinkerhoff 06/28/19 09:15PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments



Carl Brinkerhoff

I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 06/28/19 | 09:15PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Wed 07/03/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

54°

Clear

Wind: 2 MPH | Precipitation: .0" | Humidity: 86%

12:00 PM

63°

Clear

Wind: 5 MPH | Precipitation: .0" | Humidity: 66%

4:00 PM

63°

Clear

Wind: 5 MPH | Precipitation: .0" | Humidity: 67%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination and documentation. Started forming 12 " tall walls to 8'. Set J-bolts and hold down anchor rods on grid 7 walls. Installed sleeves for electrical on grid 7 per drawing provided by Puffin. Picked up under slab vapor barrier and tape from Spenard's. <small>Carl Brinkerhoff 07/03/19 06:34PM</small>	5	8	160
Total		5	40	928.5

Time Cards

No entry

Notes, Issues, Concerns

- After reviewing detail 11/ S 401 we realized rebar suppliers missed supplying hair pins for each side of anchor rods. I purchased 5ea. 29 foot sticks of #4 (they don't sell #3 at spenard) and used a rebar bender to manufacture on site. Installed per detail @8 locations on grid 7 wall.
Carl Brinkerhoff | 07/03/19 | 06:39PM

Site Safety Observations

- Site safety protocols were observed onsite today.
Carl Brinkerhoff | 07/03/19 | 06:39PM

Quality Control Observations

1. All materials and workmanship performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 07/03/19 | 06:40PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pat McNary was onsite this morning Carl Brinkerhoff 07/03/19 06:54PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 07/03/19 | 06:54PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



Date Fri 07/12/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

54°

Clear

Wind: 3 MPH | Precipitation: .0" | Humidity: 87%

12:00 PM

61°

Mostly Cloudy

Wind: 5 MPH | Precipitation: .0" | Humidity: 76%

4:00 PM

61°

Mostly Cloudy

Wind: 7 MPH | Precipitation: .0" | Humidity: 77%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox	Supervision, coordination and documentation. Crew continued forming top of outside forms. Moved everything out of lower level in anticipation of rebar placers being here Monday. Installed hydrophilic water stop at both ends of grid 7 foundation where it joins grid A &K. Installed sleeves for mechanical penetrations at grid A. <small>Carl Brinkerhoff 07/12/19 04:47PM</small>	4	8	352
Total		4	32	1120.5

Time Cards

No entry

Notes, Issues, Concerns

1. Finished review of doors and sent to Anthony. Reviewed steel shops and elevator support rails. Got sleeve from Eysers plumbing for elevator sump discharge.

Carl Brinkerhoff | 07/12/19 | 05:11PM

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 07/12/19 | 05:12PM

Quality Control Observations

1. All work and materials onsite today met or exceeded project specifications.

Carl Brinkerhoff | 07/12/19 | 05:12PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Terry Hansen was onsite today. Carl Brinkerhoff 07/12/19 05:15PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attachments



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 07/12/19 | 05:15PM



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 CASTNER AND CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: JULY 17, 2019
SUBJECT: BID REPORT – INFORMATIONAL ONLY

REQUEST FOR PROPOSALS FOR GENERAL COUNSEL LEGAL SERVICES

Proposals to provide general counsel legal services for the City of Homer will be received at the Office of the City Clerk, City Hall, City of Homer, 491 E. Pioneer Avenue, Homer, Alaska until Thursday, August 22, 2019 at 4:00 p.m. The time of receipt will be determined by the City Clerk's time stamp. Proposals 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> It is the intention of the City of Homer to enter into a contract with a general counsel that will serve the Homer City Council, the City Manager and City Commissions as appropriate. The City Attorney is hired by and serves at the pleasure of the City Council. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms (proposers) must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

Please direct all questions regarding this project in writing to: Melissa Jacobsen, MMC, City Clerk
mjacobsen@ci.homer.ak.us 491 E. Pioneer Avenue, Homer, Alaska 99603 907-235-3130

An electronic copy of the Request for Proposals is available on the City's website <http://www.cityofhomer-ak.gov/rfps>. Paper copies of the Proposal Documents may be purchased at the Office of the City Clerk upon payment of \$10 per set (\$15 for priority mail delivery). All fees are non-refundable.

REQUEST FOR PROPOSALS FOR REAL ESTATE BROKER SERVICES: Facilitation and Disposal of Real Property Owned by the City of Homer and Consultation of Matters Related to the Management of Public Property

The City of Homer, Alaska is hereby advertising for sealed proposals from real estate brokers/firms to facilitate and dispose of real property owned by the City of Homer and to provide consultation services on matters related to the management of public property. 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 4:00 p.m. on Monday, July 29, 2019. Pro

shall be opened and received by the City Manager. Proposals received after the time specified or proposals received from proposers not listed on the Plan Holders List will be considered non-responsive and shall not be considered. All proposers must submit a City of Homer Plan Holders Registration Form to be on the Plan Holders List and to be considered responsive. Plan Holder Registration form and Proposal Documents are available online at: <http://www.cityofhomer-ak.gov/rfps>.

