



City of Homer
Agenda
City Council Regular
Monday, June 24, 2019 at 6:00 PM
Council Chambers

CALL TO ORDER, 6:00 P.M. 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

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 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.

- 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.

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. Letter of Support for KBBI
 - ii. July Parks and Recreation Month
- 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
- l. Kenai Peninsula Borough Election Stake Holders Task Force Report

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 City Planner as backup.

Memorandum 19-063 from City Attorney as backup.

- 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.**

- 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.**

- 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.

- 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

- 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.

ORDINANCE(S)

CITY MANAGER'S REPORT

- [a.](#) City Manager's Report

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.
- [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.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

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.

Session 19-15 a Regular Meeting of the Homer City Council was called to order on June 10, 2019 by Mayor Ken Castner at 6:00 p.m. 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 ATTORNEY WELLS

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: Memorandum 19-073 from Finance Director Approving the 2020 & 2021 Budget Schedule moved to the Consent agenda Item k; Resolution item a corrected to read Resolution 19-041; **Public Hearings** Ordinance 19-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution. Aderhold. Water/Sewer Map as backup. Ordinance 19-25, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold. Written public comment. Resolution 19-036(S), A Resolution of the City Council of Homer, Alaska, ~~Amending~~ **Maintaining** the City of Homer Water and Sewer Rates and Updating the Homer Fee Schedule Accordingly. Stroozas. "No Change" rate schedule included as backup; **Resolutions** Resolution 19-041(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement of the A-Frame PRV Station to the firm of Steiner's North Star Construction of Homer, Alaska, in the amount of \$296,512, and Authorizing the City Clerk to Execute the Appropriate Documents. City Clerk. Memorandum 19-076 from Public Works Director as backup; Resolution 19-042(S), A Resolution of the City Council of Homer, Alaska, Awarding the City Hall Roof Replacement Project to the firm of Anchorage Roofing and Contracting of Anchorage, Alaska in the Amount \$195,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Memorandum 19-077 from Public Works Director as backup

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

- a. Recognition of Dr. Bell's Service to the Homer Volunteer Fire Department

Mayor Castner read and presented a recognition to Dr. Bell that included his service to the Homer Volunteer Fire Department and also his efforts as the Homer High School Girls Softball Coach.

Dr. Bell expressed his appreciation for all the volunteers and staff he's worked with over the years, he's enjoyed working with all of them and he'll miss it. He also thanked to Mary Lou for putting up with his pager going off in the middle of the night.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Joel Cooper, KHLT Stewardship Director, commented in support of Ordinances 19-28 and 19-29. They've received the state funding for the project and construction is scheduled to begin July 12 and be completed in September. They are working to secure additional funding for signage.

Dave Brann, city resident, commented in support of Ordinances 19-28 and 19-29 and the use of HART funds to make this happen.

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 Meeting Minutes of May 28, 2019. City Clerk. Recommend adoption.
- b. Memorandum 19-067 from Mayor Re: Appointment of Annalynn Brown to the Economic Development Advisory Commission as Student Representative. Recommend approval.
- c. Memorandum 19-068 from City Clerk Re: Application for Restaurant Designation for Homer Spit Oyster Bar. Recommend approval.
- d. 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. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-069 from City Planner as backup

- e. 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. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Moved to Ordinances a. Aderhold

- f. 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. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-070 from Deputy City Planner as backup

- g. 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. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

Memorandum 19-071 from Parks Art Recreation and Culture Advisory Commission as backup

- h. 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. Recommended Dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019
- i. Resolution 19-039, A Resolution of the City Council of Homer, Alaska, Approving the Kenai Peninsula Borough School District Agreement for Joint Use of Equipment and Facilities for the Period July 1, 2019 through June 30, 2022, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.
- j. Resolution 19-040, A Resolution of the City Council of Home, Alaska Awarding the Contract for the Homer Volunteer Fire Department Firefighting Turn Out Gear to L.N.

Curtis & Sons of Kent, Washington in the Amount of \$41,625.00 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk. Recommend adoption.

Memorandum 19-074 from Interim Fire Chief as backup

Memorandum 19-075 from City Clerk as backup

- k. Memorandum 19-073 from Finance Director Approving the 2020 & 2021 Budget Schedule. Recommend approval.

Item e. moved to Ordinances a. Aderhold

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Homer Steps Up Challenge - Derotha Ferraro, South Peninsula Hospital Director of Public Relations and Marketing

Derotha Ferraro reported that participants exceeded the community goal of 100,000,000 steps during the month long Homer Steps Up Challenge. The groups were divided up into small teams of 5-25 people and large teams of 25 + people. The winning small team was the M&M&M's a team made up of Staff and friends of Paul Banks Elementary School. The winning large team was the City of Homer, for the third year in a row. Ms. Ferraro thanked the prize donors and sponsors, and identified statistics from the American Heart Association related to the benefits of walking at least 30 minutes per day.

- b. Economic Contribution of Bear Viewing to Southcentral Alaska - Dave Bachrach, Drew Hamilton, and Dave Aplin (10 minutes)

Drew Hamilton, Friends of McNeil River Board President, addressed highlights from a study by the University of Alaska, Fairbanks on the strong and growing economic value of bear viewing on the west side of Cook Inlet. Bear viewing related services bring in \$35.5 million in sales and hire 371 employees. Direct purchases by service providers and household spending supports approximately \$36.3 million in economic production in the region. Mr. Hamilton raised the concern of the potential impacts of the Pebble Mine Production to the area and the failure of the Pebble Mine draft Environmental Impact Statement to consider the jobs and economic impacts of bear viewing. The full report can be viewed at www.friendsofmcneilriver.org

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

a. Committee of the Whole Report

Councilmember Smith reported council discussed Ordinance 19-27, Vegetation in Rights-of-Way and heard a report from the City Manager on General Fund and Reserve Balance Policies.

b. Worksession Report

City Manager Koester reported Council started an in-depth review of Ordinance 19-23, Title 14 and 17 re-write. They only got through the Title 14 section tonight, but had good discussion and questions on definitions and parameters.

c. Special Meeting Report

d. Mayor's Report

- i. Letter from AKDOT Re: Response Baycrest Sub.
- ii. Alaska Marine Highway Survey Response

Mayor Castner reviewed the information regarding the letter from AKDOT letter and his response to the Alaska Marine Highway Survey.

e. Borough Report

f. Library Advisory Board

Mark Massion reported on the Summer Reading program events. He recognized the Homer Elks for a Gratitude Grant to purchase food and some backpacks for youth the summer.

g. Homer Advisory Planning Commission

Kalie Petska-Rubalcava reported the Commission held a public hearing on the vacation of a portion of right-of-way on Greatland Street that was approved, the remand of CUP 18-09 for a medical clinic and amended findings, and a draft ordinance to add medical clinic as a permitted use in the CBD. They reviewed and made recommendations on two plats, and continued to discuss building heights in the East End Mixed Use district and requirements for as-builts for zoning permits.

h. Economic Development Advisory Commission

i. Parks Art Recreation and Culture Advisory Commission

Ingrid Harrald, Parks Art Recreation and Culture Advisory Commission Chair, recognized the community minded approach and the effort and work that's put into planning the accessible trail addressed in Ordinances 19-28 and 19-29. This is important for our visitors, but more important to the people who live here and find joy in experiencing our parks and open spaces.

j. Port and Harbor Advisory Commission

k. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Ordinance 19-19, An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Prohibiting the City from Providing Water Service Outside the City of Homer Unless Authorized by Ordinance or Required by Law and Requiring the Adoption of Extraterritorial Public Utility Agreements by Resolution. Aderhold. Introduction April 22, 2019, Postponed to May 28, 2019, Public Hearing and Second Reading June 10, 2019.

Ordinance 19-19(S), An Ordinance of the City Council of Homer, Alaska, Amending Homer City Code Title 14.08, "Water Rules and Regulations" to add HCC 14.08.015, "Water Service Area" and Permitting the City to Provide Water Service Outside the City of Homer so Long as the Property Served is Adjacent to a Water Main Installed to Serve City Property and Such Service is Required by Law or Authorized by Ordinance and Requiring a Council Approved Agreement Regulating Use, Operation, Installation, and Maintenance of Water Service on the Property. Aderhold.

Memorandum 19-072 from Councilmember Aderhold as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident commented in support of the substitute ordinance and supports submitting it to Commissions for their consideration and input.

Jack Cushing, city resident, commented in support of the substitute ordinance and the next steps outline in the accompanying memorandum.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 19-19.

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

Councilmember Aderhold commented that after their last discussion and based on public testimony she worked with the City Attorney on this substitute. In addition they had some specific recommendations that aren't in the substitute because this is an overarching policy, and addressing specifics for properties would be addressed through an ordinance from the adjoining jurisdiction and this Council's ordinance in response.

Councilmember Stroozas commented this is being addressed in the Title 14 re-write. Councilmember Lord noted that the re-write does not provide clarification regarding on the process because it's being addressed through this ordinance and there are many other topics to move through in the re-write.

Councilmember Venuti commented in support of the substitute ordinance and it going to the Commissions for their consideration.

Councilmember Lord commented for clarification if the motion to substitute is approved then they will make another motion to postpone and send it to the commissions with a copy of the memorandum and map.

VOTE (substitute): YES: VENUTI, SMITH, ADERHOLD, LORD, STROOZAS, ERICKSON

Motion carried.

Councilmember Smith commented he supports this only for the matter of it being sent on to the Commissions. He still has issues with the language in the ordinance, but that won't be addressed until after the Commission's report back.

Councilmember Aderhold asked Councilmember Smith to outline his concerns to be reflected in the minutes for the Commissions to evaluate as well.

Councilmember Smith objects to the prohibitive language, citing reference to the statement "water may not"; the full authority to regulate any use of the property is nebulous; before city owned water service may be extended outside its borders under this section, he thinks there are things that need to be discussed as far as what the Extraterritorial Water System Agreement is. He added the title reads "the property served is adjacent to a water main installed to serve city property and such service is required by law", he thinks it could say "or" instead of "and", simple little things. He thinks lines 24-26 don't apply when it comes to the utility, so that needs to be cleaned up as far as what it represents.

Councilmember Lord disagrees with the "and/or" that was just referenced in the title. She thinks it does need to say "and" because in order to serve properties outside the city limits, one, you have to be adjacent to the water main, and two, the service either has to be required by law or authorized by ordinance.

Mayor Castner commented he appreciates their working toward a process and thinks there getting close to one that he's agreeable with. He suggested the effective date be January 1, 2020.

ADERHOLD/VENUTI MOVED TO POSTPONE ORDINANCE 19-19(S) TO THE AUGUST 26, 2019 CITY COUNCIL MEETING AND REFER ORDINANCE 19-19(S) TO THE PORT AND HARBOR, ECONOMIC DEVELOPMENT, AND PLANNING COMMISSIONS.

Councilmember Lord asked that the memo be included, she'd like to make sure that's part of the discussion as they work thorough it as it's laid out. Councilmember Aderhold concurred that the memo and map should go with the ordinance.

There was no further discussion.

VOTE (postponement): YES: ADERHOLD, LORD, VENUTI, STROOZAS, SMITH, ERICKSON

Motion carried.

- b. 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. Lord/Stroozas. Introduction May 28, 2019, Worksession June 10, 2019. Public Hearing June 10, 2019, Public Hearing and Second Reading June 24, 2019.

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.

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

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

LORD/ERICKSON MOVED TO ADOPT ORDINANCE 19-23 FOR SECOND READING ONLY

STROOZAS/LORD MOVED TO SUBSTITUTE ORDINANCE 19-23(S)

Councilmember Lord commented the substitute incorporates a number of comments from our last meeting, and the City Attorney provided a recap at their 4:00 p.m. worksession.

VOTE (motion to substitute): UNANIMOUS CONSENT

Motion carried.

Mayor Castner stated this will come back for another public hearing on June 24th.

There was discussion on the need for another worksession on a non-council meeting day so they have more time to work through the changes.

LORD/STROOZAS MOVED TO SCHEDULE A WORKSESSION AT A TIME TO BE DETERMINED BEFORE THEIR JULY 22ND MEETING.

There was brief discussion confirming their June 24th meeting will include another public hearing on Ordinance 19-23(S) and the Clerk will coordinate with Council and staff for a worksession date.

- c. Ordinance 19-24, An Ordinance of the City Council of Homer, Alaska, Amending the 2019 Operating Budget by Authorizing the Expenditure of an Additional \$16,100 from the Police Fleet Reserves for the Outfitting of Two New Police Vehicles and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Police Chief. Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019.

Memorandum 19-061 from Police Chief as backup

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

VENUTI/ADERHOLD MOVED TO ADOPT ORDINANCE 19-24 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Caster called for a recess at 7:18 p.m. and the meeting resumed at 7:25 p.m.

- d. Ordinance 19-25, An Ordinance of the City Council of Homer, Alaska, Approving the Sale of the Homer Public Library Lot Located at 3713 Main Street and Authorizing the City Manager to Execute the Appropriate Documents to Dispose of the Lot. Aderhold. Introduction May 28, 2019, Public Hearing and Second Reading June 10, 2019

Mayor Castner opened the public hearing.

Don Stead, city resident, commented Grace Ridge Brewing is interested in the property and he supports passing the ordinance. He touched on the community involvement the business has

been involved in at their current location and explained the opportunities available if they're able to expand on this lot. The lot has been for sale for 12 years with no interest, and now he's interested in purchasing it.

Dave Brann, city resident, commented in support of Ordinance 19-25 and the sale of the property. Micro-Breweries are a hot ticket item throughout the world and Grace Ridge has provided a huge public service to the community.

Ingrid Harrald, city resident, commented in support of Ordinance 19-25 and the sale of the property. She shared about the many events that have been held at the current location and the non-profits she involved with who have benefitted from the tip jar donations. As a PARCAC Commissioner there hasn't been any discussion by them on considering this for a potential Rec Center location so she's not sure of the process that produced that recommendation.

Larry Slone, city resident, commented in support of Ordinance 19-25 because he thinks it benefits the city. The ordinance isn't designated for Grace Ridge, there are others who may be interested in purchasing it.

Karin Marks, city resident, commented in support of Ordinance 19-25. She supports the idea of developing downtown and location is important for this business. This location is beneficial for tourists and locals alike to be able to walk to and from. When you're in business and selling across a counter it all about location.

Mark Massion, city resident, commented in support of Ordinance 19-25 and the sale of the property. He thinks if the brewery was able to locate on the lot it would be an added attraction and the money that comes from it would be well accepted.

John Bushell, city resident, commented in support of Ordinance 19-25 and the sale of the property. He's travels around performing and it seems in every town he's in there are micro-breweries. He thinks this will help revitalize downtown and Grace Ridge has already proven themselves with social and community support in all they've already done.

Susah Phillips-Cushing, city resident, commented in support of Ordinance 19-25 and the sale of the property. The property has been for sale for 12 years and it should be sold to Grace Ridge because it's a safe location for locals and tourists, the business owners are locals, they are philanthropic, are willing to pay fair market value and costs to excavate, and the city gains property on the tax rolls. She provided a full copy of her testimony for the record.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 19-25 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Aderhold commented we've had some strong public testimony that we need to listen to.

Councilmember Lord clarified for people listening that this ordinance authorizes an appraisal and moving forward with a sale of the property at fair market value through the appropriate process. It has been catalyzed by an interested business in the community. It's not an ordinance to give land to Grace Ridge or to support them individually as a business, or circumvent any process.

Councilmember Stroozas commented if they say no tonight, it isn't going to stop Grace Ridge from building on another lot. This may be their first choice but they have other locations identified also. He doesn't think they need to spend money on an appraisal if they aren't going to sell it.

Councilmember Aderhold clarified the intent of the ordinance is to sell it after having an appraisal done. The City has a lot in the middle of town that had been for sale for many years, it shows as a lot to be sold in the Land Allocation Plan. This ordinance follows through with that.

Councilmember Smith commented the conversation and public testimony has been led to this being about Grace Ridge Brewery and that's not how they make decisions as Councilmember Lord said. He sees that Grace Ridge runs an excellent business and does a great service to the community. Council chose not to re-list this last year when the contract expired and his stance is the same as it was then. We have very few land holdings that have access with utilities and some developable benefit to the town center. If it were a situation where any business who wanted to do business in that proximity and had no other options and that lot presented an opportunity that didn't exist in any other area, it could be a different discussion. He's not going to change in light of the business that's showing the most interest and willingness to develop the land. It about the City and the value of its land holdings, and he doesn't want to dispose of what little we have.

Councilmember Lord agrees that public land is very valuable, but the City has land in the city center, besides this lot. The land doesn't have amenities that this small lot on Main Street does, but the cost to develop the lot is high given its topography, and there's an element of being responsive to the business community. There's a lot to the idea of being responsive, assessing interest and private sector development, and interest in growing our economy. She noted City owned properties in the area and recalled the City's been trying to sell the lot for 12 years. She shared her recollection that they didn't relist it because the realtor had suggested lowering the prices, but Council didn't see a need to lower it. She also pointed out the benefit of having a business of this type expand on the water service line.

Councilmember Venuti commented in support of selling the property to the highest bidder. She'd like to see it on the tax rolls and she thinks it would be very beneficial to our city center.

Mayor Castner noted that he voted to break a tie at the last meeting because he believed it should go to public hearing, but it will take four members of the Council to move this forward tonight.

Councilmember Erickson struggles with the idea that the fill on the property is worthless, she thinks it could be valuable to some, and she feels if it is going to be sold it has to be done through a process. She thinks there are timing issues right now and there are some things they still need to figure out with moving the police station, needs of the fire station, and whatever's going to happen with the HERC. She feels like she's getting pressured without the objectivity she needs to feel comfortable in selling the property.

Councilmember Aderhold noted this is a small lot and likely not adequate for the police, fire, or HERC asked for some clarification on her concerns regarding timing. Councilmember Erickson said she wants to see what's going to happen with the HERC. There has been a lot done with the police and fire station, and she'd like to see what else needs to be put in place. She sees it as an asset we need to sell at some point, but she's not sure now is the time.

Councilmember Lord noted that regardless of what happens with the HERC building, the City will need funds to work with. It could be argued that putting this lot on the market that the City has intended to sell for over a decade, and that now is a good time to provide the City with revenue from this lot. There have been a lot of space need conversations over the last decade related to the library, police station, fire station, and community recreation, and this lot has been on the market.

There was continued debate on both sides of the issue.

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

Mayor Castner did not vote.

Motion failed.

- e. Resolution 19-036, A Resolution of the City Council of Homer, Alaska, Amending the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly. City Manager/Finance Director. Page 261

Resolution 19-036(S), A Resolution of the City Council of Homer, Alaska Alaska, Amending **Maintaining** the City of Homer Water and Sewer Rates and Updating the Fee Schedule Accordingly **for 2020**. Stroozas. Page 269

STROOZAS/ERICKSON MOVED TO ADOPT RESOLUTION 19-036 BY READING OF TITLE ONLY.

STROOZAS/ERICKSON MOVED TO SUBSTITUTE RESOLUTION 19-036(S) FOR 19-036.

Councilmember Aderhold questioned the future impacts if they don't raise rates this year.

City Manager Koester explained staff applied the model the same way this year as they did last year. She noted the analysis that was include in the supplemental packet and that it shows what it looks like applying the model without allocated funds to reserves. She feels strongly and always advocates for transfers to reserves, but it's a policy question for Council. When working through the budget process transfers to reserves will vary from year to year.

Council discussed the status of the reserves and the need to establish a reasonable fund cap or range that represents what's responsible, but not burdensome to the rate payers. They also reviewed the process for transfers to reserves and working through the rate model and budget process.

VOTE (substitute): YES: ERICKSON, VENUTI, LORD, STROOZAS, ADERHOLD, SMITH

Motion passed.

There was no further discussion on the main motion.

VOTE (main motion): YES: STROOZAS, ERICKSON, SMITH, LORD, VENUTI, ADERHOLD

Motion carried.

ORDINANCE(S)

- a. 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. Recommended dates Introduction June 10, 2019, Public Hearing and Second Reading June 24, 2019

STROOZAS/VENUTI MOVED TO INTRODUCE ORDINANCE 19-27

Council discussed verbiage related to ditching. City Attorney Wells explained city code has provisions that address removal of vegetation and suggested that is how they should address it related to this ordinance, rather than referring to ditching.

Councilmember Stroozas agreed to work to bring back a substitute at the next meeting to help clarify verbiage related to removal of vegetation. Councilmember Lord asked to be added as a co-sponsor.

It was suggested that the reference with three feet of a City-owned right of way in line 71 be clarified as well.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

a. City Manager's Report

Councilmember Lord asked whether there has been discussion or analysis of the impacts to the land adjacent to the Seafarer's Memorial parking area from the hardening and use of rip rap for the new parking area. City Manager Koester said there has been discussion but an engineer's analysis has not been done. She explained the rip rap will be fronted with another buffer made up of sea grass and other materials to keep the front of the area in a more natural state. Councilmember Aderhold shared that she understands the desire for parking on the Spit, but also understands that the Spit is natural wonder and we need to keep in mind its longevity.

In response to other questions, City Manager Koester shared that she and the Mayor will be looking at necessary code amendments as we transition into a two year budget cycle, and she briefly commented about the online sales tax meeting she attended last week. She'll have a full summary in her next written report.

b. Bid Report - Informational Only

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 19-073 from Finance Director Approving the 2020 & 2021 Budget Schedule

Moved and approved under Consent Agenda.

RESOLUTIONS

- a. Resolution 19-041, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement of the A-Frame PRV Station to a firm to be Announced in an Amount to be Disclosed, and Authorizing the City Clerk to Execute the Appropriate Documents. City Clerk.

Resolution 19-041(S), A Resolution of the City Council of Homer, Alaska, Awarding the Contract for the Replacement of the A-Frame PRV Station to the firm of Steiner's North Star Construction of Homer, Alaska, in the amount of \$296,512, and Authorizing the City Clerk to Execute the Appropriate Documents. City Clerk.

Memorandum 19-076 from Public Works Director as backup

SMITH/ADERHOLD MOVED TO ADOPT RESOLUTION 19-041 BY READING OF TITLE ONLY.

ADERHOLD/VENUTI MOVED TO SUBSTITUTE RESOLUTION 19-041(S) FOR 19-041.

There was no discussion.

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

Motion carried.

There was no discussion on Ordinance 19-041(S)

VOTE (main motion): VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Resolution 19-042, A Resolution of the City Council of Homer, Alaska, Awarding the City Hall Roof Replacement 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.

Resolution 19-042(S), A Resolution of the City Council of Homer, Alaska, Awarding the City Hall Roof Replacement Project to the firm of Anchorage Roofing and Contracting of Anchorage, Alaska in the Amount \$195,000 and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Memorandum 19-077 from Public Works Director as backup

ERICKSON/VENUTI MOVED TO ADOPT RESOLUTION 19-042 BY READING OF TITLE ONLY.

ERICKSON/VENUTI MOVED TO SUBSTITUTE RESOLUTION 19-042(S) FOR 19-042.

There was no discussion.

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

Motion carried.

There was no discussion on Ordinance 19-042(S)

VOTE (main motion): VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Dave Brann, city resident, announced starting January 1, 2020 is the 50th birthday of Kachemak Bay State Park and there will be things happening all year related to it.

Don Stead, city resident, appreciated tonight's discussion and he understands Grace Ridge was not being singled out for this. He's disappointed though because he felt the vote was based on fear. He doesn't think scarcity of land is a valid reason not to sell property that you don't have a purpose for. He didn't think it was a positive action.

Larry Slone, city resident, talked about the presentation that highlighted the economic contribution of bear viewing to the Kenai Peninsula. He noted they didn't address any of the drawbacks. He noted their reference to the highway from Pebble Mine to the tide water having negative effects on the bears, but the North Slope haul road, has virtually no effect on the caribou living up there to his knowledge. Typically during bear viewing, people are within 15 feet of the bears, so if a bear has habituated itself to humans, surely it won't be affected by a dirt road. Also, as we keep increasing the number of people in the immediate vicinity of bears, it's just a matter of time before a bear gets upset and seriously injures or kills a person. He also commented regarding the increased noise of the aircraft and the noise impacts on the residents.

COMMENTS OF THE CITY ATTORNEY

City Attorney Wells had no comment.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comment.

COMMENTS OF THE CITY MANAGER

City Manager Koester had no comment.

COMMENTS OF THE MAYOR

Mayor Castner commented that he's been working with the City Clerk on a calendar of events and apologized for not announcing Mary Epperson Day prior to June 6th. Mary is someone he remembers fondly, he had lunch with her every Tuesday when she was at Senior Housing. She contributed greatly to the community.

COMMENTS OF THE CITY COUNCIL

Councilmember Venuti commented that researchers are continuing to find plastics in the deepest parts of our oceans and in logging the debris that's found, its plastic bags in particular. She noted that Homer will be voting on whether or not to ban single use plastic bags in October and encouraged everyone to spend some time educating themselves on the issue.

Councilmember Smith shared his appreciation for Dr. Bell and shared some experiences with their time working together in the softball programs. He also shared about the positive input Dr. Bell has had as coach of the girl's high school softball team for his daughter, and other players as well. He congratulated the City on the third year of winning the Homer Steps Up Trophy, and thanked everyone for the good input from the audience and from around the table.

Councilmember Lord commented about last week's meeting with the Homer Foundation and local non-profits that she attended. It was an effort to discuss the City of Homer's grant program and get feedback from non-profit programs to help them be as successful as possible. There were representatives from several local non-profits who attended and their input was very helpful. She thanked Dr. Bell for his efforts with the Volunteer Fire Department and the community over all. The Farmer's Market is going on and as they continue to work through dealing with the crowds on Saturday she reminded listeners that the Wednesday Market is going on and encouraged taking advantage of that less crowded day. She hopes as they talk about asset management and the HERC space that they also have an earnest conversation about the old police station building.

Councilmember Erickson congratulated Dr. Bell and thanked him for his service and wished they'd done a recognition when Mary Lou retired also. There is a lot to talk about with the title 14 and 17 rewrite and she looks forward having a worksession where they can work through it for a couple hours. Sometimes it looks like they are divided at the table but she thinks they're close on a lot issues, it's just the process of how they work through it. The sun is shining and she encouraged everyone to get out and enjoy it.

Councilmember Aderhold thanked the Chamber of Commerce for the bed tax forum. She wished there had been a more diverse perspective but she learned a lot from listening to what people had to say. Kachemak Bay Research Reserve held their annual meeting here and there were members from Hawaii where the newest reserve is. It was great to have the opportunity to discuss what Alaska and Hawaii share in relation to migratory birds and whales. She's excited about the Writer's Conference this weekend and she shared some of the upcoming events. Homer is privileged to have such diverse and phenomenal writers gather here once a year. She noted that she loves the recognitions at the Council meetings and thinks they are a valuable part of what they do, she encouraged the Mayor to do more of them and to include them in the packet for everyone to read.

Councilmember Stroozas reminded everyone that June 14th is Flag Day. The Homer Elks will be hosting a ceremony at 6:00, it's open to the public and there will a ceremony that includes the Boy Scouts demonstrating how to fold a flag. The Elks started Flag Day in 1885 and in 1949 President Truman signed an Act of Congress designating June 14th as National Flag Day.

Tomorrow morning the cruise ship Amsterdam for their first visit of the season. The ship will be back four or five times this season.

ADJOURN

There being no more business to come before the Council Mayor Castner adjourned the meeting at 9:16 p.m. The next Regular Meeting is Monday, June 24, 2019 at 6:00 p.m., Worksession at 4:00 p.m. and 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 Mayor 23

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-076

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: JUNE 18, 2019
SUBJECT: REAPPOINTMENT OF FRANCO VENUTI AND SYVERINE BENTZ TO THE
HOMER ADVISORY PLANNING COMMISSION

Franco Venuti is reappointed to serve as Commissioner on the Homer Advisory Planning Commission. Term expires July 1, 2022.

Syverine Bentz is reappointed to serve as Commissioner on the Homer Advisory Planning Commission. Term expires July 1, 2022.

Recommendation: Confirm the reappointment of Franco Venuti and Syverine Bentz to the Homer Advisory Planning Commission.



Advisory Body Application For Reappointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk 25
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

JUN 06 2019 AM 08:49 *PK*

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are reappointed by the Mayor and your reappointment is confirmed by the City Council.

APPLICANT INFORMATION

Full Name: FRANCO VENUTI

Physical Address Where you Claim Residency: 4066 KACHEMAK WAY, HOMER, AK

Mailing Address: BOX 3652 City: HOMER State: ALASKA Zip: 99603

Phone: 907-235-7480 Email: fcvenuti@gmail.com

Cell#: 907-399-1550 Work #: _____

ADVISORY BODY YOU ARE REQUESTING REAPPOINTMENT TO:

- ADVISORY PLANNING COMMISSION
- PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION
- PORT & HARBOR ADVISORY COMMISSION
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION
- LIBRARY ADVISORY BOARD
- OTHER – PLEASE INDICATE _____

CITY OF HOMER PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? Yes No

PLEASE PROVIDE THE FOLLOWING

- Do you fill a seat for a City Resident or Non Resident
- Has your residency changed since your last appointment? Yes No

How long have you served on the advisory body?

6(+) YEARS

Please briefly explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. (You may attach an additional page if needed)

CURRENTLY SERVE AS COMMISSION CHAIR OF HAPC
ALSO SERVE AS HOMER REPRESENTATIVE ON KENAI BOROUGH PLANNING
COMMISSION. ENJOY SERVING IN THIS CAPACITY AND FIND
WORK TO BE EXTREMELY INTERESTING & REWARDING.
IT IS A GREAT WAY FOR ME TO BE OF SERVICE TO THIS
WONDERFUL COMMUNITY

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:

KENAI BOROUGH PLANNING COMMISSION



Advisory Body Application For Reappointment to Committees, Commissions, Board & Task Forces

Office of the City Clerk
491 East Pioneer Av. 27
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov

The Information provided on this form will provide the basic information to the Mayor and City Council on your interest in serving on the selected Advisory Body. It is considered public and will be included in the City Council meeting packet. This information will be published in the City Directory and within city web pages if you are reappointed by the Mayor and your reappointment is confirmed by the City Council.

APPLICANT INFORMATION

Full Name: Ingrid Syverine Bentz

Physical Address Where you Claim Residency: 36884 Ridge St Anchor Point AK 99556

Mailing Address: PO BOX 1811 City: Homer State: AK Zip: 99603

Phone: 907 299 7769 Email: syverine@alaska.edu

Cell#: _____ Work #: _____

ADVISORY BODY YOU ARE REQUESTING REAPPOINTMENT TO:

- ADVISORY PLANNING COMMISSION**
- PARKS, ART, RECREATION & CULTURE ADVISORY COMMISSION**
- PORT & HARBOR ADVISORY COMMISSION**
- ECONOMIC DEVELOPMENT ADVISORY COMMISSION**
- LIBRARY ADVISORY BOARD**
- OTHER – PLEASE INDICATE** _____

CITY OF HOMER PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

Do you have a current Public Official Conflict of Interest Disclosure Statement on file with the City Clerk as required by HCC 1.18.043? Yes No

PLEASE PROVIDE THE FOLLOWING

Do you fill a seat for a City Resident or Non Resident

Has your residency changed since your last appointment? Yes No

How long have you served on the advisory body?

2016

Please briefly explain why you wish to be reappointed to the Advisory Body to which you currently serve. This may include information on accomplishments or projects completed, future goals for the body, or any additional information that may assist the Mayor in the decision making process. (You may attach an additional page if needed)

My skills, local knowledge and current professional role in the community would continue to benefit the advisory planning commission as evidenced by my work in recent years in the review and renewal of the comprehensive plan.

Future goals include tackling the transportation plan and incorporating strategies for efficient, safe and hazard resilient improvements that reflect our community priorities and emergent issues, including changing land uses, environmental pressures from a changing climate, and changes in our coastal economy and demographics.

An added benefit of my serving on the commission would be more targeted trainings and resources for local planners and city staff, elected and appointed officials. The Coastal Training Program at Kachemak Bay National Estuarine Research Reserve has the capacity to offer American Planning Association courses to planners who are members of the American Institute of Certified Planners.

Background:

Education: BS in Geology, MSc in Earth Science with focus on sedimentation and tectonics

Skills: GIS, Remote Sensing, Needs Assessment, Facilitation, Project Planning, Collaborative Research, Stakeholder Engagement

Profession: Connecting people to research through the University of Alaska Coastal Training Program at Kachemak Bay NERR for science-based coastal management

Please list any current memberships or organizations that you belong to related to the advisory body you serve on:
Kenai Peninsula Borough Planning Commission- Anchor Point and Ninilchik Seat, MAPP, Kenai Change, Woodard Creek Coalition, Homer Hockey Association, Homer Softball Association



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk 29

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-077

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: JUNE 18, 2019

SUBJECT: LIQUOR LICENSE: RESTAURANT DESIGNATION PERMIT AND PREMISES DIAGRAM CHANGES FOR CAPTAIN PATTIE'S FISH HOUSE

We have been notified by the Alcohol Marijuana Control Office of the restaurant designation permits and licensed premises changes in the City of Homer for the following:

Lic. #	Doing Business As	License Type	Licensee	Premises Address
2673	Captain Pattie's Fish House	Restaurant Designation Permit	Captain Pattie's Fish House, Inc.	4241 Homer Spit Rd., Suite 1
2673	Captain Pattie's Fish House	Licensed Premises Diagram Change	Captain Pattie's Fish House, Inc.	4241 Homer Spit Rd., Suite 1

RECOMMENDATION: Voice non objection and approval for the restaurant designation permits and licensed premises changes.

Fiscal Note: Revenues.



City of Homer

www.cityofhomer-ak.gov

Police Department 31

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: Rachel Tussey, Deputy City Clerk
FROM: Mark Robl, Police Chief *MR*
DATE: June 14, 2019
SUBJECT: Liquor License Applications/Licensed premises diagram change for Captain Pattie's Fish House.

There is no objection to this liquor license applications/License premises diagram change.

License #: 2673
Doing Business as: Captain Pattie's Fish House
License Type: Restaurant/Eating Place-License Premises Diagram Change
Licensee: Captain Pattie's Fish House, Inc.
Service Location: 4241 Homer Spit Road Suite #1
Mailing Address: 4241 Homer Spit Road Suite #1



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 menu or expected menu listing the meals, including entrees prepared onsite and offered to patrons, and copy of the DEC Food Service Permit (or corresponding DHHS documentation for licenses located in the Municipality of Anchorage) 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:	Captain Pattie's Fish House Inc.				
License Type:	Restaurant/Eating Place	License Number:	2673		
Doing Business As:	Captain Pattie's Fish House				
Premises Address:	4241 Homer Spit Rd Suite 1				
City:	Homer	State:	AK	ZIP:	99603
Contact Name:	Patty Hensley	Contact Phone:	907-399-1925		

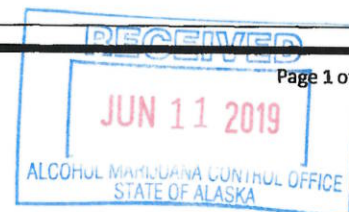
Section 2 – Type of Designation Requested

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	
Transaction #: W/AB14	Initials: CDC





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 dine in the dining room.
 minors will be employed in the kitchen and dining room. (bussers - Hostess)

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 alcohol is locked up in a room.

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.





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 5 – Hours of Operation

Review AS 04.16.010(c).

Enter all hours that your establishment intends to be open. Include variances in weekend/weekday hours, and indicate am/pm:

Open at 11:00 am Close at 10:30 P.M.
 Open Daily from April 15th – September 31st

Section 6 – Entertainment & Service

Review AS 04.11.100(g)(2)

Are any forms of entertainment offered or available within the licensed business or within the proposed licensed premises?

Yes No

If "Yes", describe the entertainment offered or available and the hours in which the entertainment may occur:

Food and beverage service offered or anticipated is:

table service buffet service counter service other

If "other", describe the manner of food and beverage service offered or anticipated:





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

Section 7 - Certifications and Approvals

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

Initials

There are tables or counters at my establishment for consuming food in a dining area on the premises.

PH

I have included with this form a menu, or an expected menu, listing the meals to be offered to patrons. This menu includes entrees that are regularly sold and prepared by the licensee at the licensed premises.

PH

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.

PH

I have included with this application a copy of the most recent AB-02 or AB-14 for the premises to be permitted. (AB-03 applications that accompany a new or transfer license application will not be required to submit an additional copy of their premises diagram.)

PH

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

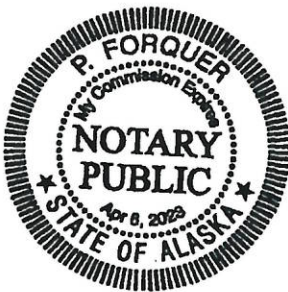
Patty Hensley
Signature of licensee

[Signature]
Signature of Notary Public

Patty Hensley
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: April 6, 2023



Subscribed and sworn to before me this 11 day of June, 2019.

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

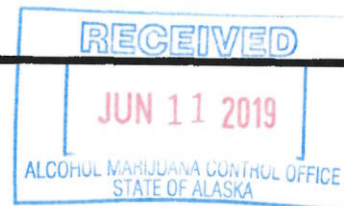
Approved Denied

Signature of local government official

Date

Printed name of local government official

Title





Alaska Alcoholic Beverage Control Board

Form AB-03: Restaurant Designation Permit Application

AMCO Enforcement Review: _____ Enforcement Recommendation: Approve Deny

Signature of AMCO Enforcement Supervisor

Printed name of AMCO Enforcement Supervisor

Date

Enforcement Recommendations:

[Empty box for Enforcement Recommendations]

AMCO Director Review: _____ Approved Denied

Signature of AMCO Director

Printed name of AMCO Director

Date

Limitations:

[Empty box for Limitations]





Alaska Food Code 2019 Establishment Permit

Division of Environmental Health
Food Safety & Sanitation Program

Permit Number: 4373
 Issued to: **Patty Hensley**
 For: **Captain Patties Fish House**
 For Operation of: **FF-1 Food Service**
 Located at: **4241 Homer Spit RD Homer, AK 99603**

This permit, issued under the provisions of 18 AAC 31, 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 334-2560)



CAPTAIN PATTIE'S FISH HOUSE

THINGS TO SHARE

39

APPETIZER PLATTER \$25.00

A quality combination of char grilled prawns, calamari, clam strips and mozzarella sticks.

RED KING CRAB LEGS \$69.00

One and one half pounds. Jumbo in size and sweet in taste. A must for the Alaskan seafood lover.

KACHEMAK BAY OYSTERS \$17.00

Fresh Kachemak Bay oysters on the half shell, shucked to order, served on a bed of ice.

FRESH STEAMER CLAMS \$23.00

One and one half pounds of clams, steamed with wine, green onions and garlic. Served w/ baguettes.

MUSSELS \$23.00

One pound of mussels steamed in coconut milk with curry and ginger. Served w/ baguettes.

CALAMARI \$17.00

Calamari soaked in buttermilk seasoned and fried. Served with marinara sauce.

CHAR GRILLED JUMBO PRAWNS \$18.00

Jumbo prawns skewered on bamboo then char grilled with butter and fresh squeezed lemon.

CRAB AND ARTICHOKE BAGUETTES \$19.00

Toasted baguettes with Crab, cream cheese and artichoke spread. Lightly broiled with parmesan.

CLAM STRIPS \$9.00

Deep fried and served with cocktail sauce.

CRAB STUFFED MUSHROOMS \$19.00

Mushrooms stuffed with crab & cream cheese topped with parmesan then broiled in butter.

SMOKED SALMON DIP \$16.00

Wild Alaskan smoked salmon, served with assorted crackers. A local's favorite.

MOZZARELLA STICKS \$7.00

Deep fried to a golden brown and served with marinara sauce.

Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of foodborne illness



CAPTAIN PATTIES FISH HOUSE

40

BEVERAGE MENU

WINE

CHARDONNAY		Glass	Bottle	MERLOT		Glass	Bottle
Redwood Creek	\$6.50			Redwood Creek	\$6.50		
Clos Du Bois			\$32.00	Sterling Vintner's	\$8.00		\$31.00
Kendall Jackson	\$8.00		\$30.00	Rodney Strong	\$9.00		\$35.00
Edna Valley	\$8.00		\$30.00				

OTHER WHITES

Fetzer Gewurtz.	\$6.50	\$23.00
St. Mich. Riesling	\$6.50	\$23.00
St Mich. Pinot Gris	\$7.00	\$27.00

ROSE'

14 Hands	\$6.50	\$24.00
Esprit Gassier		\$44.00

SAUVIGNON BLANC

Oyster Bay	\$8.00	\$30.00
------------	--------	---------

OTHER REDS

A by Acacia Pinot Noir	\$8.00	\$31.00
Layer Cake Malbec	\$9.00	\$35.00

CABERNET SAUVIGNON

Sterling Vintner's	\$8.00	\$31.00
J Lohr	\$8.50	\$33.00
Rodney Strong	\$9.00	\$35.00

WHITE ZINFANDEL

Beringer	\$6.50
----------	--------

CHAMPAGNE

Codorniu Brut Cava split	\$8.00
--------------------------	--------

SAKE

Ozeki-junamai	\$10.00	Ozeki Daiginjo	\$15.00	Momo-Kawa	\$13.00
---------------	---------	----------------	---------	-----------	---------

PORT

Taylor Fladgate Tawny	\$6.00	Taylor Fladgate 10 yr Tawny	\$8.00
-----------------------	--------	-----------------------------	--------

LOCAL BEAR CREEK WINERY

Alaskan Chardonnay - Shirazzberry - Blue Zin - Blueberry Mirlo - Black Currant \$8.00

BEER ON TAP

<u>Homer Brewing Co.</u>	Red Knot	16 oz.	\$6.00
<u>Denali Brewing Co.</u>	Twister Creek IPA	16 oz.	\$6.00
<u>Kassik Brewing Co.</u>	Beaver Tail Blonde	16 oz.	\$6.00

Bottled Beer Budweiser - Bud Light - MGD - Coors Light \$5.00

Alaskan Amber - Pacifico - Moose Drool \$6.00

Hard Cider Angry Orchard \$6.00 Non - Alcoholic St. Pauli \$5.00

OTHER DRINKS

Coffee	\$2.00	Lemonade	\$2.00
Coke - Diet Coke - Sprite	\$2.00	Ice Tea	\$2.00
Root Beer - Orange	\$2.00	Hot Tea	\$2.00
Juice apple - orange small	\$2.00	Sparkling Water	\$4.00
		large	\$4.00



CAPTAIN PATTIE'S FISH HOUSE

LUNCH

41

All lunches served with choice of french fries or coleslaw. (except pastas)
Substitute a tossed salad or cup of clam chowder: add \$2.00

SEA SAMPLER \$27.00

A variety of halibut, salmon, prawns and scallops. All breaded to order and fried to a golden brown.

CHAR GRILLED SEA SAMPLER \$27.00

Brushed with olive oil, seasoned and sprinkled with wine and fresh squeezed lemon.

FRESH LOCAL HALIBUT

DEEP FRIED HALIBUT \$20.00

Hand cut fresh daily. Dipped in a light batter, fried to a golden brown. Proclaimed the best in AK.

HALIBUT SANDWICH \$20.00

Char grilled to perfection. Served open faced with tartar, lettuce and tomato.

PATTIE'S BAKED HALIBUT \$20.00

Baked in our homemade dill sauce. Topped w/ bread crumbs & parmesan, browned under the broiler.

HALIBUT TACO \$20.00

Seasoned halibut, lettuce & cheese in 2 warmed flour tortillas. Side of both green & red salsa.

FRESH SALMON

SALMON SANDWICH \$20.00

Fresh seasonal salmon grilled w/ lemon & wine. Served open faced w/ tartar, lettuce and tomato.

PATTIE'S BAKED SALMON \$20.00

Baked in our homemade dill sauce. Topped w/ bread crumbs & parmesan, browned under the broiler.

ALASKAN RED KING CRAB

RED KING CRAB

Our generous portion of red king crab is the sweetest in Alaska. Served with melted butter.

CHEAPER BY THE POUND ONE AND ONE HALF POUNDS \$72.00

FOR THE CRAB LOVER THREE POUNDS \$131.00

SEAFOOD FETTUCINE \$28.00

Fresh halibut, salmon & prawns mixed with mushrooms, onions, red and green peppers then tossed in heavy cream. Finished off with fresh grated parmesan cheese.

CRAB MELT \$23.00

A toasted English muffin served open face with steamed snow crab & tomatoes. Topped with melted cheddar cheese.



SHELLFISH

PAN FRIED OYSTERS \$18.00
Large fresh oysters, breaded in panko, sautéed, not deep fried.

PAN FRIED OYSTER SANDWICH \$20.00
Pan fried large oysters. Served open faced with tartar, lettuce and tomato.

ALASKAN WEATHERVANE SCALLOPS \$21.00
Breaded individually with panko to order. Deep fried to a luscious golden brown.

TEMPURA PRAWNS \$19.00
Jumbo prawns dipped in tempura batter, fried to a golden brown.

BURGERS AND CHICKEN

BACON CHEESEBURGER \$16.00
Char grilled 1/3 pound patties. Topped w/ american cheese & bacon. Served with all the trimmings.

CHEESEBURGER \$14.00
Char grilled 1/3 pound patties. Topped with american cheese. Served with all the trimmings.

HAMBURGER \$13.00
Char grilled 1/3 pound patties. Served with lettuce, tomato, onion and pickles on the side.

CHICKEN BREAST SANDWICH \$17.00
Char grilled with special seasonings. Served with romaine, tomato and mayo.

CHICKEN FETTUCCINE \$24.00
Grilled chicken, fettucine, mushrooms, onions, red and green peppers tossed in cream w/parmesan.

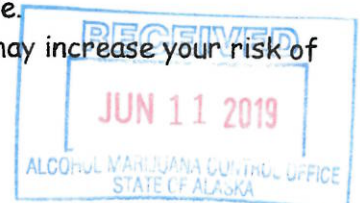
VEGGIE FETTUCCINE \$21.00
Steamed vegetables tossed in heavy cream and fettuccine, finished off w/ fresh grated parmesan.

CLAM CHOWDER AND SALADS

PATTIE'S FAMOUS CLAM CHOWDER CUP \$6.00 BOWL \$8.00
Homemade daily with Cook Inlet Razor Clams. Absolutely the best.

CAESAR SALAD \$13.00 **With Chicken** \$19. **Salmon & Halibut** \$23. **Scallops** \$23
Chilled romaine w/house made Caesar dressing, croutons and fresh grated parmesan cheese.

Please, no separate checks for parties of six or more.
Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of
foodborne illness.



CAPTAIN PATTIE'S FISH HOUSE

DINNER

43

All dinners served with choice of baked potato, wild rice, french fries or broccoli (except fettuccines) and a tossed romaine salad. Fresh sourdough bread upon request.

SEA SAMPLER \$34.00

A variety of fresh halibut, salmon, prawns and Alaskan scallops dipped in Pattie's special batter and fried to a golden brown. Everyone's favorite.

CHAR GRILLED SEA SAMPLER \$34.00

Brushed with olive oil, seasoned and sprinkled with wine and fresh squeezed lemon.

FRESH LOCAL HALIBUT

DEEP FRIED HALIBUT \$28.00

Fresh halibut from Cook Inlet, dipped in a light batter then deep fried to a golden brown.

CHAR GRILLED HALIBUT \$28.00

Fresh halibut hand cut daily, brushed with olive oil, seasoned and sprinkled with wine and lemon.

PATTIE'S BAKED HALIBUT \$29.00

Smothered in dill sauce, topped with bread crumbs and parmesan then baked to a golden brown.

FRESH LOCAL SALMON

CHAR GRILLED SALMON \$28.00

Fresh seasonal salmon brushed with olive oil, lightly seasoned and grilled, sprinkled with wine and lemon.

BAKED SALMON \$29.00

Salmon topped with homemade dill sauce, bread crumbs and parmesan cheese then baked.

ALASKAN RED KING CRAB

Our generous portion of red king crab is the sweetest in Alaska. Served with melted butter.

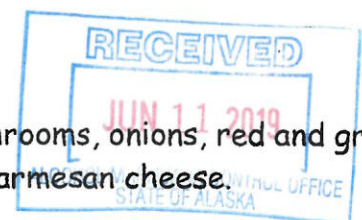
CHEAPER BY THE POUND	ONE AND ONE HALF POUNDS	\$79.00
FOR THE CRAB LOVER	THREE POUNDS	\$137.00

SEAFOOD FETTUCINE \$35.00

Fresh halibut, salmon and prawns mixed with mushrooms, onions, red and green peppers tossed in heavy cream. Finished off with grated parmesan cheese.