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



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 19-088

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: MAY 8, 2019

SUBJECT: LETTER FROM CITY COUNCIL TO GOVERNOR DUNLEAVY, SENATOR STEVENS,
AND REPRESENTATIVE VANCE RE: EFFECTS OF LINE ITEM VETOES ON THE
HOMER COMMUNITY

Councilmember Aderhold has proposed the attached letter be sent to Governor Dunleavy, Senator Stevens and Representative Vance regarding effects of line item vetoes on the Homer Community.

RECOMMENDATION:
Approve the attached letter.



City of Homer

www.cityofhomer-ak.gov

Homer City Council

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-3130

(f) 907-235-3143

July 22, 2019

Honorable Governor Dunleavy
Senator Stevens
Representative Vance
Alaska State Legislature, State Capitol
120 4th St.
Juneau, Alaska 99801

RE: Effects of Line Item Vetoes on the Homer Community

Honorable Governor Dunleavy, Senator Stevens, Representative Vance, and Members of the Alaska State Legislature,

We appreciate the Governor and State Legislature's commitment to sustainable spending but want to draw attention to the unsustainable impact the Governor's line item vetoes will have on residents of Homer, encourage the Legislature and Governor to restore vetoed funding to the FY20 budget, and reiterate our support for considering revenue solutions.

IMPACT OF LINE ITEM VETOES ON THE HOMER COMMUNITY

The City of Homer is responsible for municipal governance in our community of 5,313 residents and is the economic hub of the surrounding southern Kenai Peninsula. Property and sales tax revenue comprises 72% of our total General Fund budget, and any line item vetoes that impact the Alaska's economy weakens the City's ability to sustainably serve our community. Local job losses related to the vetoes that force Homer residents to move away will impact property and sales tax revenues. The Homer Chamber of Commerce has documented that 60-65% of Homer's tourism is from fellow Alaskans, and economic impacts around that state that reduce in-state travel and tourism will impact Homer's sales tax revenues. Homer is home to many locally-owned small businesses, and local job losses and reduced tourism will negatively impact these drivers of our local economy.

Some of the line item vetoes that could negatively impact the economy of the Homer community include cuts to the university and school bond debt reimbursement.

- The more than \$130 million veto funding to the University of Alaska impacts Homer in multiple ways:
 - The University of Alaska Anchorage (UAA) Kachemak Bay Campus (KBC) of the Kenai Peninsula College is part of the fabric of Homer and its continued operation is threatened by the deep cuts to university funding. KBC educates students across the southern Kenai Peninsula through diverse programming. KBC allows students to earn degrees while working and staying close to home, receive General Education Development degrees, learn English as a second language, and learn relevant local skills related to fishing and boat building, among other things. It attracts people from across the state and the country to attend programs such as Semester by the Bay (marine biology) and the Kachemak Bay Writers' Conference. The campus employs 56 full and part-time professionals.

- The Kachemak Bay National Estuarine Research Reserve (KBNERR) is a partnership between the National Oceanic and Atmospheric Administration (NOAA) and the UAA Alaska Center for Conservation Science. KBNERR cannot exist without a state partner, and the depth of cuts to the university system threatens UAA's ability to maintain the partnership. Along with its ten professional employees, KBNERR brings significant federal and other matching dollars to Homer for valuable research, education, and coastal training related to Kachemak Bay and the surrounding watersheds. Among the important services provided by KBNERR are the Harmful Species Program that monitors for invasive marine species and harmful algal blooms that affect human health; research on sea level rise that has aided Homer in climate related decisions, bluff erosion which is used by Homer city staff to understand threats to our community, and salmon use of headwater streams and estuaries resulting in improved sustainability of this important economic and subsistence resource; environmental education that teaches residents and visitors of all ages about the valuable resources of Kachemak Bay; and a series of trainings on climate resilience and sustainability that Homer's planning commission is putting into action.
- The Kasitsna Bay Laboratory on the south side of Kachemak Bay is a 50-50 partnership between NOAA and the University of Alaska Fairbanks College of Fisheries and Ocean Sciences. Researchers come from across the country to study at the lab and recent studies have mapped the bathymetry of the bay; examined benthic habitats; and evaluated changes in the intertidal environment, the prevalence of paralytic shellfish poisoning in Kachemak Bay shellfish, and the effects of the recent Pacific marine heatwave. The loss of the university partner at the lab could significantly hamper the ability to maintain this important facility.
- The veto of almost \$49 million in school bond debt reimbursement statewide will require the Kenai Peninsula Borough School District to evaluate school consolidation and closures and reduce the number of teachers and support staff in order to redirect local funds to debt reimbursement. If schools are closed and consolidated, students will spend more time traveling to and from school (e.g., Anchor Point students traveling to Homer) and more students will be crammed into classrooms, reducing the effectiveness of teachers' ability to meet the varying needs of students. Good schools attract young families, contributing to a vibrant community; loss of teachers and schools will have the opposite effect.