PATTIE'S FETTUCINE \$36.00

Generous portion of Alaskan scallops and prawns mixed with mushrooms, onions, red and green peppers tossed in heavy cream. Finished off with fresh grated parmesan cheese.



SHELLFISH

44

PAN FRIED OYSTERS \$29.00

Lightly breaded with panko. Seasoned and sautéed to a golden brown, not deep fried.

ALASKAN WEATHERVANE SCALLOPS \$29.00

Jumbo scallops individually breaded when ordered. Deep fried to a luscious golden brown.

CHAR GRILLED JUMBO PRAWNS \$28.00

Skewered on bamboo then brushed with butter, sprinkled with wine and fresh squeezed lemon.

DEEP FRIED JUMBO PRAWNS \$28.00

Jumbo prawns dipped in tempura batter and quickly deep fried to a light golden brown.

STEAKS AND CHICKEN

RIB EYE STEAK \$33.00

16-18 oz Hand cut then flame broiled to your taste. Renowned for its flavor and generous marbling.

NEW YORK STEAK \$33.00

16-18 oz Hand cut then flame broiled to your taste.

CHAR GRILLED CHICKEN BREAST \$25.00

Boneless, skinless chicken breast lightly seasoned and char grilled.

CHICKEN FETTUCCHINE \$29.00

Tender chicken breast with mushrooms, onions, red and green peppers tossed in heavy cream & parmesan.

CLAM CHOWDER AND SALADS

PATTIE'S FAMOUS CLAM CHOWDER Cup \$6.00 Bowl \$8.00

Home made daily with Cook Inlet Razor Clams. (Absolutely the best)

DINNER SALAD \$6.00

Tossed chilled romaine, carrots, red cabbage, red onion and tomato. With choice of dressing.

CAESAR SALAD \$13.00 with Chicken \$19 with Salmon & Halibut \$23 with Scallops \$23

Chilled romaine with Pattie's Caesar dressing and fresh grated parmesan cheese.

All of our entrees are cooked to order. Some take longer than others, please be patient with us.

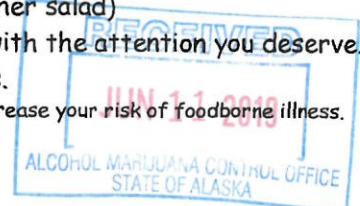
Please, no separate checks for parties of six or more.

Split Plate Fee \$6.00 (includes an extra dinner salad)

Service is everything at Capt. Pattie's. Your server will treat you with the attention you deserve.

Thank you for dining at Capt. Pattie's.

Consuming raw or undercooked meats, poultry, seafood, shellfish or eggs may increase your risk of foodborne illness.



Alaska Business License # 293777

Alaska Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

CAPTAIN PATTIES FISH HOUSE, INC

PO BOX 210 ANCHOR POINT AK 99556

owned by

CAPTAIN PATTIE'S FISH HOUSE, INC.

is licensed by the department to conduct business for the period

January 15, 2019 through December 31, 2019
for the following line of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Julie Anderson



Craig, Carrie D (CED)

From: Patty Hensley <Pattyhensley1@hotmail.com>
Sent: Wednesday, June 12, 2019 5:16 PM
To: Alcohol Licensing, CED ABC (CED sponsored)
Subject: Capt patties

Categories: Carrie

This is Johns Tap card you needed in your file.

Hope other documents are moving along

Thanks
Patty



Sent from my iPhone



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-14: Licensed Premises Diagram Change

What is this form?

This licensed premises diagram change form is required for all liquor licensees seeking to alter the functional floor plan or reduce or expand the area of the establishment's existing licensed premises, under 3 AAC 304.185. The required \$250 licensed premises diagram change fee may be made by check, cashier's check, money order, or credit card (VISA or MasterCard).

Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, and consumption. 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.

If approved, this form will replace the existing licensed premises diagram on file. All sections of the currently licensed area that you wish to remain licensed must be included in the outlined area, as described on Page 2 of this form. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form, as long as it meets the requirements listed on this form. The first and third pages 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 prior to altering the existing floor plan. The licensed premises may not be altered unless and until the AMCO director has given written approval on this form. Please note that licensees seeking to change licensed premises diagrams for multiple licenses must submit a separate completed copy of this form and pay a separate fee for each license.

Section 1 - Establishment Information

Enter information for the licensed establishment.

Licensee:	P. Captain Pattie's Fish House Inc.			Number:	2673
License Type:	Restaurant / Eating Place				
Doing Business As:	Captain Pattie's Fish House Inc.				
Premises Address:	4241 Homer Spri dcl - Suite 1				
City:	Homer	State:	AK	ZIP:	99603

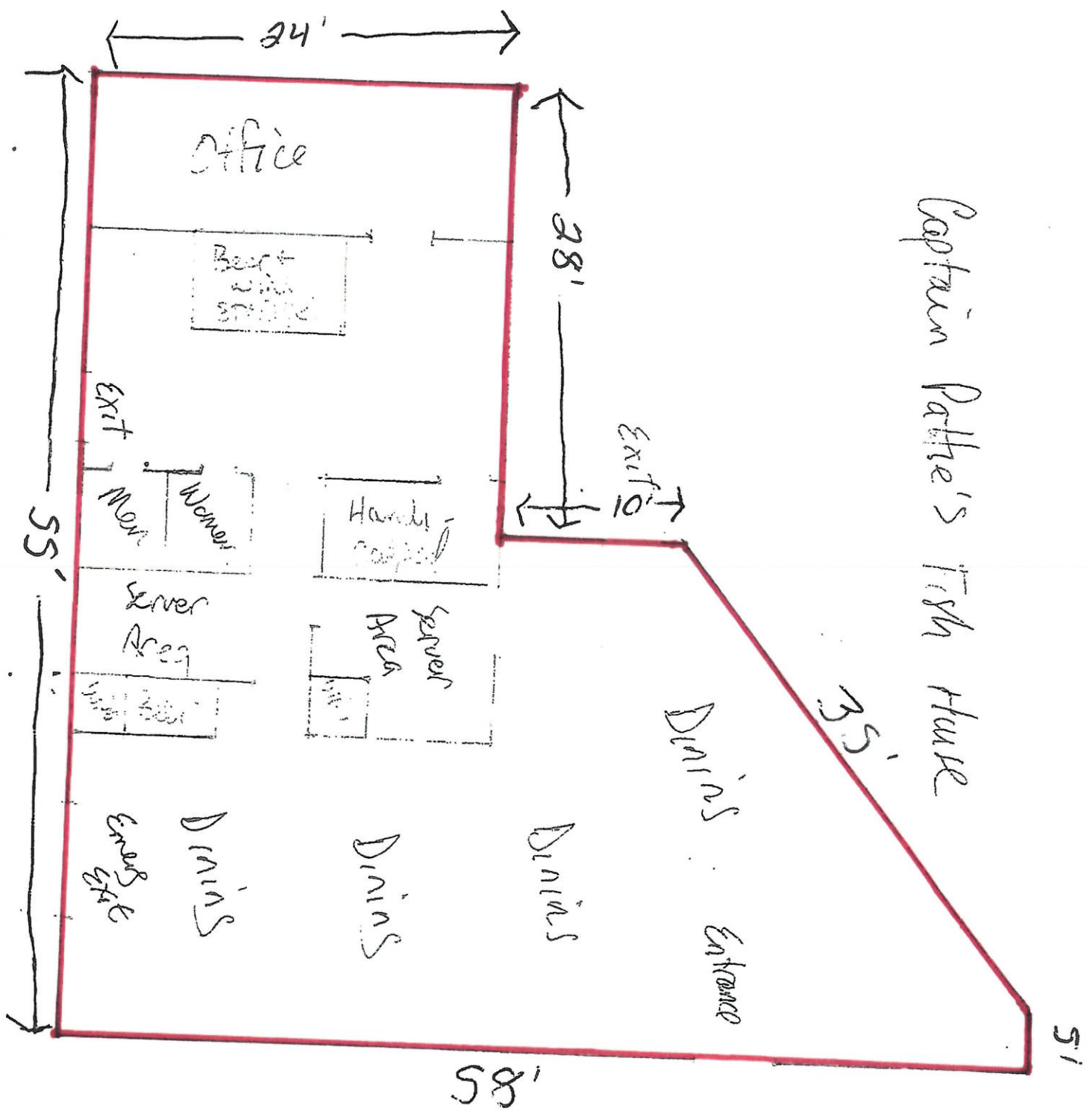
Section 2 - Summary of Changes

Provide a summary of the changes for which you are requesting approval.

The restaurant received a large expansion doubling the footprint of our facilities.



Captain Pathe's Fish House

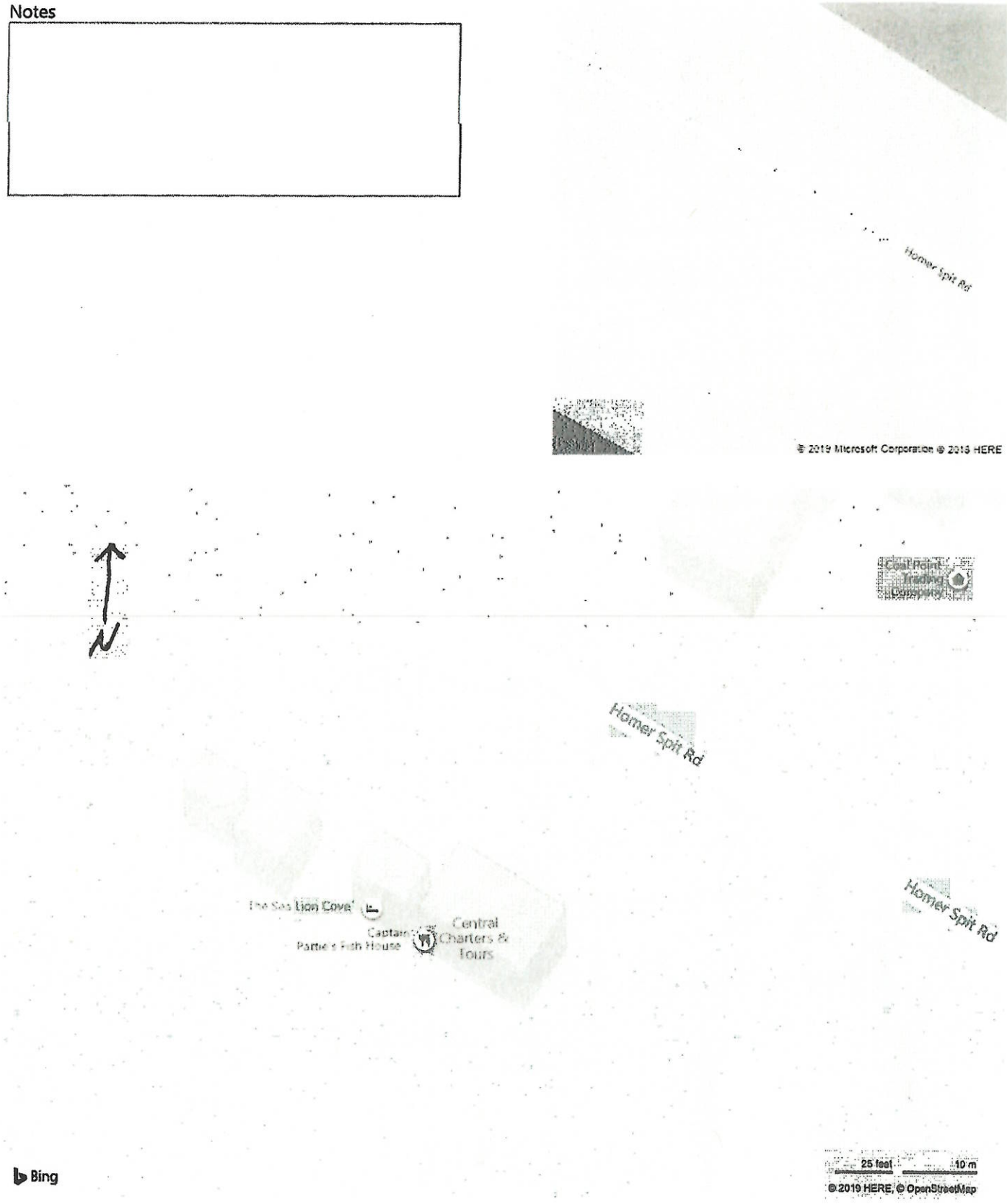


RECEIVED
 JUN 11 2019
 ALCOHOL MARIJUANA CONTROL OFFICE
 STATE OF ALASKA

bing maps

Notes

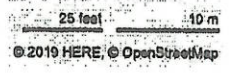
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Bing



RECEIVED
JUN 10 2019
ALCOHOL MARIJUANA CONTROL OFFICE
STATE OF ALASKA

Kachemak Bay

Central Charters

4241 Homer Spit Rd

Captain Patties
Fish House Inc.

Suite 1

Captain
Patties
Fish
Market
Suite E

Captain
Suites
Suite D

AK
Starfish
Suite C

AK
Starfish
Suite B

Sea Lion Art
Gallery
Suite 2

Cold Water
Taxi
Suite 3

Casinos
Gelato
Suite 4

AK
Starfish
Suite
A

Boardwalk

Homer Spit Rd



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-14: Licensed Premises Diagram Change

Section 4 - Declarations

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

Initials

The proposed changes conform to all applicable public health, fire, and safety laws.

JM

As a liquor licensee, I declare under penalty of perjury that this form, including all attachments, is true, correct, and complete.

Julien Michels
Signature of licensee

Julien Michels
Printed name of licensee



Aulum B. Johnson
Notary Public in and for the State of Alaska.

My commission expires: June 8, 2022

Subscribed and sworn to before me this 22 day of May, 2019.

Section 5 - Local Government & AMCO Review

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

Yes No Pending

The proposed changes shown on this form conform to all local restrictions and laws.

A local building permit is required for the proposed changes.

Travis Brown
Signature of local government official

Zoning Permit 0315-371
Building Permit #

5/22/19
Date

Travis Brown
Printed name of local government official

Planning Technician
Title

AMCO Review:

Approved Disapproved

Signature of AMCO Enforcement Supervisor

Signature of Director

Printed name of AMCO Enforcement Supervisor

Printed name of Director

Date

AMCO Comments:

[Empty box for AMCO Comments]

June 10th

I'm enclosing the requested updates for the AB-14 form.

Licensee name is Captain Pattie's Fish House Inc. Suite 1

Outlined perimeter in red

A goggle map of Captain Pattie's Fish House Inc.

Dimensions of proposed licensed premises

We do not have any permanent fixtures or bars. Only a keg cooler and refrigerator for white wine and bottled beer. They are indicated on the original diagram.

A drawing of the complete building complex that Capt. Pattie's is located in. Including the names and suite numbers of all.

The second floor is kitchen only. No storage of beer or wine on second floor.

Please email me or call with the status of this application as it precedes along. This is really cutting into the revenue of Capt. Pattie's.

Thank you,



Patty Hensley

Pattyhensley1@hotmail.com 907-399-1925



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

CITY OF HOMER
HOMER, ALASKA

Planning Commission

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.

WHEREAS, the 2018 Homer Comprehensive Plan promotes a pattern of growth
characterized by a concentrated mixed-use center; and

WHEREAS, the Central Business District is a centrally located area for the provision of
professional services,

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.18.020, Permitted uses and structures, is hereby
amended to read as follows:

21.18.020 Permitted uses and structures.

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

- a. Retail business where the principal activity is the sale of merchandise and incidental services
in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption
on the premises;
- e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- f. Hotels and motels;
- g. Mortuaries;

- 44 h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not
45 including mobile homes;
- 46
- 47 i. Floatplane tie-up facilities and air charter services;
- 48
- 49 j. Parks;
- 50
- 51 k. Retail and wholesale sales of building supplies and materials, only if such use, including
52 storage of materials, is wholly contained within one or more enclosed buildings;
- 53
- 54 l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided,
55 that a separate permit shall not be issued for the construction of any detached accessory
56 building prior to that of the main building;
- 57
- 58 m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
- 59
- 60 n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
- 61
- 62 o. Ministorage;
- 63
- 64 p. Apartment units located in buildings primarily devoted to business or commercial uses;
- 65
- 66 q. Religious, cultural, and fraternal assembly;
- 67
- 68 r. Entertainment establishments;
- 69
- 70 s. Public, private and commercial schools;
- 71
- 72 t. Museums and libraries;
- 73
- 74 u. Studios;
- 75
- 76 v. Plumbing, heating and appliance service shops, only if such use, including the storage of
77 materials, is wholly within an enclosed building;
- 78
- 79 w. Publishing, printing and bookbinding;
- 80
- 81 x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass)
82 from Lake Street west to the boundary of the Central Business District abutting Webber
83 Subdivision, and from Heath Street to the west side of Lakeside Village Subdivision, provided
84 they shall conform to the standards in HCC 21.54.200 and following sections;
- 85

86 y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles;
87 maintenance of taxis must be conducted within an enclosed structure, and requires prior
88 approval by the City Planner of a site, access and parking plan;

89
90 z. Mobile food services;

91
92 aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright under
93 this zoning district;

94
95 bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;

96
97 cc. Rooming house, bed and breakfast and hostel;

98
99 dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer
100 Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the
101 Sterling Highway, subject to the following additional requirements: Vehicles awaiting repair or
102 service, inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be
103 parked indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The
104 fence shall be a minimum height of eight feet and constructed to prohibit visibility of anything
105 inside of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible
106 outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other
107 debris created in the repair or servicing of vehicles shall also be stored indoors or inside the
108 fenced enclosure out of view of the public;

109
110 ee. Farmers' market;

111
112 ff. Dormitory;

113
114 gg. Financial institutions;

115
116 hh. As an accessory use, one small wind energy system per lot having a rated capacity not
117 exceeding 10 kilowatts;

118
119 ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal
120 single-family dwelling on a lot;

121
122 jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities
123 as defined by State law;

124
125 **kk. Medical clinics.**

126
127 Section 2: This ordinance is of a permanent and general character and shall be included in the
128 City Code.

129

130 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF
131 _____, 2019.

132
133 CITY OF HOMER

134
135 _____
136 KEN CASTNER, MAYOR

137
138 ATTEST:

139
140 _____
141 MELISSA JACOBSEN, MMC, CITY CLERK

142
143
144 YES:

145 NO:

146 ABSTAIN:

147 ABSENT:

148
149
150 First Reading:

151 Public Hearing:

152 Second Reading:

153 Effective Date:

154
155 Reviewed and approved as to form:

156
157 _____
158 Katie Koester, City Manager

156
157 _____
158 Holly Wells, City Attorney

159
160 Date: _____

159
160 Date: _____



City of Homer

www.cityofhomer-ak.gov

Plan 59

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 ABOUD 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

Bookmark Summary

[SR 19-50 Medical Clinics in the CBD dated June 5, 2019](#)

[HAPC Minutes excerpt June 5, 2019](#)

[SR 19-45 Medical Clinics dated May 15, 2019](#)

[HAPC Minutes excerpt May 15, 2019](#)



City of Homer

www.cityofhomer-ak.gov

Plan 63

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 19-50

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: June 5, 2019
SUBJECT: Medical Clinics in the Central Business District (CBD)

Introduction

Prior to a technical code update in 2008, a medical clinic that did not dispense medication or sell merchandise would be permitted as a 'professional office' in the CBD. The change in the definition of 'professional office' in the 2008 technical code update produced an unintended consequence of excluding medical clinics in the CBD and only allowing the use as a conditional use in the Residential Office District (RO).

Analysis

The RO district was never intended to be an exclusive location of Medical clinics. Medical Clinics have a long history of providing services in the CBD. The Central Business district also supports retail sales and pharmacies. Medical Clinics, whether dispensing medicine or selling general merchandise, are an appropriate use in the CBD.

Staff Recommendation

Planning commission move to recommend the addition of 'Medical clinic' as a permitted use in the CBD to the Homer City Council.

Attachments

Draft Ordinance

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 19-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 21.18.020, CENTRAL BUSINESS
ZONING DISTRICT, ADDING MEDICAL CLINICS.

WHEREAS, the 2018 Homer Comprehensive Plan promotes a pattern of growth
characterized by a concentrated mixed-use center; and

WHEREAS, the Central Business District is a centrally located area for the provision of
professional services; and

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.18.020 is hereby amended to read as follows:

21.18.020 Permitted uses and structures.

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

- a. Retail business where the principal activity is the sale of merchandise and incidental services
in an enclosed building;
- b. Personal service establishments;
- c. Professional offices and general business offices;
- d. Restaurants, clubs and drinking establishments that provide food or drink for consumption
on the premises;
- e. Parking lots and parking garages, in accordance with Chapter 21.55 HCC;
- f. Hotels and motels;
- g. Mortuaries;

- 42 h. Single-family, duplex, and multiple-family dwellings, including townhouses, but not
43 including mobile homes;
44
45 i. Floatplane tie-up facilities and air charter services;
46
47 j. Parks;
48
49 k. Retail and wholesale sales of building supplies and materials, only if such use, including
50 storage of materials, is wholly contained within one or more enclosed buildings;
51
52 l. Customary accessory uses to any of the permitted uses listed in the CBD district; provided,
53 that a separate permit shall not be issued for the construction of any detached accessory
54 building prior to that of the main building;
55
56 m. Mobile homes, provided they conform to the requirements set forth in HCC 21.54.100;
57
58 n. Home occupations, provided they conform to the requirements of HCC 21.51.010;
59
60 o. Ministorage;
61
62 p. Apartment units located in buildings primarily devoted to business or commercial uses;
63
64 q. Religious, cultural, and fraternal assembly;
65
66 r. Entertainment establishments;
67
68 s. Public, private and commercial schools;
69
70 t. Museums and libraries;
71
72 u. Studios;
73
74 v. Plumbing, heating and appliance service shops, only if such use, including the storage of
75 materials, is wholly within an enclosed building;
76
77 w. Publishing, printing and bookbinding;
78
79 x. Recreational vehicle parks only if located south of the Sterling Highway (Homer Bypass) from
80 Lake Street west to the boundary of the Central Business District abutting Webber Subdivision,
81 and from Heath Street to the west side of Lakeside Village Subdivision, provided they shall
82 conform to the standards in HCC 21.54.200 and following sections;
83

- 84 y. Taxi operation limited to a dispatch office and fleet parking of no more than five vehicles;
85 maintenance of taxis must be conducted within an enclosed structure, and requires prior
86 approval by the City Planner of a site, access and parking plan;
87
- 88 z. Mobile food services;
89
- 90 aa. Itinerant merchants, provided all activities shall be limited to uses permitted outright
91 under this zoning district;
92
- 93 bb. Day care homes and facilities; provided, however, that outdoor play areas must be fenced;
94
- 95 cc. Rooming house, bed and breakfast and hostel;
96
- 97 dd. Auto repair and auto and trailer sales or rental areas, but only on Main Street from Pioneer
98 Avenue to the Sterling Highway, excluding lots with frontage on Pioneer Avenue or the Sterling
99 Highway, subject to the following additional requirements: Vehicles awaiting repair or service,
100 inoperable vehicles, vehicles for parts, and vehicles awaiting customer pickup shall be parked
101 indoors or inside a fenced enclosure so as to be concealed from view, on all sides. The fence
102 shall be a minimum height of eight feet and constructed to prohibit visibility of anything inside
103 of the enclosure. The portion of any vehicle exceeding eight feet in height may be visible
104 outside of the fence. Vehicle parts (usable or unusable), vehicle service supplies, and any other
105 debris created in the repair or servicing of vehicles shall also be stored indoors or inside the
106 fenced enclosure out of view of the public;
107
- 108 ee. Farmers' market;
109
- 110 ff. Dormitory;
111
- 112 gg. Financial institutions;
113
- 114 hh. As an accessory use, one small wind energy system per lot having a rated capacity not
115 exceeding 10 kilowatts;
116
- 117 ii. One detached dwelling unit, excluding mobile homes, as an accessory building to a principal
118 single-family dwelling on a lot;
119
- 120 jj. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities
121 as defined by State
122
- 123 **kk. Medical clinics.**
124

125 Section 2: This ordinance is of a permanent and general character and shall be included in
126 the City Code.

127
128 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
129 2019.

130
131 CITY OF HOMER

132
133
134
135
136 _____
137 KEN CASTNER, MAYOR

138
139 ATTEST:
140
141 _____
142 MELISSA JACOBSEN, MMC, CITY CLERK

143
144
145
146 YES:
147 NO:
148 ABSTAIN:
149 ABSENT:

150
151
152 First Reading:
153 Public Hearing:
154 Second Reading:
155 Effective Date:

156
157 Reviewed and approved as to form:

158
159
160 _____
161 Mary K. Koester, City Manager

162
163 Date: _____

Holly Wells, City Attorney

Date: _____

Hearing no further questions, Chair Venuti requested a motion.

SMITH HIGHLAND MOVED TO ADOPT STAFF REPORT 19-49 RETRACT FINDING #7 AND REPLACE WITH SUPPLEMENTAL FINDINGS 1 AND 2 AND SUPPLEMENTAL CONDITION 1.

There was a brief dialog on the desire to comment on Mr. Lund's points raised in his letter. It was noted that only if it was pertinent to the discussion. There was no further discussion or comment.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-50, An ordinance of the Homer City Council to add "Medical Clinic" as a permitted use in the Central Business Zoning District.

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-50 noting the error in the 2008 rewrite of the Homer City Code regarding the definition of professional office excluded "medical clinics" in the Central Business Districts.

Chair Venuti opened the Public Hearing.

Ken Castner, city resident, commented on the timing being appropriate for the Commission to explore deeper commenting on the issues that came up tangentially with Set Free and the comments received that if Set Free were going to have medically assisted procedures such as administering a shot then it was alleged that they should be in the area up near the hospital or in the zone that doesn't exist; and that could be addressed to a broader scope than just clinics, it could be applied to rehab facilities or long term care facilities or things like that. It is a bit broader than what the Planner has indicated because it also could have something to do with the ability to do medical assistance which could be tied to the hospital.

Chair Venuti closed the public hearing and opened the floor to questions from the Commission. Hearing no questions from the commission he requested a motion.

BOS/HIGHLAND MOVED TO ADOPT STAFF REPORT 19-50 AND FORWARD THE DRAFT ORDINANCE TO ADD MEDICAL CLINIC AS A PERMITTED USE IN THE CENTRAL BUSINESS DISTRICT TO CITY COUNCIL.

Brief comment was made on it being a good decision to get ahead of this issue.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 19-51, A. A. Mattox 2019 Preliminary Plat

Chair Venuti introduced the item by reading of the title into the record.

City Planner Abboud reviewed Staff Report 19-51 for the Commission and public present.

There was no applicant present.

Chair Venuti opened public comment.

Kim Seymour, property owner of adjacent Lot 22 expressed concerns regarding flooding and drainage that exist when it rains and noted that it can get up to three feet deep in some areas depending on the amount of rain. He explained the flooding in the previous 33 years that he has resided in his residence and added that while he supports development consideration should be afforded the neighboring properties.

Chair Venuti closed the public comment period seeing no one coming forward from the audience and opened the floor to questions from the Commission.

City Planner Abboud responding to questions regarding soil and water displacement from the Commission noted that a Master Stormwater Plan would address these issues, development will displace water and a plan will be needed to address that drainage and they will have to contact the Army Corps of Engineers regarding permits. He expressed concern with what may be proposed to develop there. He was surprised to learn that the drainage goes in that direction as it was assumed it flowed the other direction. This is a preliminary plat and the City is an advisory authority to the Borough and commenting on their codes. This is a development issue.

Commissioner Bos commented on the “if” and “when” of progress on development for this property.

Commissioner Petska-Rubalcava questioned if the Commission has the capacity to suggest or require a drainage easement. This may assist in the application to the Army Corps of Engineers.

City Planner Abboud responded that they could recommend that a drainage easement to facilitate better development.



City of Homer

www.cityofhomer-ak.gov

Plan 71

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us
(p) 907-235-3106
(f) 907-235-3118

Staff Report PL 19-45

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
DATE: May 15, 2019
SUBJECT: Medical clinics

Introduction

After examining code consistencies, I have found that the term “medical clinic” is not appropriately provisioned throughout code.

Analysis

The term “medical clinic” is only found in code in the Residential Office District (RO). When it is listed as a use, it has been paired with hospital as in HCC 21.16.030(d), Hospitals and medical clinics. Further research finds that the word “medical” is not defined, but “clinic” is defined as follows; “*Clinic*” means a **professional office** with facilities for providing **outpatient medical, dental or psychiatric services**, which **may** include as incidental to the principal use a dispensary to handle medication and other merchandise prescribed by occupants in the course of their professional practices.

This definition is the culmination of several other definitions including the following:

“Office, professional” means an **office** maintained and operated for the conduct of a professional business or occupation requiring the practice of a learned art or science through specialized knowledge based on a degree issued by an institute of higher learning, including but not limited to medicine, dentistry, law, architecture, engineering, accounting, and veterinary medicine. General business office and clinic are excluded.

“Office” means a physical location designed for, or used as, the office of professional, business, administrative, institutional, charitable, **personal service** or public organizations or persons, but does not include direct retail or wholesale sale of goods except for those sales that are clearly incidental to the principal office use.

“Personal service” means a business primarily engaged in providing services involving the care of an individual or his or her personal goods or apparel.

As one goes through the progression, you may see that “office, professional” includes offices including (but not limited to) medicine and dentistry. I do not believe I have seen a medical office that does not provide what might be considered an outpatient procedure as described in clinic. Prior to this definition, these practices were permitted under the term, professional office.

It looks as though the source of this issue may have been an unintended consequence of our 2008 technical code update. Previously the definition of clinic was; *“Clinic” means a building or portion thereof containing offices and facilities for providing medical, dental or psychiatric services, **including** a dispensary to handle medication and other merchandise prescribed by occupants in connection with their medical practices.*

Additionally, professional office also underwent a transition in the 2008 code update. It was defined as follows; *“professional office” means an office which is maintained and operated for the conduct of a professional business or occupation requiring the practice of a learned art or science through specialized knowledge based on a degree issues by an institute of higher learning, including but not limited to medicine, dentistry, law, architecture, engineering, accounting, and veterinary medicine.*

These definitions would not have excluded professional office from permitting a medical practice in the CBD unless it also dispensed medication and other merchandise prescribed by occupants in connection with their medical practice.

The issue about the way this is currently positioned in code is that once a term is listed as a use in a district, it becomes prohibited from a use in any district where it is not listed. This is very problematic as it prohibits clinics in the CBD and modifies the practice (what I assume was the intent) of just requiring a medical practice to obtain a CUP in RO, **only** if they dispense medication. Support is not found in the current or past comprehensive plans for the concept that medical clinics should only be provisioned in the RO district.

The Central Business District (CBD) has traditionally housed medical clinics as defined. The purpose of the CBD is as follows, *The purpose of the Central Business District is primarily to provide a centrally located area within the City for general retail shopping, personal and **professional services**, educational institutions, entertainment establishments, restaurants and other business uses listed in this chapter. The district is meant to accommodate a mixture of residential and nonresidential uses with conflicts being resolved in favor of nonresidential uses. Pedestrian-friendly designs and amenities are encouraged.* Medical clinics in the CBD were and have been considered a professional service and not put into the more restrictive medical clinic definition. Additionally, the CBD supports several businesses that dispense medicine as a retail business.

There are perhaps several ways to address the issue. Maybe the cleanest way is to give consideration to eliminating the definition of medical clinic. Medical clinics in the RO would be relegated to getting a CUP once they crossed 8,000 square feet or when building area exceeded 30% of the lot area. According to the purpose of the district, a professional office would generally be restricted in sales that are incidental to the provision of authorized services. In CBD, there seems to be no reason to restrict retail sales, as they are allowed outright. Other options include CUP for non-residential uses of a particular size in RO or the inclusion of medical clinics as a permitted use in the CBD. If “medical clinic” is kept as a definition, I do believe that it needs modification, as it fell much more far reaching for the purpose of CUP’s in RO than is necessary. Every house conversion to a medical use does not necessary warrant a CUP. RO is expected to routinely support the listed business uses which are in scale with housing options including multi-family.

Staff Recommendation

Discuss and make recommendation to move forward.

Chari Venuti called for a recess at 7:58 p.m. The meeting was called back to order at 8:03 p.m.

PENDING BUSINESS

A. Staff Report 19-44, Building Height Maximum in the East End Mixed Use District

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud commented on the height limitation and noted that the Staff can relay any questions to Fire Chief Purcell. He can ask if there is any other concerns that the Fire Department may have. He continued by stating that it could be permitted outright at 8000 square feet and as far as addressing viewshed they are not worried about that; if there is any other concerns outside of aesthetics, setbacks he requested input from the Commission. City Planner Abboud acknowledged the requirement for stormwater plan. He requested any additional concerns from the Commission.

Commissioner Smith commented on some recent research he conducted on steel buildings and believed if they stayed away from 1950s style shed buildings and require sprinklered buildings and complied as much as possible with the Comprehensive Plan it would be beneficial. He believed the Police Station did a pretty good design.

City Planner Abboud responded that he appreciates the sentiment and by the requirement of a metal building could not picture the aesthetics that could be employed.

The Commission discussed what type of design standards they could apply to the district and questioned whether it should be permitted outright or require a conditional use permit so it does come before the Commission to make the public aware of the project. They also discussed keeping it to one floor, not multi floored buildings; fire marshal requirements and the occupancy of the building information can be researched and brought back and the concern expressed by Fire Chief Purcell on working around the occupancy requirements.

Chair Venuti inquired if City Planner Abboud would like a motion.

City Planner Abboud stated that if they agree by consensus for him to bring back draft language regarding 70 height limitation he was good with that.

The Commission expressed by consensus the desire to have draft language at the next meeting.

NEW BUSINESS

A. Staff Report 19-45, Medical Clinic in the Central Business District

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-45 explaining that in a technical rewrite of the Homer City Code in 2008 there was inadvertently a change in the definition of medical clinic. He would like to get something on the books right now that allows clinic in CBD out right and they can leave the size requirements, etc., to the CUP process. Currently only professional office is allowed and this does not allow medical clinics. They can then permit medical clinic outright.

City Planner Abboud brought forth points on medical clinics in the Residential Office district. He responded to a question on the ramifications to eliminating the term medical clinic would result in the requirement to make amendments to Professional Office. He commented on an instance when at one time there was a dispensary or pharmacy in the RO. The district was changed to RO because of demand and if the need is there the demand will grow and sometime in the future will change to possibly CBD because of the changes in the nature of the district.

Commissioner Banks reiterated the need for the change in the CBD by having the commission make a motion on amending City Code to add allowing Medical Clinics in the CBD and outlining the process that would be required to effect that change. He questioned if the Commission could address the medical district overlay at the same time.

City Planner Abboud explained that the Commission will have to follow the process on the remand first and appeal if that happens before addressing those changes.

Commissioner Highland pointed out that they would have to have a public hearing at the next meeting then it would go to City Council and they would not approve it until their meeting in July.

HIGHLAND/BANKS MOVED TO ADD MEDICAL CLINIC TO THE CENTRAL BUSINESS DISTRICT AS A PERMITTED USE.

There was a brief discussion on the amendment being the most reasonable.

VOTE. NON-OBJECTION. UANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-46, Sign Ordinance

Chair Venuti introduced the item by reading of the title.

City Planner Abboud stated that he appreciated the work done by Dr. Richardson and advocacy on the recommendations that were proposed. He acknowledged the difficulties with the

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

CITY OF HOMER
HOMER, ALASKA

Mayor

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.

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 has been granted the authority to interpret the City's planning and zoning code and render decisions; and

WHEREAS, The inclusion of the word "Advisory" in the Commission's name, has connotations of it being only Advisory; and

WHEREAS, The Commission regularly and legally act in a quasi-judicial and decisive body.

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.

43 2.72.040 Terms of Commission members.

44 2.72.050 Zoning powers and duties.

45 2.72.060 Record of proceedings.

46

47 Prior legislation: Ord. 16-100.1.

48

49 2.72.010 Homer ~~Advisory~~ Planning Commission established.

50

51 a. In order to maximize local involvement in planning, and in the implementation and
52 modification of the Homer zoning ordinance, the Homer ~~Advisory~~ Planning Commission is
53 established. ~~Advisory~~ Planning Commission jurisdiction is limited to the area within the City
54 boundaries.

55

56 b. The Homer ~~Advisory~~ Planning Commission shall have seven members. No more than one of
57 its members may be from outside the City limits. Members shall be appointed by the Mayor
58 subject to confirmation by the City Council.

59

60 c. A Chairman and Vice-Chairman of the Commission shall be selected annually and shall be
61 appointed from and by the appointive members.

62

63 d. The Mayor, City Manager or his designee and Public Works Director, or his designee, shall
64 serve as consulting members of the Commission in addition to the seven appointive members,
65 and may attend all meetings as consultants, but shall have no vote. [Ord. [82-15](#), 1982; Ord. [79-](#)
66 [12](#), 1979. Code 1967 § 16-100.1; Code 1981 § 1.76.010].

67

68 2.72.020 Incorporation of State law.

69

70 The laws of the State of Alaska dealing with the planning and zoning commissions present and
71 future are incorporated into this chapter as if expressly included in this chapter. [Ord. [82-15](#)
72 § 2, 1982. Code 1967 § 16-100.2; Code 1981 § 1.76.020].

73

74 2.72.030 Duties and powers.

75

76 The Commission shall be required to do the following:

77

78 a. Develop, adopt, alter or revise, subject to approval by the City Council, a master plan for the
79 physical development of the City. Such master plan with accompanying maps, plats, charts,
80 **descriptive and explanatory matter shall show the Commission's recommendations for the**
81 **development of the City territory, and may include, among other things:**

82

83 1. Development of the type, location and sequence of all public improvements;

84

85 2. The relocation, removal, extension or change of use of existing or future public ways,
86 grounds, spaces, buildings, properties and utilities;

87

88 3. The general extent and location of rehabilitation areas.

89

90 When a master plan for the City has been approved by the Council, amendments, revisions and
91 extensions thereof may be adopted by the Council after consideration and report by the
92 Commission;

93

94 b. Review and comment on all proposed vacations, abbreviated subdivision plats, subdivision
95 plat waivers, and preliminary plats of land within the City before their submittal to the Kenai
96 Peninsula Borough, as provided in KPBC 20.25.050;

97

98 c. Draft an official map of the City and recommend or disapprove proposed changes in such
99 map;

100

101 d. Promote public interest in and understanding of the master plan and of general regulations
102 with regard to planning and zoning;

103

104 e. Make investigations regarding any matter related to City planning;

105

106 f. Make and prepare reports, prints, plats and plans for approval by the City Council;

107

108 g. Make or cause to be made surveys, maps and plans relating to the location and design of any
109 public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street,
110 alley or playground. For the purpose of implementing this subsection, all departments of the
111 City considering any such improvement are required, and all public agencies not a part of the
112 City are requested, to inform the Commission of the proposed improvement, and submit such
113 pertinent information to the Commission and within such time as will enable the Commission
114 to recommend to City Council whether the proposed improvement is consistent with the
115 general plan and established planning principles. No public improvement shall be authorized
116 by City Council until the recommendation of the Commission shall have been received, but the
117 City Council shall not be bound by that recommendation. [Ord. [14-41](#) § 1, 2014; Code 1967 § 16-
118 100.3; Code 1981 § 1.76.030].

119

120 2.72.040 Terms of Commission members.

121

122 a. Members of the first Commission shall be appointed for the following terms:

123

1. Three members shall be appointed for three-year terms;

124

2. Two members shall be appointed for two-year terms;

125

3. Two members shall be appointed for one-year terms.

126

127 b. At the end of the respective terms set forth in subsection (a) of this section, members shall
128 be appointed for full three-year terms.

129
130 c. Any Commissioner who shall have two successive unexcused absences shall be subject to
131 removal by the Commission by a majority vote of the members present. [Ord. 78-2 § 1, 1978.
132 Code 1967 § 16-100.4; Code 1981 § 1.76.040].

133
134 2.72.050 Zoning powers and duties.

135
136 a. The Homer ~~Advisory~~ Planning Commission shall exercise zoning authority delegated by the
137 Borough Assembly:

138
139 1. Interpret the provisions of this chapter and make zoning compliance determinations
140 when requested by the local administrative official;
141 2. Act upon requests for PUDs, variances and conditional use permits; and
142 3. Prepare and recommend to the Homer City Council modifications to the Homer City
143 zoning ordinance.

144 b. The Homer ~~Advisory~~ Planning Commission shall adopt additional procedural rules
145 approved by the City Council.

146 c. The fee schedule shall be established by resolution of the City Council. [Ord. [82-15](#)
147 § 3, 1982. Code 1981 § 1.76.050].

148
149 2.72.060 Record of proceedings.

150
151 The Commission shall meet regularly twice a month, and permanent records or minutes shall
152 be kept of Commission proceedings, and such minutes shall record the vote of each member
153 upon every question. Copies of such minutes shall be filed in the office of the City Clerk, shall
154 be provided to the City Council not later than its first regular meeting after their preparation,
155 and shall be a public record open to inspection by any person. [Ord. [14-41](#) § 2, 2014; Ord. [89-](#)
156 [21\(A\)](#) § 3, 1989. Code 1967 § 16-100.6; Code 1981 § 1.76.060].

157
158 Section 2. HCC 11.12.010 Street address assignment plan adopted is hereby amended
159 to read:

160
161 11.12.010 Street address assignment plan adopted.

162
163 A plan for assigning street addresses in the City of Homer, Alaska, dated January 8, 1975, and
164 amended August 13, 1979, as prepared by the Homer ~~Advisory~~ Planning Commission is
165 adopted. The plan is to be kept on file in the office of the City Clerk, and is subject to
166 amendment by Council resolution. [Ord. 13-28(A) § 2, 2013. Code 1967 § 14-600.1].

167
168

169 Section 3. HCC 21.03.040 Definitions used in zoning code shall be amended as follows:

170

171 21.03.040 Definitions used in zoning code.

172

173 As used in this title, the words and phrases defined in this section shall have the meaning
174 stated, except where (a) the context clearly indicates a different meaning or (b) a special
175 definition is given for particular chapters or sections of the zoning code.

176

177 **“Abut” means to touch by sharing a common boundary at one or more points. Two adjacent**
178 lots separated by a road right-of-way do not abut.

179

180 **“Accessory building” means an incidental and subordinate building customarily incidental to**
181 and located on the same lot occupied by the principal use or building, such as a detached
182 garage incidental to a residential building.

183

184 **“Accessory use” means a use or activity that is customary to the principal use on the same lot,**
185 and which is subordinate and clearly incidental to the principal use.

186

187 **“ADT” or “average daily traffic” means the estimated number of vehicles traveling over a given**
188 road segment during one 24-hour day. ADT is usually obtained by sampling and may be
189 seasonally adjusted.

190

191 **“Adverse impact” means a condition that creates, imposes, aggravates or leads to inadequate,**
192 impractical, detrimental, unsafe, or unhealthy conditions on a site proposed for development
193 or on off-site property or facilities.

194

195 **Aggrieved. See “person aggrieved.”**

196

197 **“Agricultural activity” shall mean farming, including plowing, tillage, fertilizing, cropping,**
198 irrigating, seeding, cultivating or harvesting for the production of food and fiber products
199 (excluding commercial logging and timber harvesting operations); the grazing or raising of
200 livestock (excluding feedlots); aquaculture; sod production; orchards; Christmas tree
201 plantations; nurseries; and the cultivation of products as part of a recognized commercial
202 enterprise. **“Agricultural activity” excludes private stables and public stables.**

203

204 **“Agricultural building” means a building used to shelter farm implements, hay, grain, poultry,**
205 livestock, horticulture, or other farm products, in which there is no human habitation and
206 which is not used by the public.

207

208 **“Aisle” means an area within a parking lot that is reserved exclusively for ingress, egress and**
209 maneuvering of automobiles.

210

211 “Alley” means a public thoroughfare, less than 30 feet in width, that affords only a secondary
212 means of access to abutting property.

213

214 “Alteration” means any change, addition or modification in construction, occupancy or use.

215

216 “Animal unit equivalent” is a convenient denominator for use in calculating relative grazing
217 impact of different kinds and classes of domestic livestock. An animal unit (AU) is generally one
218 mature cow of approximately 1,000 pounds and a calf as old as six months of age, or their
219 equivalent. Animal unit equivalents vary according to kind and size of animals.

220 The following table of AU equivalents applies to the Homer Zoning Code.

221

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

222

223 Exotic species (e.g., llamas, alpaca, reindeer, musk ox, bison and elk) and unlisted species
224 require application to the Planning Commission for determination of AU equivalents.

225

226 Apartment House. See “dwelling, multiple-family.”

227

228 “Area, building” means the total area, taken on a horizontal plane at the main grade level, of a
229 building, exclusive of steps.

230

231 “Area, floor” means the total area of all floors of a building as measured to the outside surfaces
232 of exterior walls, including attached garages, porches, balconies, and other structures when
233 covered by a roof.

234

235 “Area, footprint” has the same meaning as “area, building.”

236

237 “Area, lot” means the total horizontal net area within the boundary lines of a lot, exclusive of
238 rights-of-way for streets and alleys.

239

240 “Area ratio, floor” or “floor area ratio” means the ratio of floor area of all buildings on a lot to
241 the area of the lot.

242 “Arterial” means a street whose principal function is the transmission of vehicular through
243 traffic, that performs a major role in serving the transportation needs of the community, and
244 that is identified as a “major arterial” or “community arterial” in the Homer Roads and Streets
245 Master Plan.

246
247 “Assisted living home” has the meaning given in AS 47.32.900.

248
249 “Auto and trailer sales or rental area” means an automobile related use that may consist of
250 any combination of the following:

- 251 1. An open, outdoor display area for automobiles, light trucks or trailers for rent, lease
252 or sale;
- 253 2. Buildings for the indoor display and sale or leasing of automobiles, light trucks or
254 trailers, and sale of parts and accessories customarily incidental to the sale of such
255 vehicles; and
- 256 3. Buildings at the location of a motor vehicle dealership used for auto repairs
257 customarily incidental to the operation of a dealership.

258
259 “Auto fueling station” means any premises used to sell motor fuels and lubrication to motor
260 vehicles. An auto fueling station may include the sale of minor accessories. Auto fueling station
261 does not include auto repair.

262
263 “Auto repair” means service and repair of motor vehicles, trailers and similar mechanical
264 equipment, including painting, upholstering, rebuilding, reconditioning, body and fender
265 work, frame straightening, undercoating, engine or transmission rebuilding or replacement,
266 tire retreading or recapping, and the like. It also includes minor service work to automobiles or
267 light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, and
268 replacement of small items.

269
270 “Basement” means any floor level partly or wholly underground, except when such floor level
271 meets the definition of “story.”

272
273 “BCWP district” means the “Bridge Creek Watershed Protection District” described in Chapter
274 21.40 HCC.

275
276 “Bed and breakfast” means a dwelling in which an individual or family resides and rents
277 bedrooms in the dwelling to overnight guests, if the bed and breakfast use is accessory to the
278 principal use of the dwelling as the primary residence of the operator. If the dwelling has six or
279 more bedrooms available for rental to overnight guests it is a hotel and not a bed and
280 breakfast.

281

282 **“Bluff” means an abrupt elevation change in topography of at least 15 feet, with an average**
283 **slope of not less than 200 percent (two feet difference in elevation per one foot of horizontal**
284 **distance).**

285
286 **“Boat storage yard” means a lot used for the indoor or outdoor commercial dry storage of**
287 **boats.**

288
289 **“Bridge Creek Watershed” means the watershed contributing to the City’s reservoir at Bridge**
290 **Creek.**

291
292 **“Buffer” means an open space, landscaped area, fence, wall, berm, or any combination thereof**
293 **used to physically separate or screen one use or property from another so as to shield or block**
294 **visibility, noise, lights, or other undesirable effects.**

295
296 **“Buffer, runoff” means an area of natural or planted vegetation through which stormwater**
297 **runoff flows in a diffuse manner so that the runoff does not become channelized and that**
298 **provides for infiltration of the runoff and filtering of silt and pollutants. The buffer is measured**
299 **landward from the normal full water elevation of impounded structures and from the top of**
300 **the bank of each side of a stream, river, ditch, or other channel.**

301
302 **“Buffer, stream” means a runoff buffer of a designated distance on each side of a channel**
303 **measured perpendicularly from the top of the bank of each side of a stream, river, ditch, or**
304 **other channel.**

305
306 **“Building” means any structure used or intended for supporting or sheltering any use or**
307 **occupancy.**

308
309 **“Building construction” means the placing of construction materials in a permanent position**
310 **and fastened in a permanent manner in the course of constructing or erecting a building.**

311
312 **“Building height” is the vertical distance from grade to the maximum point of measurement of**
313 **the building, measured according to HCC 21.05.030.**

314
315 **“Building, main” means the building of chief importance or function on the lot.**

316
317 **“Business, open air” or “open air business” means the retail sale or display of merchandise or**
318 **services, including but not limited to farmers’ markets and flea markets, conducted outdoors**
319 **or under a canopy for protection from the elements and held on a regular or periodic basis.**
320 **Open air business does not include (1) outdoor display or sales of goods or services by a retail**
321 **or wholesale business that is principally located in a building, or (2) sales, services or rentals of**
322 **any kind of boat or motorized vehicle.**

323

324 “Business, retail” means a place of business principally engaged in selling goods, substances
325 or commodities in small quantities to the ultimate consumer, and may include rendering
326 services incidental to the sale of such goods, substances or commodities. The term “retail
327 business” does not include, as either a principal or accessory use, automobile oriented uses,
328 the sale, rental, storage, service, or repair of any motor vehicles, or any use separately defined
329 or listed in any zoning district.