Vetoes to health and social programs previously funded by the state (e.g., Medicaid, early childhood education, mental health grants, homeless assistance grants, and the senior benefits program) will negatively impact the Homer area economically, socially, and in ways not yet measurable.

- The veto of state Medicaid funding directly impacts numerous Homer organizations. Individuals who lose Medicaid benefits tend to ignore health concerns and avoid doctor visits to save money, often resulting in higher cost medical procedures that could have been avoided through prevention or early detection. Just two of the Homer organizations impacted by the Medicaid veto include Seldovia Village Tribe (SVT) and South Peninsula Hospital (SPH).
 - Some 300 adults who receive dental care through SVT Health Center each year will lose access to those services due to loss of the state's Medicaid adult dental benefit.
 - SPH will lose hundreds of thousands of dollars in revenue from the veto of Medicaid funding and previous reductions in funding by the legislature. SPH's Long Term Care Unit may need to reduce staff. The cuts will divert patients to the emergency room where care is more expensive and the hospital must cover the costs without reimbursement.

- The veto of early childhood education directly impacts Homer’s Head Start and other important early development programs for young children. Homer’s Head Start serves twenty children aged 3 to 5. Elimination of the Best Beginnings program could cut enrollment in half for the local Homer Imagination Library program.
- The veto of state mental health grants means that state-required services not covered by insurance (such as emergencies at the hospital or police station) are unfunded. The loss of state grants cuts up to \$250,000 to the South Peninsula Behavioral Health Services (SPBHS) budget. SPBHS just celebrated its 40th anniversary of operations in Homer.
- South Peninsula Haven House (SPHH) partners with Homer’s police department on issues related to domestic violence. The veto of the state’s homeless assistance grant program means SPHH will need to cut \$60,000 and its local homeless assistance program. Without assistance to avoid or recover from homelessness, the police department’s workload will likely increase.
- The veto of the state’s needs-based senior benefits program impacts one of our state’s most vulnerable populations. Monthly grants of \$76 to \$250 were used by seniors for food rent, and medicine. Approximately 1,200 seniors residing on the Kenai Peninsula received these benefits.

Homer will also be impacted by vetoes of the Alaska State Council on the Arts, Online with Libraries, and other line items.

The City of Homer was hit hard in 2015 when the State reduced the contract with communities for shared prisoner space by 45% and we removed Community Assistance from our operating budget due to the uncertain future of the fund. Also during this time, the City Council cut the budget, which included staff reductions, and, with voter approval, restructured sales tax to cover municipal operations. Recognizing the need to pay our own way, voters approved a 0.35% sales tax increase in 2018 to fund a long overdue police station. The City of Homer and its residents have stepped up to the plate. There is no room in our budget or tax base for further cost shifting by the State.

REVENUE SOLUTIONS

The Homer City Council encourages the legislature and the governor to sincerely seek new revenues for the State of Alaska. This includes:

- Examining the oil tax credit structure to ensure oil and gas exploration is not being subsidized by citizens
- Exploring an income tax
- Using our largest asset, the Permanent Fund, to fund essential government services by capping the Permanent Fund Dividend

The Homer City Council asks State Legislators to restore state funding that was vetoed and asks Governor Dunleavy to maintain the restored funding.

Sincerely,

Homer City Council

Mayor Ken Castner

Donna Aderhold

Heath Smith

Tom Stroozas

Shelly Erickson

Caroline Venuti

Rachel Lord

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 19-049

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE A FRAME WATER TANK
DEMOLITION PROJECT TO A FIRM TO BE ANNOUNCED IN AN
AMOUNT TO BE DISCLOSED AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised in the Homer News on July 4 and 11, 2019, the Peninsula Clarion on July 6, 2019,
sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due June 6, 2019 and _____ bids were received; and

WHEREAS, _____ of _____, _____, was found to be the
lowest responsive bidder; and

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
Contract for the A Frame Water Tank Demolition Project to the firm of
_____ of _____, _____, in the amount of \$_____, and
authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 22nd day of July, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: 215-0004