330

331 “Business, wholesale” or “wholesale” means a place of business principally engaged in selling
332 or distributing goods, substances or commodities in quantity to retailers or to industrial,
333 commercial or institutional users mainly for resale or business use.

334

335 “Campground” means a parcel of land where two or more campsites are located that provides
336 facilities for temporary recreational living in any manner other than a permanent building.

337

338 “Cemetery” means land used or intended to be used for burial of the dead and dedicated for
339 cemetery purposes, including columbaria and mausoleums when operated in conjunction
340 with and within the boundary of such cemetery.

341

342 “Channel protection storage volume” or “Cpv” means the volume used to design structural
343 management practices to control stream channel erosion.

344

345 Church. See “religious, cultural, and fraternal assembly.”

346

347 “City Engineer” means an engineer within the Homer Department of Public Works designated
348 by the Director of Public Works.

349

350 “Clearing” means the removal of trees and brush from the land, but shall not include the
351 ordinary pruning of trees or shrubs or mowing of grass.

352

353 “Clinic” means a professional office with facilities for providing outpatient medical, dental or
354 psychiatric services, which may include as incidental to the principal use a dispensary to
355 handle medication and other merchandise prescribed by occupants in the course of their
356 professional practices.

357

358 “Coalescing plate separators” or “CPS” are oil/water separators that employ a series of oil-
359 attracting plates. Oil droplets collect and float to the surface, where they can be skimmed off
360 or removed mechanically and separators may be installed above or below ground.

361

362 “Coastal bluff” means a bluff whose toe is within 300 feet of the mean high water line of
363 Kachemak Bay.

364

365 “Cold storage” means a building equipped with refrigeration or freezing facilities that provides
366 cold or frozen storage or freezing services.

367

368 “Collocation” means the placement or installation of wireless communications equipment on
369 an existing wireless communications support structure or in an existing equipment compound.

370

371 “Commercial vehicle” means any motor vehicle defined in AS 28.90.990 as a commercial motor
372 vehicle or any motor vehicle with signs or logos exceeding nine square feet in combined area.

373

374 “Commission” means the Homer Advisory Planning Commission.

375

376 “Community Design Manual” means the Community Design Manual for the City of Homer,
377 adopted by City Council Resolution 04-34, as may be amended from time to time.
378 Comprehensive Plan. See HCC 21.02.010.

379

380 “Construction camp” means one or more buildings, trailers, mobile homes or similar
381 structures used to house workers or employees for logging, mining, off-shore and on-shore
382 construction, development and other projects, installed primarily for the duration of the
383 project or operation and not open for use by the general public as accommodations or for
384 permanent mobile home living.

385

386 “Date of distribution” means the date on which a City official mails a written decision or order
387 issued under the zoning code or, if the document is personally delivered, the date of such
388 personal delivery.

389

390 “Day care facility” means any establishment for the care of children, whether or not for
391 compensation, excluding day care homes and schools. Such day care facility must also be duly
392 licensed by the State, if so required by State law or regulation.

393

394 “Day care home” means the principal dwelling unit of one or more persons who regularly
395 provide(s) care, in the dwelling unit, whether or not for compensation, during any part of the
396 24-hour day, to eight or less children at any one time, not including adult members of the
397 family residing in the dwelling. The term “day care home” is not intended to include baby-
398 sitting services of a casual, nonrecurring nature, child care provided in the child’s own home,
399 or cooperative, reciprocating child care by a group of parents in their respective dwellings.

400

401 “Department” or “Planning Department” means the department or division of the City of
402 Homer under the direction of the City Planner, whose functions and powers include the
403 administration and enforcement of the zoning code as described in Chapter 21.90 HCC.

404

405 “Design year” means the year that is 10 years after the opening date of development.

406

407 “Detention, extended” means a stormwater design feature that provides gradual release of a
408 volume of water in order to increase settling of pollutants and protect downstream channels
409 from frequent storm events.

410

411 “Detention structure” means a permanent structure for the temporary storage of water runoff
412 that is designed so as not to create a permanent pool of water.

413

414 “Develop” or “development activity” means to construct or alter a structure or to make a
415 physical change to the land, including but not limited to excavations, grading, fills, road
416 construction, and installation of utilities.

417

418 “Development” means all manmade changes or improvements on a site, including buildings,
419 other structures, parking and loading areas, landscaping, paved or graveled areas, and areas
420 devoted to exterior display, storage, or activities. Development includes improved open areas
421 such as public spaces, plazas and walkways, but does not include natural geologic forms or
422 unimproved land. See also “project.”

423

424 “Development activity plan” or “DAP” means a plan, prepared according to standards set forth
425 in this title, that provides for the control of stormwater discharges, the control of total
426 suspended solids, and the control of other pollutants carried in runoff during construction and
427 the use of the development.

428

429 “Development, new” means development on a site that was previously unimproved or that has
430 had previously existing buildings demolished.

431

432 “Direct discharge” means the concentrated release of stormwater to tidal waters or vegetated
433 tidal wetlands from new development or redevelopment projects in critical habitat areas.

434

435 “Dividers” means areas of landscaping that separate from each other structures or
436 improvements, including parking lots or buildings.

437

438 “Dog lot” means any outdoor area where more than six dogs over the age of five months are
439 kept.

440

441 “Dormitory” means a building or portion of a building that provides one or more rooms used
442 for residential living purposes by a number of individuals that are rented or hired out for more
443 than nominal consideration on a greater than weekly or pre-arranged basis. A building or
444 structure that provides such rooms on less than a weekly basis shall be classified as a “hotel”
445 or “motel,” “rooming house,” or other more suitable classification. “Dormitory” excludes
446 hotel, motel, shelter for the homeless and bed and breakfast.

447

448 “Drainage area” means that area contributing water runoff to a single point measured in a
449 horizontal plane, which is enclosed by a ridge line.

450

451 “Dredging/filling” means an activity that involves excavating along the bottom of a water body
452 for the purpose of channeling, creating a harbor, mineral extraction, etc., and the subsequent
453 deposition of the dredge material to build up or expand an existing land mass or to create a
454 new one.

455

456 “Drip line” means the outermost edge of foliage on trees, shrubs, or hedges projected to the
457 ground.

458

459 “Drive-in car wash” means automated or manual car wash facilities and equipment used for
460 retail car wash services enclosed within a building, which may include accessory vacuum
461 cleaning and other equipment for car interior detailing outside of a building.

462

463 “Driveway” means the aisle area within a parking lot which abuts designated parking spaces
464 and which is reserved exclusively for ingress, egress and maneuvering of automobiles in and
465 out of those spaces.

466

467 “Dwelling” or “dwelling unit” means any building or portion thereof designed or arranged for
468 residential occupancy by not more than one family and includes facilities for sleeping, cooking
469 and sanitation.

470

471 “Dwelling, duplex” means a building designed or arranged for residential occupancy by two
472 families living independently, the structure having only two dwelling units.

473

474 “Dwelling, factory built” means a structure containing one or more dwelling units that is built
475 off-site, other than a manufactured home, and: (1) is designed only for erection or installation
476 on a site-built permanent foundation; (2) is not designed to be moved once so erected or
477 installed; and (3) is designed and manufactured to comply with a nationally recognized model
478 building code or an equivalent local code, or with a State or local modular building code
479 recognized as generally equivalent to building codes for site-built housing.

480

481 “Dwelling, multiple-family” means a building or a portion thereof designed for residential
482 occupancy by three or more families living independently in separate dwelling units.

483

484 “Dwelling, single-family” means a detached dwelling unit designed for residential occupancy
485 by one family.

486

487 “Easement” means a grant or reservation by the owner of an interest in land for the use of such
488 land for a specific purpose or purposes, and which must be conveyed or reserved by an
489 instrument affecting the land.

490 Educational Institution. See “school.”

491

492 “Employee-occupied recreational vehicle” means a recreational vehicle utilized by an
493 employee or employer for housing.

494

495 “Entertainment establishment” means a public or private institution or place of business
496 providing live or pre-recorded shows or performances for entertainment.

497

498 “Equipment compound” means the area occupied by a wireless communications support
499 structure and within which wireless communications equipment is located.

500

501 “Extractive enterprises” means uses and activities that involve the removal of ores, liquids,
502 gases, minerals, or other materials or substances from the earth’s surface or subsurface.

503

504 “Extreme flood volume” or “Qf” means the storage volume required to control those
505 infrequent but large storm events in which overbank flows reach or exceed the boundaries of
506 the 100-year floodplain.

507

508 “Family” means an individual or two or more persons related by blood, marriage or adoption,
509 or a group not to exceed six unrelated persons living together as a single housekeeping unit in
510 a dwelling unit.

511

512 “Farmers’ market” means a location where the primary activity is the sale of goods:

513 1. Grown upon the land that the seller controls, in the case of fruits, nuts, vegetables,
514 other plant products, or other processed agricultural products;

515 2. Bred, raised, cultivated or collected by the seller, in the case of animal, poultry,
516 viticulture, vermiculture, aquaculture, eggs, honey and bee products;

517 3. Cooked, canned, preserved, or otherwise significantly treated by the seller, in the
518 case of prepared foods; or

519 4. Created, sewn, constructed, or otherwise fashioned from component materials by
520 the seller.

521

522 Fence Height. See HCC 21.05.030(d).

523

524 “Financial institution” means banks, credit unions, saving and loan companies, stockbrokers,
525 and similar businesses.

526

527 “Flow attenuation” means prolonging the flow time of runoff to reduce the peak discharge.

528

529 “Garage, parking” means any building (including an underground structure), except one
530 described as a private garage, used principally for the parking or storage of motor vehicles.

531

532 “Garage, private” means a building, or a portion of a building, in which motor vehicles used
533 only by the occupants of the building(s) located on the premises are stored or kept.

534 Garage, Public. See “auto repair.”

535

536 “Gardening, personal use” means gardening for personal purposes as an accessory use to the
537 primary residential use of a lot.

538

539 “Glare” means direct light emitted by a luminaire that causes reduced visibility of objects or
540 momentary blindness.

541

542 “Grade” in reference to adjacent ground elevation means the lowest point of elevation of the
543 existing surface of the ground within the area between the structure and a line five feet from
544 the structure.

545

546 “Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, or
547 filled, or any combination thereof.

548

549 “Group care home” means a residential facility that provides training, care, supervision,
550 treatment or rehabilitation to the aged, disabled, infirm, those convicted of crimes or those
551 suffering the effects of drugs or alcohol. The term “group care home” does not include day care
552 homes, day care facilities, foster homes, schools, hospitals, assisted living homes, nursing
553 facilities, jails or prisons.

554

555 “Guest room” means a single unit for the accommodation of guests without kitchen or cooking
556 facilities in a bed and breakfast, rooming house, hotel or motel.

557

558 “Guesthouse” means an accessory building without kitchen or cooking facilities and occupied
559 solely by nonpaying guests or by persons employed on the premises.

560

561 “Helipad” means any surface where a helicopter takes off or lands, but excludes permanent
562 facilities for loading or unloading goods or passengers, or for fueling, servicing or storing
563 helicopters.

564

565 “Heliports” means any place including airports, fields, rooftops, etc., where helicopters
566 regularly land and take off, and where helicopters may be serviced or stored.

567 Highway. See “street” and “State highway.”

568

569 “Home occupation” means any use customarily conducted entirely within a dwelling or a
570 building accessory to a dwelling, and carried on by the dwelling occupants, that is clearly
571 incidental and secondary to the use of the dwelling for dwelling purposes and does not change
572 the character thereof, and includes no display of stock in trade, no outside storage of materials

573 or equipment and no commodity sold upon the premises. “Home occupation” does not
574 include bed and breakfast.

575

576 “Hospital” has the meaning given in AS 47.32.900.

577

578 “Hostel” means any building or portion of a building containing dormitory-style sleeping
579 accommodations for not more than 15 guests that are used, rented or hired out on a daily or
580 longer basis.

581

582 “Hotel” or “motel” means any building or group of buildings containing six or more guest
583 rooms that are used, rented or hired out to be occupied for sleeping purposes by guests.

584 “Hotel” or “motel” also means any building or group of buildings containing five or less guest
585 rooms that are used, rented or hired out to be occupied for sleeping purposes by more than 15
586 guests. The terms “hotel” and “motel” exclude bed and breakfast, rooming house, dormitory,
587 shelter for the homeless, and hostel.

588

589 “Impervious coverage” means an area of ground that, by reason of its physical characteristics
590 or the characteristics of materials covering it, does not absorb rain or surface water. All parking
591 areas, driveways, roads, sidewalks and walkways, whether paved or not, and any areas
592 covered by buildings or structures, concrete, asphalt, brick, stone, wood, ceramic tile or metal
593 shall be considered to be or have impervious coverage.

594

595 “Impound yard” means a lot, establishment, area, facility or place of business used for the
596 temporary custody of abandoned or junk vehicles, as defined in HCC 18.20.010, or other
597 abandoned or illegally stored personal property pending determination of possessory or
598 proprietary rights therein. If impounded property is held in custody longer than six months, it
599 shall be classified as a junk yard and not an impound yard.

600

601 “Independent business” means a business establishment that operates independently of other
602 business establishments. If retail and wholesale business establishments have common
603 management or common controlling ownership interests, they are not operated
604 independently of one another.

605

606 “Infiltration” means the passage or movement of water into the soil surface.

607

608 “Islands,” when used to describe landscaped areas within parking lots, means compact areas
609 of landscaping within parking lots designed to support mature trees and plants.

610

611 “Itinerant merchant” means a “transient or itinerant merchant” as defined in HCC 8.08.010.

612

613 “Joint use parking area” means a parking lot that contains required off-street parking spaces
614 for more than one lot.

615 “Junk” means any worn out, wrecked, scrapped, partially or fully dismantled, discarded, or
616 damaged goods or tangible materials. Junk includes, without limitation, motor vehicles that
617 are inoperable or not currently registered for operation under the laws of the State and
618 machinery, equipment, boats, airplanes, metal, rags, rubber, paper, plastics, chemicals, and
619 building materials that cannot, without further alteration or reconditioning, be used for their
620 original purpose.

621
622 “Junkyard” means any lot, or portion of a lot, that is used for the purpose of outdoor collection,
623 storage, handling, sorting, processing, dismantling, wrecking, keeping, salvage or sale of junk.
624

625 “Kennel” means any land and any buildings thereon where three or more dogs, cats, or other
626 animals at least four months of age are kept for boarding, propagation or sale. If a use meets
627 the definitions of both “dog lot” and “kennel,” it shall be classified as a dog lot.
628

629 “Kitchen” means any room or part of a room intended or designed to be used for cooking or
630 the preparation of food. The presence of a range or oven, or utility connections suitable for
631 servicing a range or oven, shall be considered as establishing a kitchen.
632

633 “Landscaping” means lawns, trees, plants and other natural materials, such as rock and wood
634 chips, and decorative features, including sculpture.
635

636 “Level of service” or “LOS” means a qualitative measure describing operational conditions
637 within a traffic stream, based on service measures such as speed and travel time, freedom to
638 maneuver, traffic interruptions, comfort, and convenience. Six levels of service, from A to F, are
639 used to represent a range of operating conditions with LOS A representing the best operating
640 conditions and LOS F the worst.

641 1. “LOS A” means the LOS at which vehicles are almost completely unimpeded in their
642 ability to maneuver within the traffic stream, passing demand is well below passing
643 capacity, drivers are delayed no more than 30 percent of the time by slow moving
644 vehicles.

645 2. “LOS B” means the LOS at which the ability to maneuver a vehicle is only slightly
646 restricted; passing demand approximately equals passing capacity, and drivers are
647 delayed up to 45 percent of the time; the level of physical and psychological comfort
648 provided to drivers is still high.

649 3. “LOS C” means the LOS at which the ability to maneuver a vehicle is noticeably
650 restricted and lane changes require more care and vigilance on the part of the driver;
651 percent time delays are up to 60 percent; traffic will begin to back up behind slow
652 moving vehicles.

653 4. “LOS D” means the LOS at which speeds begin to decline with increasing traffic flow,
654 density begins to increase somewhat more quickly, passing demand is very high while
655 passing capacity approaches zero, and the driver experiences reduced physical and
656 psychological comfort levels; the percentage of time motorists are delayed approaches

657 75 percent, even minor incidents can be expected to back up traffic because the traffic
658 stream has little space to absorb disruptions.

659 5. **“LOS E” means the LOS** at which roadway is at capacity; the percentage of time delay
660 is greater than 75 percent, passing is virtually impossible, as there are virtually no
661 usable gaps in the traffic stream; vehicles are closely spaced, leaving little room to
662 maneuver, physical and psychological comfort afforded to the driver is poor.

663 6. **“LOS F” means the LOS** at which traffic is heavily congested with traffic demand
664 exceeding traffic capacity, there is a breakdown in vehicular flow, and vehicle delay is
665 high.

666 **“Light trespass” means light emitted by a luminaire** that shines beyond the boundaries
667 of the property on which the luminaire is located.

668
669 **“Living ground cover” means low growing, spreading, perennial plants that provide**
670 continuous coverage of the area.

671
672 **“Living plant life other than ground cover” means plants, including, but not limited to, trees,**
673 flower beds, rock gardens, shrubs and hedges.

674
675 **“Loading space” means an off-street space on the same lot with a building or contiguous to a**
676 group of buildings, designated or intended for the use of temporarily parked commercial
677 vehicles while loading and unloading, and that abuts upon a street, alley or other appropriate
678 means of access.

679
680 **“Lodging” means any building or portion of a building that does not contain a dwelling unit**
681 and that contains no more than five guest rooms that are used, rented or hired out to be
682 occupied for sleeping purposes by guests.

683
684 **LOS. See “level of service.”**

685
686 **“Lot” means a single parcel of land of any size, the boundaries of which have been established**
687 by some legal instrument of record, that is recognized and described as a unit for the purpose
688 of transfer of ownership. It may shown on a subdivision plat map, or record of survey map, or
689 described by metes and bounds and recorded in the office of the District Recorder. **“Lot”**
690 includes tracts and parcels of land of any size or shape.

691
692 **“Lot, corner” means a lot situated at the intersection of two or more streets having an angle of**
693 intersection of not more than 135 degrees.

694
695 **“Lot depth” means the horizontal distance between the front and rear lot lines measured on**
696 the longitudinal centerline.

697
698 **“Lot, interior” means a lot other than a corner lot.**

699 “**Lot line, front**” means the **shortest** lot line that is a street line. In the case of (1) a square, or
700 nearly square-shaped, corner lot, or (2) a through lot, the owner may choose which street to
701 designate as the front of the lot by giving written notice to the Department. Once the choice of
702 frontage has been made, it cannot be changed unless all requirements for yard space with the
703 new front lot line are satisfied.

704
705 “**Lot line, rear**” means a lot line that is opposite and most distant from the front lot line and, in
706 case of an irregular or triangular lot, a line 10 feet in length within the lot, parallel to and at the
707 maximum distance from the front lot line.

708
709 “**Lot line, side**” means any lot boundary line that is not a front lot line or rear lot line.

710
711 “**Lot, through**” means a lot having a frontage on two parallel or approximately parallel streets.

712
713 “**Lot width**” means the **width of a** lot calculated according to HCC 21.05.050.

714
715 “**Luminaire**” means a **complete lighting** unit, including a lamp or lamps together with parts to
716 distribute light.

717
718 “**Luminaire, cut-off**” means a luminaire that allows no direct light from the luminaire above the
719 **horizontal plane through the luminaire’s lowest light emitting part, in its mounted form either**
720 through manufacturing design or shielding.

721
722 “**Luminaire, height of**” means the **vertical distance** from the ground directly below the
723 centerline of the luminaire to the lowest direct light emitting part of the luminaire.

724
725 “**Ministorage**” means **one or more** buildings containing units available for rent for the purpose
726 of the general storage of household goods and personal property in which each unit (1) is
727 separated from all other such units, (2) is fully enclosed, and (3) does not have an area greater
728 than 600 square feet.

729
730 “**Mitigation plan**” means a plan designed to **mitigate the effect of impervious cover on water**
731 flow and loss of ground cover, and may include systems of water impoundment, settling
732 ponds, grease and sand traps, and leach fields among others.

733
734 “**Mobile commercial structure**” means a structure constructed as a movable or portable unit,
735 capable of being transported on its own chassis or wheels, that is designed for nonpermanent
736 uses and placed on a nonpermanent foundation and is used in any activity that promotes,
737 supports or involves a land use permitted outright in the zoning district in which the mobile
738 commercial unit is to be placed.

739

740 “Mobile food service” has the meaning defined in HCC 8.11.020 and, for purposes of the zoning
741 code, is treated as a temporary business.

742

743 “Mobile home” or “manufactured home” means a structure, transportable in one or more
744 sections: (1) that in the traveling mode is eight feet or more in width or 40 feet or more in length,
745 or when erected on site is 320 square feet or more; and (2) that is built on a permanent chassis
746 and is designed for use as a dwelling with or without a permanent foundation when the
747 plumbing, heating, and electrical systems contained therein are connected to the required
748 utilities. A mobile home shall be construed to remain a mobile home whether or not wheels,
749 axles, hitch or other appurtenances of mobility are removed, and regardless of the nature of
750 the foundation provided. A mobile home shall not be construed to be a recreational vehicle or
751 a factory built dwelling.

752

753 “Mobile home park” means one or more lots developed and operated as a unit with individual
754 sites and facilities to accommodate two or more mobile homes.

755

756 “Native vegetation” means native plant communities that are undisturbed or mimicked.

757

758 “Natural or manmade features” means features in landscaping other than plants, including,
759 but not limited to, boulders, or planters.

760

761 Nonconforming Lot. See HCC 21.61.010.

762

763 Nonconforming Structure. See HCC 21.61.010.

764

765 Nonconforming Use. See HCC 21.61.010.

766

767 “Nursing facility” means a facility that is primarily engaged in providing skilled nursing care or
768 rehabilitative services and related services for those who, because of their mental or physical
769 condition, require care and services above the level of room and board. “Nursing facility” does
770 not include a facility that is primarily for the care and treatment of mental diseases or an
771 assisted living home.

772

773 “Occupancy” means the purpose for which a building is used or intended to be used. The term
774 may also include the building or room housing such use. Change of occupancy does not result
775 from a mere change of tenants or proprietors.

776

777 “Office” means a physical location designed for, or used as, the office of professional, business,
778 administrative, institutional, charitable, personal service or public organizations or persons,
779 but does not include direct retail or wholesale sale of goods except for those sales that are
780 clearly incidental to the principal office use.

781

782 **“Office, general business” means an office maintained and operated for the conduct of**
783 **management level administrative services or in which individuals or entities are provided**
784 **services in office settings in the nature of government, business, real estate, insurance,**
785 **property management, title companies, investment and financial, personnel, travel, and**
786 **similar services, including business offices of public utilities or other activities when the service**
787 **rendered is a service customarily associated with office services. Offices that are part of and**
788 **are located with a business or industrial firm in another category are considered accessory to**
789 **that firm’s primary activity. Professional office is excluded.**

790
791 **“Office, professional” means an office maintained and operated for the conduct of a**
792 **professional business or occupation requiring the practice of a learned art or science through**
793 **specialized knowledge based on a degree issued by an institute of higher learning, including**
794 **but not limited to medicine, dentistry, law, architecture, engineering, accounting, and**
795 **veterinary medicine. General business office and clinic are excluded.**

796
797 **“Off-road vehicle” means any motorized vehicle designed for or capable of cross-country travel**
798 **on or immediately over land, water, sand, snow, ice, wetland, or other natural terrain, except**
799 **that such terms exclude (1) registered motorboats, (2) military, fire, emergency, and law**
800 **enforcement vehicles when used for such military, emergency, and law enforcement purposes,**
801 **and (3) any vehicle whose use is expressly approved by the City of Homer.**

802
803 **“Oil water separators” means passive, physical separation systems, designed for removal of**
804 **oils, fuels, hydraulic fluids, and similar products from water. They are generally large-capacity,**
805 **underground cement vaults installed between a drain and the connecting storm drain pipe.**
806 **These vaults are designed with baffles to trap sediments and retain floating oils. The large**
807 **capacity of the vault slows down the wastewater, allowing oil to float to the surface and solid**
808 **material to settle out.**

809
810 **“Open space” means an area reserved or developed for recreational uses or preserved for its**
811 **natural amenities. Open space may include squares, parks, bicycle and pedestrian paths,**
812 **refuges, campgrounds, picnic areas, playgrounds, and gardens. “Open space” does not include**
813 **outdoor recreation facilities.**

814
815 **“Overbank flood protection volume” or “Qp” means the volume controlled by structural**
816 **practices to prevent an increase in the frequency of out of bank flooding generated by**
817 **development.**

818
819 **“Overlay district” means a defined area with supplementary regulations that is superimposed**
820 **upon all or part of one or more underlying zoning districts. The boundaries of an overlay district**
821 **are usually shown on the official map, but may be established by description**

822 .

823 “Overslope development” means an overslope platform and the structures located on the
824 overslope platform.

825

826 “Overslope platform” means an elevated horizontal structure designed to support buildings
827 that are located above the slope between an upland lot and the water of the Homer small boat
828 harbor.

829

830 “Parking lot” means an off-street, ground level open area, usually improved, containing
831 parking spaces for motor vehicles.

832

833 “Parking lot, double-loaded” means all or any portion of a parking lot in which there are
834 parking spaces on both sides of the driving aisle.

835

836 “Parking lot, single-loaded” means all or any portion of a parking lot in which there are parking
837 spaces on only one side of the driving aisle.

838

839 “Parking space” is a space in a parking lot that is reserved for the parking of a vehicle.

840

841 “Parking stall” is synonymous with “parking space.”

842

843 “Peak hour” in reference to traffic means a one-hour period representing the highest hourly
844 volume of traffic flow on the adjacent street system during the morning (a.m. peak hour),
845 during the afternoon or evening (p.m. peak hour) or representing the hour of highest volume
846 of traffic entering or exiting a site (peak hour of generator).

847

848 “Pedestrian way” means a maintained walkway or path, no less than four feet wide, that
849 connects two or more focal points of pedestrian activity, including other pedestrian ways,
850 trails, transit stops, street or parking area crossings, or building entry points. Sidewalks may
851 be pedestrian ways.

852

853 “Performance standards” means minimum requirements or maximum allowable limits on the
854 effects or characteristics of a use.

855

856 “Permeable, continuous nonliving ground cover” means landscaping surfaces made up of
857 materials such as, but not limited to, crushed rock, bark and mulch.

858

859 “Permit” means any permit, approval or other authorization issued by the City under the
860 authority of the Homer Zoning Code or regulations.

861

862 “Person aggrieved” means a person who shows proof of the adverse effect an action or
863 determination taken or made under the Homer Zoning Code has or could have on the use,

864 enjoyment, or value of real property owned by that person. An interest that is no different from
865 that of the general public is not sufficient to establish aggrievement.

866

867 **“Personal service” means a business primarily engaged in providing services involving the care**
868 **of an individual or his or her personal goods or apparel.**

869

870 **“Pipeline” means a line six inches or larger, which may include accessory pumps, valves and**
871 **control devices, for conveying liquids, gases or finely divided solids that are constructed within**
872 **rights-of-way or easements or from one parcel to another. However, for the purpose of**
873 **securing a conditional use permit the following are excluded: the mains, hydrants, pumps,**
874 **services, and pressure stations of the City of Homer water utility; the mains, services, manholes**
875 **and lift stations of the City of Homer sewer utility; and the local service mains, valves and**
876 **services of a gas utility legally authorized to provide such service within the City.**

877

878 **“Planned unit development” or “PUD” means a residential, commercial, office, industrial, or**
879 **other type of development, or a combination thereof, approved under the conditional use**
880 **procedures and applicable provisions of this title and characterized by comprehensive**
881 **planning for the entire project, the clustering of buildings to preserve open space and natural**
882 **features, and provision for the maintenance and use of open space and other facilities held in**
883 **common by the property owners within the project.**

884

885 **“Planning Commission” means the Homer Advisory Planning Commission.**

886

887 **“Pollutant” in reference to waters means any substance that causes contamination or other**
888 **alteration of the physical, chemical, or biological properties of waters including change in**
889 **temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid,**
890 **gaseous, solid, radioactive or other substance into the waters that will or is likely to create a**
891 **nuisance or render such waters harmful. These substances include, but are not limited to, any**
892 **dredge, spoil, solid waste, incinerator residue, oil, grease, garbage, sewage, sludge, medical**
893 **waste, chemical waste, biological materials, heat, petrochemical, and sediment.**

894

895 **“Pollution, nonpoint source” means pollution from any source other than from any**
896 **discernible, confined, and discrete conveyances and shall include, but not be limited to,**
897 **parking lots and roof tops and include substances such as pathogens, petrochemicals,**
898 **sediments, debris, toxic contaminants, or nutrients.**

899

900 **“Pollution, point source” means pollution from any discernible, confined, and discrete**
901 **conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well,**
902 **discrete fissure, container, landfill leachate collection system, vessel or other floating craft**
903 **from which pollutants are or may be discharged.**

904

905 **Principal Use. See “use, principal.”**

906
907 **“Project” means an existing or proposed development.**
908

909 **“Public spaces” means space containing amenities for public use or enjoyment, for example,**
910 **benches, bike racks, water features, public art, and kiosks that enhance the community.**

911
912 **“Public utility facility or structure,” for the purpose of requiring a conditional use permit,**
913 **means (1) any facility or structure owned and operated by a public or private utility, or (2) a**
914 **telecommunications tower or antenna, but it excludes water distribution mains, pressure**
915 **stations and hydrants, sewage collection lines, manholes and lift stations, underground and**
916 **overhead electrical, cable and telephone lines and poles, street lights and small wind energy**
917 **systems.**

918
919 **“Ravine” means a long, deep hollow in the earth’s surface with walls that have a height of at**
920 **least 15 feet and an average slope of not less than 500 percent (five feet difference in elevation**
921 **per one foot of horizontal distance).**

922
923 **“Recharge volume” or “Rev” means that portion of the water quality volume used to maintain**
924 **groundwater recharge rates at development sites.**

925
926 **“Recreational facility, indoor” means a building used for indoor sports, recreation, physical**
927 **activities or games such as bowling alleys, racquetball courts, skating rinks, and other physical**
928 **recreation activities.**

929
930 **“Recreational facility, outdoor” means a lot used for outdoor sports activities or games such**
931 **as skating rinks, batting cages, sports fields, golf courses, miniature golf, driving ranges,**
932 **equestrian arenas, open air performing arts centers and similar activities. It does not include**
933 **sport fishing in the waters of any watercourse, water body, or Kachemak Bay.**

934
935 **“Recreational vehicle” is a vehicular unit, other than a manufactured home, that is designed**
936 **and manufactured as temporary lodging for travel, recreational and vacation use, and which**
937 **is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are**
938 **not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel**
939 **trailer.**

940
941 **“Recreational vehicle park” means a parcel of land that has been planned and improved for**
942 **use by two or more recreational vehicles for transient occupancy.**

943
944 **“Religious, cultural and fraternal assembly” means a use or building owned or maintained by**
945 **an organized religious organization or nonprofit entity for assemblies for social, cultural, civic,**
946 **or philanthropic purposes, or where persons regularly assemble for worship.**

947

948 “Reservoir” means a pond, lake, or basin, either natural or artificial, for the storage, regulation,
949 and control of water.

950

951 “Residential districts” or “residential zoning districts” means the rural residential, urban
952 residential, and residential office zoning districts.

953

954 “Retention structure” means a permanent structure that provides for the storage of water
955 runoff.

956

957 “Right-of-way” means the entire width of property dedicated for a public street or private
958 easement providing ingress and egress from property abutting thereon.

959

960 Road. See “street.”

961

962 “Roadside stand” means a temporary structure on land adjacent to a street, usually for the
963 attraction of motorists for profit-making purposes. Common roadside stands sell local food,
964 produce, firewood, handcrafted items or imported goods.

965

966 “Rooming house” means a dwelling containing not more than five guest rooms that are used,
967 rented or hired out to be occupied for sleeping purposes by guests. A rooming house shall not
968 accommodate in excess of 15 guests. A rooming house shall also include any structures
969 associated with the dwelling, such as guest cabins; provided, that a conditional use permit was
970 obtained for any associated structures, if a permit is required in order to have more than one
971 building containing a permitted principal use on the lot. “Rooming house” does not include
972 bed and breakfast.

973

974 “School” means an institution or place for instruction or education, including all structures and
975 land necessary to the accomplishment of educational purposes.

976

977 “School, commercial” means a school for the teaching of clerical, managerial, administrative,
978 service or artistic skills. This applies to schools operated privately for profit that do not offer a
979 complete educational curriculum, e.g., beauty school, modeling school and secretarial school.
980 Commercial school does not include trade, skilled or industrial school.

981

982 “School, private” means a school that provides a complete educational curriculum and is
983 owned and operated by private educational, religious, charitable, or other institution. It may
984 provide elementary, secondary or post-secondary levels of education.

985

986 “School, public” means a school owned and operated or chartered by the Kenai Peninsula
987 Borough or the State or University of Alaska for the purpose of public education.

988

989 **“School, trade, skilled or industrial”** means a school for the teaching of industrial, construction,
990 technical and skilled trades skills, including schools operated by or for labor unions. Examples
991 include welding, carpentry, electrician, and similar training schools.

992
993 **“Sediment”** means soils or other surficial materials transported or deposited by the action of
994 wind, water, ice, or gravity as a product of erosion.

995
996 **“Senior housing”** means attached or detached independent living developments, including
997 retirement communities, age-restricted housing and active adult communities.

998
999 **Service Station.** See **“auto fueling station”** and **“auto repair.”**

1000
1001 **“Setback”** means the required minimum distance between the lot line and a building,
1002 measured according to Chapter 21.05 HCC. The setback area establishes a required yard in
1003 which structures are prohibited or limited as provided in the zoning code.

1004
1005 **“Sewer, community”** means that portion of a nonpublic sewerage serving:

- 1006 1. One or more multifamily dwellings;
1007 2. A mobile home park, a trailer park, or a recreational vehicle park;
1008 3. Two or more:
1009 a. Single-family homes or duplexes;
1010 b. Commercial establishments;
1011 c. Industrial establishments; or
1012 d. Institutions; or
1013 4. Any combination of two or more of the structures listed in subsections (3)(a) through
1014 (d) of this definition.

1015
1016 **“Sewer, public”** means a sewer system operated for the benefit of the public by the City of
1017 Homer or a public utility under a certificate of convenience and necessity issued by the
1018 Regulatory Commission of Alaska or by its predecessor or successor agency.

1019
1020 **“Shelter for the homeless”** means a building used primarily to provide on-site meals, shelter
1021 and secondary personal services such as showers and haircuts to the homeless and the needy
1022 on a nonpermanent basis for no or nominal compensation.

1023
1024 **Sign.** See HCC 21.60.040.

1025
1026 **“Site”** means any lot, tract, or parcel of land, or a portion thereof, or any combination thereof
1027 that is in one ownership or is contiguous and in diverse ownership, where development exists
1028 or will be created as one unit, subdivision, or project.

1029

1030 **“Site plan” means a plan, to scale, showing the proposed use and development of a site. The**
1031 **plan generally includes lot lines, streets, points of vehicular access to the site, building sites,**
1032 **reserved open space, existing buildings, major landscape features (both natural and**
1033 **manmade), and the locations of utility lines. Additional information may be required on a site**
1034 **plan by applicable provisions of the zoning code.**

1035
1036 **“Slash pile” means a row or pile of woody debris from timber harvesting, land clearing, or**
1037 **similar activity.**

1038
1039 **“Slope” means, with respect to two points on the surface of the ground, the ratio, expressed**
1040 **as a percentage, of the difference between their elevations divided by the horizontal distance**
1041 **between them. Slope is measured as provided in HCC 21.05.040.**

1042
1043 **“Small wind energy system” means a wind energy system having a rated capacity of less than**
1044 **25 kilowatts and a total height less than 170 feet, whose primary function is to provide electric**
1045 **power for on-site consumption.**

1046
1047 **“Stabilization” means the prevention of soil movement by any of various vegetative or**
1048 **structural means.**

1049
1050 **“Stable, private” means an accessory building in which one or more horses are kept for private**
1051 **use and enjoyment and not for boarding, hire or sale; or in which not more than one horse is**
1052 **kept for boarding, hire or sale.**

1053
1054 **“Stable, public” means a building in which two or more horses are kept for boarding, hire or**
1055 **sale.**

1056
1057 **“State highway” means a street designated by the State as a part of the State highway system.**
1058

1059 **“Steep slope” means an elevation change in topography of at least 15 feet, with an average**
1060 **slope of not less than 45 percent (one foot difference in elevation per 2.22 feet of horizontal**
1061 **distance). A steep slope can occur naturally or can be created by excavation into or filling over**
1062 **natural ground.**

1063
1064 **“Stormwater management” means:**
1065 **1. For quantitative control, a system of vegetative and structural measures that control**
1066 **the increased volume and rate of surface runoff caused by manmade changes to the**
1067 **land; and**
1068 **2. For qualitative control, a system of vegetative, structural, and other measures that**
1069 **reduce or eliminate pollutants that might otherwise be carried by surface runoff.**

1070

1071 “Stormwater management, off-site” means the design and construction of a facility necessary
1072 to control stormwater from more than one development.

1073

1074 “Stormwater management, on-site” means the design and construction of systems necessary
1075 to control stormwater within an immediate development site.

1076

1077 “Stormwater management plan” or “SWP” means a set of drawings or other documents
1078 prepared according to the requirements of this title and submitted by a person as a
1079 prerequisite to obtaining a stormwater management approval. A SWP will contain all of the
1080 information and specifications pertaining to stormwater management.

1081

1082 “Stormwater runoff” means flow on the surface of the ground, resulting from precipitation or
1083 snow melt.

1084

1085 “Story” means that portion of a building included between the upper surface of any floor and
1086 the upper surface of the floor next above, except that the topmost story shall be that portion
1087 of a building included between the upper surface of the topmost floor and the ceiling or roof
1088 above. If the finished floor level directly above a basement or cellar is more than six feet above
1089 grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at
1090 any point, such basement or cellar shall be considered a story.

1091

1092 “Story, half” means a story under a gable, hip, gambrel or mansard roof, the wall plates of
1093 which on at least two of its opposite exterior walls are not more than two feet above the floor
1094 of such story.

1095

1096 “Stream” means any body of flowing water, including a river, creek, tributary, or other
1097 watercourse.

1098

1099 “Stream banks” are defined by the steep or sloping ground that borders a stream and confines
1100 the water in the natural channel when the water level or flow is normal.

1101

1102 “Stream, intermittent” means a stream that does not flow continuously but stops or dries up
1103 from time to time.

1104

1105 “Stream, perennial” means a stream that flows continuously throughout the year, in contrast
1106 to an intermittent stream.

1107

1108 “Street” means a public thoroughfare including a public street, road or highway of any
1109 description that affords a principal means of access to abutting property. Street does not
1110 include alley or driveway.

1111

1112 “Street line” means the line of demarcation between a street right-of-way and the abutting
1113 lot(s).

1114

1115 “Stripping” means any activity that removes the vegetative surface cover including tree
1116 removal, clearing, grubbing and storage or removal of topsoil.

1117

1118 “Structural alteration” means any change of the supporting members of a building or structure
1119 such as bearing walls, columns, beams or girders.

1120

1121 “Structure” means anything constructed or erected that requires location on the ground or
1122 that is attached to something having location on the ground.

1123

1124 “Studio” means a room, rooms or building where an artist or photographer does work, a place
1125 where dancing lessons, music lessons, or similar artistic lessons are given, or where radio or
1126 television programs are produced or where recordings are made.

1127

1128 “Taxi” means any motor vehicle, permitted and licensed by the City, having a manufacturer-
1129 rated seating capacity of nine passengers or less engaged in the carrying of persons in
1130 exchange for receiving fares, not operated over a fixed route, and subject to calls from a central
1131 location or otherwise operated for hire to perform public transportation.

1132

1133 “Taxi operation” means a taxi business operated from a fixed location, but not limited in its
1134 operation to any particular route, which may include a dispatch office and vehicle fleet
1135 parking.

1136

1137 “Timber growing, harvesting and forest crops” means the growing, harvesting, or both, for
1138 commercial purposes, of (1) trees including, without limitation, live trees, Christmas trees and
1139 tree products in the form of logs, chunks, bark chips or similar items; or (2) minor forest crops
1140 such as cones, ferns, greenery, berries and moss.

1141

1142 “Total suspended solids” means the sum of the organic and inorganic particles (e.g., sediment)
1143 suspended in and carried by a fluid (e.g., water).

1144

1145 “Tower, amateur radio” means a fixed vertical structure used exclusively to support an
1146 antenna used by an amateur radio operator licensed by the Federal Communications
1147 Commission, plus its accompanying base plates, anchors, guy cables and hardware.

1148

1149 “Tower, communications” means a fixed vertical structure built for the primary purpose of
1150 supporting wireless communications equipment, plus its accompanying base plates, anchors,
1151 guy cables and hardware.

1152

1153 **“Townhouse” means a building on its own separate lot containing one dwelling unit that**
1154 **occupies space from the ground to the roof and is attached to one or more other townhouse**
1155 **dwelling units by at least one common wall.**

1156
1157 **“Trip” in reference to traffic means a single one-way motor vehicle movement either to or from**
1158 **a subject property or study area.**

1159
1160 **“Turbidity” means an expression of the optical property that causes light to be scattered and**
1161 **absorbed rather than transmitted in straight lines through a water sample; turbidity in water**
1162 **is caused by the presence of suspended matter such as clay, silt, finely divided organic and**
1163 **inorganic matter, plankton, and other microscopic organisms.**

1164
1165 **“Use” means the purpose for which land or a structure is occupied, arranged, designed or**
1166 **intended, or for which either land or a structure is or may be occupied or maintained.**

1167
1168 **“Use, principal” means the use of a lot or structure that is of chief importance or function on**
1169 **the lot.**

1170
1171 **“Variance” means any deviation from the requirements of the zoning code authorized by the**
1172 **Planning Commission pursuant to Chapter 21.72 HCC.**

1173
1174 **“Vehicle fleet” means a group of vehicles operated under unified control.**

1175
1176 **Vehicle Maintenance. See “auto repair.”**

1177
1178 **Vehicle Repair. See “auto repair.”**

1179
1180 **“Visibility or vision clearance” means the assurance of adequate and safe vision clearance**
1181 **particularly for vehicle operators and pedestrians; a specified area of clearance at corners of**
1182 **intersections where no plantings, walls, structures or temporary or permanent obstructions**
1183 **exceeding a specified height above the curb level are allowed.**

1184
1185 **“Water-dependent” means a use or activity that can be carried out only on, in or adjacent to**
1186 **water areas because the use requires access to the water body.**

1187
1188 **“Water quality volume” or “WQv” means the volume needed to capture and treat 90 percent of**
1189 **the average annual runoff volume at a development site.**

1190
1191 **“Water-related” means a use or activity that is not directly dependent upon access to a water**
1192 **body, but which provides goods and services that are directly associated with water-**
1193 **dependent uses or activities.**

1194

1195 **“Watercourse” means any natural or artificial** stream, river, creek, ditch, channel, canal,
1196 conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that
1197 is subject to inundation from overflow or floodwater.

1198
1199 **“Watershed” means any area of land that water flows or drains under or across ground on its**
1200 way to a lake, pond, river, stream, or wetland. A watershed can be delineated on a
1201 topographical map by connecting the high points of the contour lines surrounding any water
1202 body.

1203
1204 **“Wetland” means** an area of land that is inundated or saturated by surface or groundwater at
1205 a frequency and duration sufficient to support, and that under normal circumstances do
1206 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.
1207 Wetlands generally include swamps, marshes, bogs, and similar areas.

1208
1209 **Wholesale.** See **“business, wholesale.”**

1210
1211 **“Wind energy system” means** a wind turbine and its supporting wind energy system tower.

1212
1213 **“Wind energy system tower” means** a **fixed vertical** structure that supports a wind turbine,
1214 including a monopole or lattice tower, plus its accompanying base plates, anchors, guy cables
1215 and hardware.

1216
1217 **“Wind turbine” means** a **bladed or other type of rotating mechanism that converts wind energy**
1218 into electric energy.

1219
1220 **“Wireless communications equipment” means** the **set of equipment** and network components
1221 used in the provision of wireless communications services, including without limitation
1222 antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency
1223 generators, power supply cables, and coaxial and fiber optic cables, but excluding any wireless
1224 communications support structure.

1225
1226 **“Wireless communications services” means** **transmitting and receiving information by**
1227 electromagnetic radiation, by an operator (other than an amateur radio operator) licensed by
1228 the Federal Communications Commission.

1229
1230 **“Wireless communications support structure” means** a structure that is designed to support,
1231 or is capable of supporting, wireless communications equipment, including a communications
1232 tower, utility pole, or building.

1233
1234 **“Yard” means** a **required open, unoccupied space on a lot.** A yard is unobstructed by any
1235 structure or portion of a structure from 30 inches above the general ground level of the graded
1236 lot upward, except (1) fences, walls, posts, poles and other customary yard accessories,

1237 ornaments and furniture may be permitted in any yard subject to height limitations and
1238 requirements limiting obstruction of visibility, and (2) certain structures may be permitted in
1239 certain yards when authorized by code provisions applicable to a particular zoning district.

1240
1241 **“Yard, front” means a yard extending across the full width of a lot, the depth of which is the**
1242 **minimum horizontal distance between the front lot line and a line parallel thereto.**

1243
1244 **“Yard, rear” means a yard extending across the full width of the lot, the depth of which is the**
1245 **minimum horizontal distance between the rear lot line and a line parallel thereto.**

1246 **“Yard, side” means a yard between a main building and the side lot line extending from the**
1247 **front yard to the rear yard.**

1248
1249 **“Zoning code” means this title.**

1250
1251 **“Zoning districts” means those districts established and described in Division II of this title.**
1252 [Ord. 18-04 § 1, 2018; Ord. 14-18(A)(S-2) § 1, 2016; Ord. 14-49(A) § 1, 2014; Ord. 13-11(A) § 1,
1253 2013; Ord. 10-56 § 1, 2011; Ord. 09-44(S) § 1, 2009; Ord. 09-34(A) §§ 1, 2, 2009; Ord. 09-12(A) §§ 1,
1254 2, 2009; Ord. 08-29, 2008].

1255
1256 Section 4. HCC 22.10.040 Applicable and exempted subdivisions is amended to read as
1257 follows:

1258
1259 22.10.040 Applicable and exempted subdivisions.

1260
1261 The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions
1262 from the requirements of this chapter may be granted concurrent with preliminary plat
1263 approval by the Homer Advisory Planning Commission under the following conditions:

1264
1265 a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new
1266 dedications of rights-of-way;

1267
1268 b. Special conditions and circumstances exist which are peculiar to the property involved, and
1269 are not generally applicable to other properties in the City. These special conditions cannot be
1270 caused by the actions of the applicant;

1271
1272 c. Financial hardship or inconvenience shall not be considered grounds for granting exception;

1273
1274 d. Previous exceptions shall not be considered grounds for granting exception. [Ord. 87-8(S),
1275 1987].

1276
1277 Section 5. This ordinance is of a permanent and general character and shall be
1278 included in the City Code.

1279
1280 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

1281
1282
1283 CITY OF HOMER

1284
1285 _____
1286 KEN CASTNER, MAYOR

1287
1288
1289 ATTEST:

1290
1291
1292 _____
1293 MELISSA JACOBSEN, MMC, CITY CLERK

1294
1295
1296 YES:
1297 NO:
1298 ABSTAIN:
1299 ABSENT:

1300
1301 First Reading:
1302 Public Hearing:
1303 Second Reading:
1304 Effective Date:

1305
1306
1307 Reviewed and approved as to form:

1308
1309 _____
1310 Katie Koester, City Manager

Holly Wells, City Attorney

1311
1312 Date:_____

Date:_____

CITY OF HOMER
HOMER, ALASKA

Aderhold

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 ENVIRONMENTAL
IMPACT STATEMENT.

WHEREAS, Cook Inlet boasts the highest concentration of brown bears in the world, and decision makers have recognized this unique natural asset through the formation of Lake Clark National Park and Preserve, McNeil River State Game Sanctuary and Katmai National Park and Preserve, among others; and

WHEREAS, Bear-viewing is a popular and growing pursuit for tourists and Alaskans alike; and

WHEREAS, The best access to these viewing areas is from the City of Homer and communities throughout the Kenai Peninsula Borough; and

WHEREAS, Bear-viewing businesses play a significant role in the economy of Homer and the surrounding areas; and

WHEREAS, Local businesses in the Kenai Peninsula Borough have been providing bear viewing services for over 40 years; and

WHEREAS, A recent economic study by the University of Alaska Fairbanks (UAF) School of Management gathered data from bear-viewing related businesses across Southcentral Alaska and reviewed existing pertinent research and found bear-viewing supports nearly 500 jobs annually, including jobs with air and water taxis, guiding services, lodges, food services and other small businesses; and

WHEREAS, The UAF study found bear-viewing brings in more than \$34 million in direct sales, and that ¾ of those revenues stay within Alaska; and

WHEREAS, Bear-viewing service providers paid \$10 million in direct wages and benefits; and

WHEREAS, Bear-viewing is a sustainable resource use which can produce economic benefits for many years if it is managed correctly; and

WHEREAS, The proposed Pebble Mine’s transportation corridor and export terminal in Kamishak Bay would bisect important brown bear habitat; and

46
47 WHEREAS, The Draft Environmental Impact Statement (DEIS) for Pebble Mine does
48 not address any potential impacts to the City of Homer communities throughout the Kenai
49 Peninsula Borough's bear-viewing economy.

50
51 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
52 requests the U.S. Army Corps of Engineers amend the Draft Pebble EIS to include an economic
53 analysis of potential impacts to bear-viewing businesses.

54
55 PASSED AND ADOPTED by the Homer City Council this 24th day of June, 2019.

56
57
58 CITY OF HOMER

59
60
61 _____
62 KEN CASTNER, MAYOR

63 ATTEST:

64
65 _____
66 MELISSA JACOBSEN, MMC, CITY CLERK

67
68 Fiscal note: N/A



June 19th, 2019

Alaska Public Broadcast Commission
P.O. Box 200009
Anchorage, Alaska 99520

To Whom It May Concern,

I write on behalf of the City of Homer in support of KBBI AM 890 (Kachemak Bay Broadcasting, Inc).

The station is an important part of this community. It serves necessary community functions such as broadcasting the Homer City Council Meetings and providing timely updates during emergency events such as fires, floods, volcanic activity, earthquakes and tsunami warnings.

Through a memorandum of agreement between the City of Homer and Kachemak Bay Broadcasting, KBBI transmits official emergency information to the public directly on-air, through their mobile app and web presence. The City utilizes KBBI's public broadcasting service to reach many of Homer's residents, and other residents within their AM frequency reach which includes those living around Kachemak Bay.

Their backup generation system guarantees they will be on-air, even in a worst-case scenario, working side-by-side with the City to provide potentially life-saving information in service to the community. We consider KBBI to be an important component to maintaining an informed audience of citizens.

Sincerely,

Ken Castner

Mayor, City of Homer

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

**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.

668
669 c. Waiving of Deposits. If a customer has had utility service with the City within the last two
670 years and paid their City utility payments on time, the Finance Department may waive the
671 deposit requirement under this section.

672
673 d. Landlord Agreement. An owner/customer who requests an automatic continuance of
674 utility service between renters may enter into a landlord agreement with the City for this
675 purpose. This request should be directed to the Finance Department.

676
677 14.08.160 Bulk water sales.

678
679 a. Bulk water sales rates shall be established by City Council via resolution. The schedule for
680 service fees shall apply to all bulk water service requests.

681
682 b. The meter deposit will be returned when the meter is returned undamaged.

683
684 c. If a bulk water customer purchases a meter from the City for measuring the quantity of
685 water purchased it shall be exempt from the monthly meter service charge. It is the
686 responsibility of the bulk water customer to maintain that meter so the City can accurately
687 determine the amount of water being purchased. In the event the meter fails, the customer
688 must repair or replace the meter at its sole expense. The City may at any time test the meter
689 for accuracy and reject a repaired meter that it is not accurate.

690
691 14.08.170 Water filling station permit.

692
693 a. No person shall establish or operate a water filling station to obtain water from the Water
694 System unless that person has a water filling station permit issued by the City.

695
696 b. A person shall apply for a water filling station permit on a form provided by the City. The
697 permit application is available at the City Clerk's office, the Public Works Department, and
698 may be available on the City's website. The permit fee must be submitted with the
699 application.

700
701 c. The water filling station permit criteria shall be included in the permit application and any
702 conditions and terms of the permit shall be included on the face of the permit. Water filling
703 station permit terms and conditions may include, but are not be limited to, uniform or site-
704 specific flow rate restrictions, storage tank requirements, and other provisions required by
705 the Public Works Department to minimize adverse effects on the Water System and promote
706 its efficient operation.

707
708 CHAPTER 14.50
709 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
760 PUBLIC ASSESSMENTS

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
772 GENERAL PROVISIONS

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.

1043
1044 17.02.130 Objection and appeal.

1045
1046 a. An assessment may only be contested by a person who filed a written objection to the
1047 assessment roll before its certification. Council’s decision regarding an objection to the
1048 assessment role is final and may be appealed to the Superior Court within 30 days after the
1049 date of certification of the assessment roll.

1050
1051 b. If no objection is filed or appeal taken within the time provided in this section, the
1052 assessment procedure shall be considered regular and valid in all respects.

1053
1054 17.02.140 Interim financing.

1055
1056 a. Council may provide by resolution or ordinance for the issuance of notes to pay the costs of
1057 an improvement from the special assessments for that improvement. The notes shall bear
1058 interest at a rate or rates authorized by the resolution or ordinance, and shall be redeemed
1059 either in cash or bonds for the improvement project.

1060
1061 b. Notes issued against assessments shall be claims against the assessments that are prior
1062 and superior to a right, lien or claim of a surety on the bond given to the City to secure the
1063 performance of the contract for construction of the improvement, or to secure the payment
1064 of persons who have performed work or furnished materials under the contract.

1065
1066 c. The Finance Director may accept notes against special assessments on conditions
1067 prescribed by the Council in payment of:
1068 1. Assessments against which the notes were issued in order of priority;
1069 2. Judgments rendered against property owners who have become delinquent in the
1070 payment of assessments; and
1071 3. Certificates of purchase when property has been sold under execution or at tax sale
1072 for failure to pay the assessments.

1073
1074 17.02.150 Special assessment bonds.

1075
1076 a. Council by ordinance may authorize the issuance and sale of special assessment bonds to
1077 pay all or part of the cost of an improvement in a special assessment district. The principal
1078 and interest of the bonds shall be payable solely from the special assessments levied against
1079 property in the district. The assessment shall constitute a sinking fund for the payment of
1080 principal and interest on the bonds. The benefited property may be pledged by the Council to
1081 secure payment of the bonds.

1082
1083 b. On default in a payment due on a special assessment bond, a bondholder may enforce
1084 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 19-058

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 assess 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.

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.

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>

HCC 17.04.190 "Deferment of assessment payments for low income residents"	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.
HCC 17.04.200 "In lieu of assessment"	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.
No HCC 17.18	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

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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ORDINANCE REFERENCE SHEET
2019 ORDINANCE
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.

Sponsor: Planning Commission

1. City Council Regular Meeting June 10, 2019 Introduction
Memorandum 19-069 from City Planner as backup

2. City Council regular Meeting June 24, 2019 Public Hearing and Second Reading
Memorandum 19-069 from City Planner as backup

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

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.

WHEREAS, The 2018 Homer Comprehensive Plan objectives encourages high quality site design and buildings; and

WHEREAS, The 2018 Homer Comprehensive Plan implementation table includes developing specific policies regarding site development including standards for lighting; and

WHEREAS, Lighting standards are applicable in most zoning districts throughout the City of Homer; and

WHEREAS, Lighting standards are a frequent condition of Conditional Use Permits in the Rural and Residential Zoning Districts; and

WHEREAS, Lighting standards are not part of Homer Zoning Codes in the Rural and Residential Zoning Districts; and

WHEREAS, The Homer Advisory Planning Commission supports the extension of lighting standards in the Rural and Residential Zoning Districts; and

WHEREAS, The Homer Advisory Planning Commission has held a public hearing on the proposed ordinance and moved with unanimous consent a recommendation to the Homer City Council for adoption.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:

21.12.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

43 Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:

44

45 **21.14.060 Lighting standards.**

46

47 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**
48 **district.**

49

50 Section 3: This ordinance is of a permanent and general character and shall be
51 included in the City Code.

52

53 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

54

55

CITY OF HOMER

56

57

58

KEN CASTNER, MAYOR

59

ATTEST:

60

61

62 _____
MELISSA JACOBSEN, MMC, CITY CLERK

63

64

65 YES:

66 NO:

67 ABSTAIN:

68 ABSENT:

69

70 First Reading:

71 Public Hearing:

72 Second Reading:

73 Effective Date:

74

75 Reviewed and approved as to form:

76

77

78 _____
Katie Koester, City Manager

79

Holly Wells, City Attorney

80

Date: _____

Date: _____

**CITY OF HOMER
HOMER, ALASKA**

Planning Commission

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.**

WHEREAS, The 2018 Homer Comprehensive Plan objectives encourages high quality site design and buildings; and

WHEREAS, The 2018 Homer Comprehensive Plan implementation table includes development of specific policies regarding site development, including standards for lighting; and

WHEREAS, Lighting standards are applicable in most zoning districts throughout the City of Homer; and

WHEREAS, Lighting standards are a frequent condition of Conditional Use Permits in the Rural Residential District and the Urban Residential District; and

WHEREAS, Lighting standards are not currently required in the Rural Residential District or the Urban Residential District; and

WHEREAS, The Homer Advisory Planning Commission supports the extension of lighting standards in the Rural Residential District and the Urban Residential District; and

WHEREAS, The Homer Advisory Planning Commission has held a public hearing on the proposed ordinance and moved with unanimous consent a recommendation to the Homer City Council for adoption.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.060, Lighting standards, is hereby adopted to read as follows:

43 **21.12.060 Lighting standards.**

44
45 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**
46 **district.**

47
48 Section 2: Homer City Code 21.14.060, Lighting standards, is hereby adopted to
49 read as follows:

50
51 **21.14.060 Lighting standards.**

52
53 **The level one lighting standards of HCC 21.59.030 apply to all developments in this**
54 **district.**

55
56 Section 3: This ordinance is of a permanent and general character and shall be
57 included in the City Code.

58
59 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

60
61 CITY OF HOMER

62
63 _____
64 KEN CASTNER, MAYOR

65
66 ATTEST:
67
68 _____
69 MELISSA JACOBSEN, MMC, CITY CLERK

70
71
72 YES:
73 NO:
74 ABSTAIN:
75 ABSENT:
76
77
78 First Reading:
79 Public Hearing:
80 Second Reading:
81 Effective Date:

82
83
84

85 Reviewed and approved as to form:
86
87 _____
88 Katie Koester, City Manager
89
90 Date:_____

Holly Wells, City Attorney
Date:_____



City of Homer

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Plan 177 g

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MEMORANDUM 19-069

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD AICP, CITY PLANNER
DATE: MAY 1, 2019
SUBJECT: LIGHTING STANDARDS IN THE URBAN AND RESIDENTIAL ZONING DISTRICTS

Recently the Planning Commission was reviewing past CUP's for opportunities for reductions of CUP's. During this process, they noted that one of the most prevalent conditions listed regarded adherence to lighting standards. With most of the CUP's, this condition the condition was redundant, as most all districts with the exception of Rural Residential (UR) and Urban Residential (RR) already have applicable standards in existing code. The Planning Office included the condition to emphasize compliance because it was frequently overlooked in many of the developments approved with CUP's.

As the discussion about lighting standards ensued, the Commissioners thought that it would be beneficial to apply the lighting standards uniformly throughout the RR and UR districts and not to just to the subjects of CUP's.

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 five meetings of the Planning Commission including a public hearing on the meeting of April 3, 2019.

Attachments

Staff reports & minutes from the following recent Planning Commission meetings:

- February 6, 2019
- February 20, 2019
- March 6, 2019
- March 20, 2019
- April 3, 2019

Bookmark Summary

February 6, 2019 Planning Commission Meeting

Minutes Excerpt

February 20, 2019 Planning Commission Meeting

SR 19-16 Review of CUPs

Minutes Excerpt

March 6, 2019 Planning Commission Meeting

SR 19-19 Review of CUPs

Minutes Excerpt

March 20, 2019 Planning Commission Meeting

SR 19-23 Review of CUPs

Draft Ordinance

Minutes excerpt

April 3, 2109 Planning Commission Meeting

SR 19-28 Lighting Standards for RR and UR

Draft Ordinance

Public Notice Advertisement

Minutes excerpt

- Preconstruction and Post Construction verifications

REPORTS

A. Staff Report 19-09, City Planner's Report

City Planner Abboud provided a summary of his report for the commission noting the following:

- A request from the City Council to review the regulatory requirements for flood elevations on the Homer Spit
- A future worksession on the Climate Action Plan
- A member on the Borough Transportation Steering Committee.

There were no questions or comments from the commission.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-11, Review of Permitted and Conditionally Permitted Uses

City Planner Abboud reviewed the spreadsheet provided on the Conditional Use Permits issued since 2007 noting that they were categorized by conditions and district located. He further reviewed the list commenting that the majority were issued for "more than one" structures and second most used was "more than 8000 square feet".

City Planner Abboud suggested that the Commission could consider the impact and usefulness of a CUP under the various district when regulating for dimensional, open space, and buffer requirements or any other requirements. He was open to their input on identifying uses for additional study or consideration of elimination.

The Commission discussed or questioned the following items:

- Did any Conditional Use Permit for a "more than one" ever fail?
 - o There did not appear to be any permits failed by previous Commissions other than the two listed
- The requirement to address down lit lighting and the screened dumpster could be written into code so it would not need to be addressed on each application received.
 - o Lighting requirements are only addressed for commercial districts not in the residential districts
 - o Dumpster is normally triggered by multi-family or commercial projects
- Are existing buildings grandfathered in or how is that handled?
 - o Those situations are addressed by Homer City Code 21.59.010. Nuisances.
 - o Lighting issues require a cultural change and the ability to purchase the required fixtures such as shielded lighting fixtures



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Staff Report PL 19-16

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: February 20, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

Introduction

After having a look at the various CUP’s in consideration of district, multiple triggers, and conditions, I was asked to make a display of the various requirements and other regulation triggers throughout the districts. I have produced a spreadsheet that compares the requirements in relation to the districts.

Caution: This spreadsheet provides a good overview of the information, but is not exact. I have condensed some the information. For the most accurate display of information, please consult your code book.

Analysis

Recently the most popular CUP is for ‘more than one’ in the Rural Residential District. These are tempered with the requirement of 10,000sf per dwelling unit with the provision of public water and sewer. They also seem to gather the most attention at public hearings, especially in well-established subdivisions. If they were to subdivide, more money and land would have to be committed to infrastructure. In the end, many of the proposals (if they still made fiscal sense) could be developed with the deletion of a structure to make up for the land needed for road construction.

A side conversation ensued about the multiples in RR. We would be more responsive to goals of the climate action plan if we were to allow even more density. This leads us down the path of rezoning areas served by water and sewer to make that allowance. But, this is somewhat of a digression of the issue of cutting back on the amount of CUP’s.

Considering the most common conditions placed on the ‘more than one’s’, lighting and dumpster screening were the most cited. Again, I want to remind that the absence of other conditions may be driven by working with the office in the development of the application. That aside, my latest spreadsheet shows that in all districts except RR and UR are bound by lighting standards in code.

When the standards in code are compared with the suggestions/standards in the Community Design Manual (CDM), I fail to see much utility in the CDM version. We already cover the ground in most districts. Below is the relevant code and CDM language for comparison.

Dumpster screening is unique to CUP's. We could try to craft some code to make a requirement that might captures the areas of concern and add a lighting standard with them to cover the ground in RR and UR. My first thoughts are with the multi-units or multi-family dwellings on a lot. A multi-family by definition is 3 or more units. That way they don't apply to single family homes.

Lighting

Lighting requirement come from two sources, the Community Design Manual and city code. They differ somewhat. Code only prescribes the Design Manual Standards in the Town Center District, otherwise the Design Manual Standards are only applicable to CUP's in the districts indicated in the manual.

HCC 21.59, Off-Site Impacts

HCC 21.59.010(d), Heat and Glare. No activity shall produce objectionable heat or glare that unreasonably annoys or disturbs a person of ordinary sensibilities beyond the lot line of the site).

21.59.020 Lighting standards – General.

The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].

21.59.030 Lighting standards – Level one.

When level one lighting standards apply, the following are required:

a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.

b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.

c. No outside lighting shall be installed so as to cause light trespass or glare.

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.

e. Prohibited lighting includes search lights and laser lights.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.

2. *In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.*
3. *Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.*

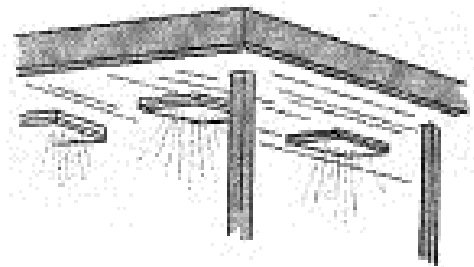
Community Design Manual

Building Lighting:

Lighting may be used to accent a building but shall not be used to denote a corporate or commercial image except on allowed signage. Lighting may be directed to a building but should generally not emanate from a building.

1. **Avoid back-lit panels and awnings.** Translucent panels and awnings illuminated from behind are prohibited. This shall not exclude soft light being emitted from windows.
2. **Keep light source hidden from public view.** Except for decorator lights with frosted lenses or which use clear bulbs (e.g., candelabra bulbs) light sources shall be concealed behind soffits, within recessed containers, behind shrubbery, etc.
3. **Avoid bright lighting on outdoor surfaces of buildings.** Outdoor building lighting is limited to low levels except that more intense lighting is allowed at building entrances.
4. **Avoid colored lighting on buildings.** Colored lighting is limited to temporary holiday lighting only.
5. **Apply utility lighting sparingly.** Utility light fixtures which have an industrial or utilitarian appearance may be used for security lighting on buildings, but shall not be used in areas of concentrated lighting (e.g., service station canopies) unless the fixtures are not seen from public rights-of-way.

High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.



6. Lighted accents, canopies, color bars, stripes or areas. Buildings with lighted accent areas are using this device to call attention to the business. These areas should be used sparingly and are counted as part of the allowed sign area.

OUTDOOR LIGHTING

Applicable Areas

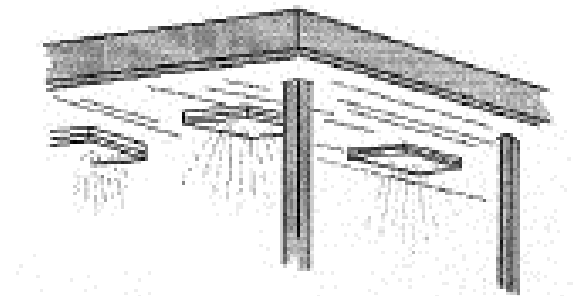
Within Areas Zoned CBD, RR, UR, RO, GBD, SGCOL and the portion of GC1 lying south of Beluga Lake:

All uses

The primary purpose of outdoor lighting is to improve visibility and safety within outdoor spaces. However, light can also enhance a setting if the intensity and source of the light corresponds to the visual character of the surroundings.

- 1. Keep light source hidden from public view.** *Except for streetlights installed in rights-of-way, all light sources, whether on public or private property, shall be hidden or conform to light standards specified herein. Light sources (e.g., light bulbs) shall not be visible except on approved decorator lights. Sources of high intensity light, whether behind a lens or not, shall not be visible to the public.*

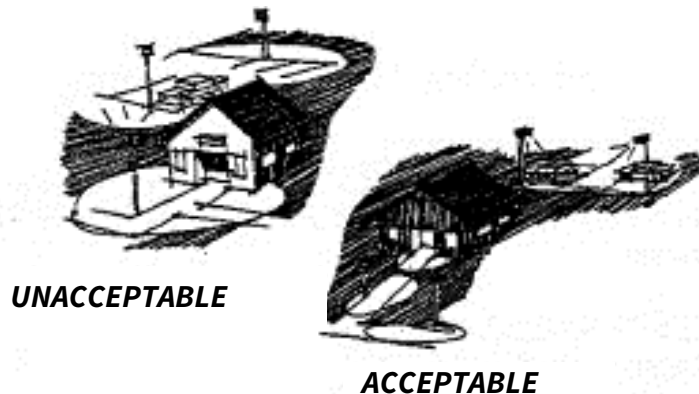
High intensity light sources may not be visible to the public. Fixture designs of an industrial or utility appearance shall be avoided.



Indirect lighting keeps light source hidden from the public's view. Recessed spot lighting may supplement indirect lighting where more direct lighting is desired.



2. **Use downward directional lighting.** All lights more than 7 feet above the ground shall be downward directional lighting.



3. **Avoid lighting large areas with a single source.** Large areas may be lit with a number of low intensity sources close to the area requiring illumination; illumination of a large area with a remote single source of light shall be avoided.
4. **Avoid excessive light throw.** Lighting shall not be cast beyond the premises and shall be limited to illumination of surfaces intended for pedestrians or vehicles. Illumination of landscaped areas shall be avoided unless lighting is part of the landscape design or the area is intended for recreational use.
5. **Choose approved outdoor light designs.** The following lighting types are approved:
- "Shoe box" style pole lamps** to be approved as appropriate for district (downward directional).
 - Ornamental pole lamps** - to be approved as appropriate in color and style for

district.

c. Bollard lights - to be approved as appropriate in color and style for district.

6. Avoid light fixture designs which have an industrial appearance. Designs of an industrial or utility appearance shall be avoided on all fixtures visible to the public, e.g., mercury vapor lights, cobra lights, etc.



NO!



NO!



NO!



YES!

Except for the "shoe-box" style light on the right (which is downward directional), these other lights are too industrial in their appearance and are designed for illuminating large areas with a single light source.

Finally

Creating the tables has been fairly intensive, but has helped to clarify the big picture. There are still some possible displays/tables that may clarify some of the issues we are looking at in regards to revising the CUP standards for structures greater than 8000sf. Please consider what you might want to look at in relation to the subject.

Note:

In the uses table, you will find that the CUP requirement for a structure containing more than 8000sf of building area (all buildings combined) is coupled with the requirement that the building area not be in excess of 30% of the lot area in RO and the commercial districts except MC and MI where 70% is acceptable.

Staff Recommendation

Discuss possible steps forward.

Attachments:

Development Requirements Table

Development Requirements Table

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	EEMU	MC	MI
Site plans											
level 1	X	X	X	X	X	X	X	X	X	X	X
level 2							X	X	X		X
Stormwater level 1											
>25,000 of new impervious	X	X	*								
>1 acre impervious	X	X	*								
>1,000cy of materials moved	X	X	*								
creates slope >3:1 that exceeds 10ft toe-top	X	X	*								
Stormwater level 2											
>60% impervious coverage of lot			*	X	X	X	X	X	X	X	X
>25,000 of new impervious			*	X	X	X	X	X	X	X	X
grading >1 acre			*	X	X	X	X	X	X	X	X
>10,000cy of grading materials			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 10ft toe-top			*	X	X	X	X	X	X	X	X
Clearing or grading on >25% slope or w/i 10ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
DAP level 2											
>10,000sf of clearing or grading			*	X	X	X	X	X	X	X	X
>5,000sf of additional impervious			*	X	X	X	X	X	X	X	X
>1,000cy of materials moved			*	X	X	X	X	X	X	X	X
creates slope >3:1 that exceeds 5ft toe-top			*	X	X	X	X	X	X	X	X
diversion of existing drainage course entry/exit			*	X	X	X	X	X	X	X	X
Clearing or grading on >20% slope or w/i 20ft of wetland,water course, or water body			*	X	X	X	X	X	X	X	X
Slope standards											
>15% slope	X	X	*	X		X	X	X	X	X	X
Dimensional requirements											
40-20-10k lot size dependent on water/sewer	X								X		
7500 minimum lot size			X*	X							
6,000 minimum lot size				X	X						X
20000 minimum lot size						X				X	
10000 minimum lot size							X	X			
<=75,000sf retail/wholesale					X		X*	X	X		
<=35,000sf retail/wholesale							X*				
<=25,000sf retail/wholesale										X	X
Multi-family requirements											
floor area not more than 4/10 the lot area	X	X	X	X		X					
open area, at lease 1.1 times total floor area	X	X	X	X		X					
Lighting standards											
level one, HCC21.59.030 design manual			X	X	X	X	X	X	X	X	X
					X						
Site development standards											
level 1	X	X	X*		X						
level 2			X*	X		X	X	X	X		
level 3										X	X
level 1 ROW access plan	X	X								X	
level 2 ROW access plan			*	X	X		X	X	X		X
level 3 ROW access plan						X					
traffic requirements			X	X	X	X	X	X	X	X	X
nuisance standards			X	X	X	X	X	X	X		X
architectural standards					X	X					
screening							X		X		

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2. ADD A PLAT NOTE CONCERNING THE HOME LOCATED IN THE SECTION LINE EASEMENT. SAMPLE LANGUAGE COULD INCLUDE THE FOLLOWING STATEMENT: ACCEPTANCE OF THIS PLAT DOES NOT SIGNIFY ACCEPTANCE OF ANY NONCONFORMING STRUCTURES. THE BOROUGH CAN PROVIDE GUIDANCE ON THE WORDING

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 19-16, Review of conditionally permitted uses

Chair Venuti read the title into the record and gave the floor to City Planner Abboud.

City Planner Abboud reviewed Staff Report 19-16 for the commission. He made the following points:

- The spreadsheets are wonderful tools, they are not exact, check the code book
- Asterisk represent a variation in conditions
- Gain and loss of requiring infrastructure versus letting owners build multiple dwellings along with platting
- Allowing more density would be responsive to the Climate Action Plan
 - o Would require rezoning areas served by water and sewer
 - o Digression on the issue of reducing conditional use permits
- Lighting standards and Dumpster Screenings changes to city code that would capture the necessity of those requirements
- Requirements to review the CDM is difficult since it wanders, inconsistency and requires some work
 - o Review of the lighting requirements between City Code and the CDM

Chair Venuti commented on property owner's installation of lighting fixtures that impact neighbors and they are not aware of how much the light may impact their neighbors.

City Planner Abboud responded that there is plenty to chase around on the situation with lights in Homer and they could try to address this but it is challenging since they are being directed to address other things.

Commissioner Smith inquired about mercury light fixtures owned by Home Electric Association is the same standard applied.

City Planner Abboud responded that he would divide everything up on property owners; they cannot rule on lighting in the right of ways. He would hope that those lights get replaced since they are inefficient and old. He stated that they could speak to HEA. Property owners are charged and it would be nice to see if they could usher in a change.



City of Homer

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Plan 193

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Staff Report PL 19-19

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: March 6, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

Introduction We created tables and have taken note of the districts, types of CUP’s, and conditions applied to those approved. Generally, we have found that most types of CUP’s benefit from the additional involvement of the public, Planning Commission, and the application process.

We have found that most CUP’s are unique and conditions and proposals may vary greatly. Additionally, many CUP’s have multiple ‘triggers’. Due to these facts, we find it unlikely that we could simply address an item or two that might make a significant dent in the amount of applications that are processed annually.

While we were taking an in-depth review of code, we have identified some opportunity to address some CUP scenarios in some specific districts.

Analysis The Commission asked for some language to address the standard conditions of lighting and dumpster screening that is commonly a condition of the popular ‘more than one’ CUP’s. My suggestion is for the development of code that addresses lighting standards in the UR and RR districts that apply to a lot that supports 3 or more dwelling units.

The lighting standards amendment fits into the code fairly well. We can add language to UR and RR,

21.1X.090 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support 3 or more dwelling units on a lot.

Screening requirements for dumpsters is a bit more complicated and will require input from the attorneys. My concept involves adding language to 21.50.020, Site Development Standards. I believe we could add a subsections in level 1 and level 2 standards (we need both because the standards are not cumulative) or possibly, with attorney input, we could add a section labeled screening. An example is provided for discussion.

HCC 21.50.020 (e) Screening. All development activity shall conform to the following:

1. The use of a dumpster is allowed when the dumpster is screened on 3 sides by a 6 foot tall fence.

It may be useful to get some practical input on this item from someone experienced with servicing dumpsters. Perhaps some sort of situational concerns might be appropriate. An exception could be crafted for dumpsters that are not visible from the street. This also introduces a myriad number of nonconforming concerns of those currently not screening dumpsters.

Another idea is that we could add language to the multi-family requirements. In this scenario, the heavier commercial districts are not included and it would not reach nonresidential developments.

So far, this does not address the motivation for which the commission was tasked, consideration for CUP reduction. I plan to bring my spreadsheet to the meeting for display on the screen. When I sort the CUP information you can see the difficulty in any particular proposal to eliminate any significant amount of CUP's and perhaps that is our answer to reviewing the possible reduction in CUP's that we have experienced. We could head in a bit of a different direction in addressing some triggers that might encourage economic development or those that might be 'more business friendly'.

EEMU and MI permits 'more than one' which do not require a CUP until exceeding 8000/30% in EEMU and 8000/70% in MI. I would like to have a conversation about the prospect of permitting more than one structure in the commercial districts. It seems that eliminating this as a CUP requirement in GC2 is not very controversial. What is thought of the prospect for GC1 and then CBD? Are we willing to consider building areas greater than 8000 (remember this is not building square footage, but only refers to the footprint) and over 30% of the lot area. For a conversation starting point, I suggest considering 15,000 and 40%. Once a retail business is over 15,000, large retail standards are triggered (note: this is a separate subject that deserves a conversation).

Considerations for elimination of 'more than one' include application of the Design Manual (in general, another subject worthy of greater discussion) which is triggered in CBD by CUP's. This is not an issue in GC1 or GC2. I do believe that we would enhance Homer's business opportunities if 'more than one' is permitted and dimensional requirements are loosened.

Staff Recommendation

Discuss possible steps forward.

- Review the Planning and Zoning Section of the Climate Action Plan by the Planning Staff and provide comparison on what the plan has recommended and what action has been accomplished by the city.
- Postpone the proposed Medical District until after the Appeal Decision is finalized.

City Planner Abboud advised the Commission that if they pursued the requirement in the permitting process to have the applicant come before the Commission with regard to issues found upon site visits that this action falls in the realm of enforcement. If the applicant appeals that puts the Commission in a quagmire.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-18, Zoning Permit Process

Chair Venuti introduce the item into the record by reading of the title.

City Planner Abboud summarized the report and provided some input on how the various items on the work list intermingled along with revision of forms, such as including questions on dealing with aspects of green infrastructure; the expenditure of staff time to review and explain these items with the applicants.

A discussion ensued on requiring asbuilts is easy; willingness to put green infrastructure in regulations then they have to figure out a way to get people to do what they should do; review work on previous projects for best practices.

This will be on the agenda for the next meeting and will try to have a visitor for the worksession.

B. Staff Report 19-19, Review of Permitted and Conditionally Permitted Uses

Chair Venuti Introduced the item by reading of the title into the record.

City Planner Abboud reviewed the staff report stating it summarized the work done so far. He commented on the following:

- Code changes for lighting requirements could be written by staff but that the dumpster screening regulations would need to go to the City Attorney for review and recommendation since it was not as straight forward.
- Dumpster regulations would bring up issues of non-conforming dumpsters.
- Does not address the Council's request to reduce the number of Conditional Use Permits.



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Staff Report PL 19-23

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: March 20, 2019
SUBJECT: Review of “more than one” conditionally permitted uses

The Planning Commission suggested some recommendations at the last meeting in regards to conditional use permits. I have broken the recommendations from the Planning Commission into two separate items.

1. Because of the frequency of adding conditions for lighting standards in districts that currently do not address them in code, we have a draft code amendment adding the standards to lots that support 3 or more dwelling units in RR and UR.

This has been made into a separate ordinance to make it easier to segregate from the recommendations that may have an effect on the total amount of CUP application we process. What this really does is add the common condition found in CUP's located in the RR and UR districts to code. If adopted, you will not see this item as a CUP condition because it will be a requirement of code.

Staff Recommendation

Discuss and give consideration to move to a public hearing

2. Also requested was the elimination of the ‘more than one’ conditional uses in the commercial districts.

I have reviewed the commercial districts that have ‘more than one’ as a conditional use. The districts for consideration of replacing the now required CUP with a permitted use include CBD, GC1, GC2, and MI. In EEMU, CUP's are not currently required for ‘more than one’. I do not recommend a change of policy for the ‘more than one’ CUP in the Gateway Business District in consideration of the view shed concerns for the entry to town. The Commission may wish to discuss this.

When removing this item from the CUP list, other dimensional requirements may still trigger a CUP. Past experience might lead us to believe that few CUP's may be avoided, but it could trigger a demand for something that avoids the require extra review. Most ‘more than one’ CUP's also consist of more than 8,000 square feet of building area, which would

still be present in all the districts proposed to be amended. Another trigger found to commonly complement the 'more than one' pertains to the percentage of building area on the lot. CBD, GC1, GC2 require a CUP when the total building area is in excess of 30% of the lot area, MI is triggered when the total building area is in excess of 70%.

Staff Recommendation

Review the language of the proposed draft ordinance and make recommendations for revision and/or move to a public hearing.

Attachments

Draft ordinance 19-xx Lighting Standards

Draft ordinance 19-xx Permitted and Conditional Uses

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 19-xx

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.

WHEREAS,; and

WHEREAS,; and

WHEREAS,

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12 Rural Residential District is amended to read as follows:

21.12.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support three or more dwellings on single a lot in this district.

Section 2: Homer City Code 21.14, Urban Residential District, is amended to read as follows:

21.14.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments that support three or more dwellings on single a lot in this district.

Section 5: This ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
2019.

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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:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date:_____

Date:_____

BANKS/SMITH MOVED TO ADD CONDITION THREE THAT THE LEACH FIELD WILL BE AT LEAST 40 FEET FROM THE DEPICTED TOP OF BLUFF LINE.

There was no discussion.

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

Motion carried.

Further discussion ensued on the zoning area, uses permitted, language distinguishing a hotel such as the Aspen Suites project and this project. It was noted that this project falls under the rooming house definition. If one property owner in the zoning district is allowed then another should be allowed but there is a deeper discussion outside the CUP requirements that would be needed. Additional comments on the intent of the rural residential district and this project leaning to commercial but fits with what is going on in the immediate area.

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

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-23, Permitted and conditionally permitted uses

Chair Venuti introduced the item into the record by reading of the title.

City Planner Abboud summarized the report on the Lighting standards and provided some input from previous discussions and this was proposed as one condition that is typically addressed in most CUP's before the Commission. He then reviewed the "more than one" recommendation which was the second most reason for a CUP. He stated that removing this requirement still leaves other conditions that would trigger the CUP.

City Planner Abboud did not recommend changes in the Gateway Business District.

Commissioner Smith brought forward a lighting issue with the project on Robin Street and questioned if the Planning Department was aware of this issue.

City Planner Abboud is aware of that problem and has been assured by the property owner that they are getting the electrician to address those unshielded lights. He noted that it was not an option to leave as is and it will need to be addressed.

Comment and discussion ensued on a recommendation made at the March 6, 2019 commission meeting with regards to the "More than one structure" condition; having lighting standards

across the board including Rural Residential Districts; difficulties in enforcement of the regulations; quality of life issues on lighting; and Commercial districts should already be compliant.

Commissioner Bos asked how they are to amend this draft ordinance to be effective.

Commissioner Banks recommended deleting the words “that support three or more dwellings on a single lot” on lines 23-24 and lines 31-32 and take a wait and see approach.

Commissioner Smith agreed to a certain extent as there are some exceptions to allowing side broadcasting lights for driveways for example. He personally would not be able to back into his driveway in the winter without the aid of two 75 watt lights.

City Planner Abboud responded with the citation from city code about light trespass or glare. He stated that they could review the lighting standards and address certain things and commented on existing circumstances that may or may not meet standards.

Further discussion ensued on light trespass issues over safety issues; that the design manual criteria differs from city code requirements; and specific city code and exceptions.

Chair Venuti inquired if the commission was ready to make a motion.

BANKS/SMITH MOVED TO DELETE THE WORDS “THAT SUPPORT THREE OR MORE DWELLINGS ON A SINGLE LOT” ON LINES 23-24 AND 31-31 IN DRAFT ORDINANCE AND FORWARD TO PUBLIC HEARING.

Discussion ensued on how the ordinance would read.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti stated the next issue to address was the “more than one” to reduce the conditional use permits.

There was a brief discussion on previous discussion on the recommendations from the commission at the February 20 and March 6th meetings and that the removal of the “more than one” would not really reduce the number of permits issued significantly and that each CUP application is different and should be reviewed separately. Further comments made by Commissioners supported consensus that the Commission cannot see additional methods to reduce the number of conditional use permits.

BANKS/HIGHLAND MOVED THAT THE CITY PLANNER FORWARD A MEMORANDUM TO CITY COUNCIL THAT THE COMMISSION HAS DETERMINED AFTER INTENSIVE REVIEW THAT THERE IS

NO ADDITIONAL ACTIONS THAT CAN BE IMPLEMENTED TO REDUCE CONDITIONAL USE PERMIT APPLICATIONS.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:47 p.m. at the request of the Commission. The meeting was called back to order at 7:52 p.m.

B. Staff Report 19-24, Climate Action Plan

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed his report for the commission. He noted that after his review it appeared that Green Infrastructure might contribute to the goals of the plan.

Commissioner Banks inquired how they should address the review, individually address each issue or after the City Planner reviewed in its entirety.

There was no response from the Commission.

City Planner Abboud proceeded to review the remainder of his report. He commented on the following:

- Reallocation of HART funds
- Non-motorized Transportation Trail Plan review with input from Public Works
- Complete Streets Designs
- Town Center Plan
- Evaluating Site Plans, Building Mass but no building inspections
- Building Codes and inspectors
- LEED is not practical for Alaska

A brief discussion was held on funding received recently that was thought to be because the City had the Climate Action Plan.

Further discussion and comment ensued on the following:

- The compilation submitted by the City Planner was a good starting point
- They could add items such as Green Infrastructure and use of Natural Gas
- Provide information and best management practices to developers related to Micro Green Infrastructure for managing stormwater drainage
- Building Codes and Inspection



City of Homer

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Staff Report PL 19-28

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner AICP
DATE: April 3, 2019
SUBJECT: Lighting standards for RR and UR

The Planning Commission moved to add lighting standards to the RR and UR districts and hold a public hearing. A motion was made to have the standards apply to all development in the districts instead of just addressing the multiple dwelling scenario as found as a common condition in CUP's.

After reviewing the motion and comparing it to the language found in the other districts, I suggest a motion to amend the language to keep it uniform with the language currently found in other districts. Recommended amendment in bold and underlined.

The level one lighting standards of HCC 21.59.030 apply to all development, uses, and structures in this zoning district.

Since the proposal deals with the application of an existing code provision, I have copied the standards below.

21.59.020 Lighting standards – General.

The intent of lighting standards is to reduce glare and light trespass and to improve the nighttime visual environment. Standards of varying levels may apply if made applicable by other provisions of the zoning code. [Ord. 08-29, 2008].

21.59.030 Lighting standards – Level one.

When level one lighting standards apply, the following are required:

- a. Outside luminaires installed at a height of 15 feet or greater above grade in all new developments or replaced in existing developments shall be cut-off luminaires.*

b. Up-lighting shall be installed so that it allows its direct illumination to fall only on the targeted building or sign.

c. No outside lighting shall be installed so as to cause light trespass or glare.

d. The height of any driveway or parking lot luminaire shall be a maximum of 28 feet above grade. All building-mounted luminaires shall have a maximum height of 15 feet above grade.

e. Prohibited lighting includes search lights and laser lights.

f. Exceptions to this section may be granted to the extent necessary in any of the following situations:

1. Where the City Planner has determined there are special requirements, such as historic decorative considerations, public monuments, or flag lighting; provided, however, that all such lighting shall be selected and installed to shield the lamp(s) from direct view to the greatest extent possible, and to minimize upward lighting, glare and light trespass.

2. In an urban area where there is high night-time pedestrian traffic and an engineer experienced in outdoor lighting has provided a written opinion satisfactory to the City Planner that for pedestrian safety reasons it necessary to permit the installation of semi-cutoff luminaires.

3. Where a determination has been made by the Commission, after a public hearing process, that there is a compelling safety interest that cannot be adequately addressed by any other method.

Per HCC 21.95.040, Planning Department review of code amendment, the proposed amendment may only be recommended for approval if it finds:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The proposed amendment is found to support goals and objects of the comprehensive plan. It is consistent with Goal 3 of Chapter 4, *Encourage high quality buildings and site design that complements Homer's beautiful natural setting*. Specifically, it relates to Objective B implantation strategies, *Review site impacts of development*. This all leads to implementation

item 3-B-3, which calls upon the commission to *develop specific policies regarding site development including standards for landscaping, grading, lighting, view protection[s].*

b. Will be reasonable to implement and enforce.

The proposed amendment may be challenging to enforce, but should be reasonable once the public understands that they will be subject to the regulation.

c. Will promote the present and future public health, safety and welfare.

The proposed amendment will enhance public health, safety and welfare in that neighbors and the general public will not be subjected to undue glare off of private property.

d. Is consistent with the intent and wording of the other provisions of this title.

The proposal is consistent in intent, wording and other provision of title 21.

Staff Recommendation

Hold a public hearing and motion to amend. Schedule an additional public hearing if warranted or forward a recommendation to the City Council to adopt.

Attachments

Draft ordinance 19-xx Lighting Standards

CITY OF HOMER
HOMER, ALASKA

Planning

ORDINANCE 19-xx

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.

WHEREAS,; and

WHEREAS,; and

WHEREAS,

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.12.060 is hereby adopted to read as follows:

21.12.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

Section 2: Homer City Code 21.14.060 is hereby adopted to read as follows:

21.14.060 Lighting standards.

The level one lighting standards of HCC 21.59.030 apply to all developments in this district.

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

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
2019.

CITY OF HOMER

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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:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____

PUBLIC HEARING NOTICE

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, April 03, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

An Ordinance of the City Council of Homer, Alaska adding 21.12.060 Lighting Standards to the Rural Residential Zoning District and 21.14.060 Lighting Standards to the Urban Residential Zoning District.

Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

The complete proposal is available for review at the City of Homer Planning and Zoning Office located at Homer City Hall. For additional information, please contact Rick Abboud at the Planning and Zoning Office, 235-3106.

PLEASE PUBLISH ONCE

ACCOUNT 100.0130.5227

Deputy City Planner Engebretsen reviewed the City Planner's report and highlighted the following items:

- A request to rescind Ordinance 19-09, relating to the extension of water to Kachemak City
- An application for appointment has been received for the vacancy
- The Appeal decision is expected at any time.
- There will be a CUP on the next meeting's agenda which will take up most of staff time since the City Planner is out of the office through the next meeting.

There was a brief discussion on the hazard mapping.

PUBLIC HEARINGS

A. Staff Report 19-28, Ordinance 19-XX adding lighting standards to the Rural Residential and Urban Residential Zoning Districts

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the City Planner's request to amend the language in the proposed ordinance to reflect the recommended language in the Planner's memorandum.

**BENTZ/HIGHLAND MOVED TO AMEND THE LANGUAGE TO REFLECT THE FOLLOWING:
THE LEVEL ONE LIGHTING STANDARDS OF HCC 21.59.030 APPLY TO ALL DEVELOPMENT, USES, AND
STRUCTURES IN THIS ZONING DISTRICT.**

Discussion ensued on the previous discussion entertained by the Commission at the previous meeting on light trespass, level one lighting applying to all zones, specific lighting standards in various districts, and clarification that the Commission is specifically addressing lighting standards in urban residential and residential districts.

Chair Venuti called for a recess at 6:41 p.m. to determine the decision made by the Commission at the March 20, 2019 meeting for elucidation. The meeting was called back to order at 6:45 p.m.

Chair Venuti reviewed the motion on the floor provided a synopsis of the decision from the previous meeting and inquired if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti opened the Public Hearing. Seeing no one present to provide testimony Chair Venuti closed the public hearing and opened the floor to questions from the Commission.

There was no additional discussion, comments or questions from the Commission.

Chair Venuti requested a motion.

**BANKS/BOS MOVED TO FORWARD THE DRAFT ORDINANCE ON LIGHTING STANDARDS FOR RURAL
RESIDENTIAL AND URBAN RESIDENTIAL TO CITY COUNCIL FOR ADOPTION.**

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-29, Building Height Maximum

Chair Venuti introduced the item into the record by reading of the title.

Deputy City Planner Engebretsen reviewed the three items of action that is requested of the Commission:
1. Approve the recommended amended language, *for buildings located within an area of special flood hazard, the vertical distance between grade and the Base Flood Elevation (BFE) plus two feet is excluded from the calculation of building height* and forward to Public Hearing.

Deputy City Planner Engebretsen explained that in further review of the existing city code that this recommendation would fit the broadest number of categories, it could be a future standard.

Commissioner Bentz questioned the typical vertical distance for applicable properties.

Deputy City Planner Engebretsen responded that it would be dependent on the location as the Spit, Beluga Lake or Old Town would be different. She noted that it addresses the request from Council and does not answer all the questions with Building Height issue and moving forward this would be one solution.

BOS/HIGHLAND MOVE TO AMEND HOMER CITY CODE CONCERNING BUILDING HEIGHT MEASUREMENT WITHIN A FLOOD AREA WITH LANGUAGE RECOMMENDED IN STAFF REPORT 19-29 AND MOVE TO A PUBLIC HEARING.

There was a discussion on possible issues with height, definition of grade, and nuances in city code. There was some concerns expressed by the Commission with creating more issues especially with a limitation of 35 feet and that this would address the difference in the height that due to flood issues you could not build.

Clarification was provided by Staff:

- that the recommendation was to address specific issues as requested;
- was not particularly time sensitive
- easier to address specific sections than the whole
- This change does not allow additional usable occupied space in the structure

Chair Venuti asked if there was any dissent to the motion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
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.

Sponsor: Stroozas

1. City Council Regular Meeting June 10, 2019 Introduction

2. City Council Regular Meeting June 24, 2019 Public Hearing and Second Reading

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.

Sponsors: Stroozas/Lord

**CITY OF HOMER
HOMER, ALASKA**

Stroozas

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

WHEREAS, in October 2016, the Homer City Council adopted Ordinance 16-51 clarifying the City of Homer's right and obligation to maintain public rights-of-way; and

WHEREAS, there are a number of roads, especially in the annexed portion of the City, that were not built to City standards and as such have offset center lines and narrow rights-of-way, making maintenance difficult (especially snow removal/storage) and particularly noticeable to adjoining property owners,

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way, is amended as follows:

Chapter 11.36

VEGETATION IN RIGHTS-OF-WAY

Sections:

11.36.010 Vegetation in rights-of-way.

11.36.020 Removal of vegetation in rights-of-way.

11.36.030 Removal for compliance-Public works director discretion.

11.36.010 Vegetation in rights-of-way.

All or any part of a tree, shrub or other vegetation that is located in, over or under a public right-of-way in the city is subject to removal by the city as necessary for the reasonable public use of the right-of-way, including without limitation removal as authorized in HCC 11.36.020, regardless of whether:

- 43
44 a. The vegetation existed in, over or under the right-of-way before the granting,
45 dedication or improvement of the right-of-way;
46 b. The vegetation was planted in the right-of-way by another person, including without
47 limitation an owner of property adjacent to the right-of-way; or
48 c. The vegetation originated on property adjacent to the right-of-way, to the extent that
49 limbs, branches or roots of the vegetation extend into, over or under the right-of-way.

50
51 11.36.020 Removal of vegetation in rights-of-way.

52
53 **Except as otherwise provided in this chapter,** ~~the~~ city manager may cause the
54 removal of all or any part of a tree, shrub or other vegetation that is located on, over or under
55 a public right-of-way if the city manager finds that the vegetation:

- 56
57 a. Obstructs or interferes with the use of the right-of-way by vehicular or pedestrian
58 traffic;
59 b. Obscures visibility to or from the right-of-way or otherwise constitutes a safety
60 hazard;
61 c. Interferes with the maintenance of the right-of-way, including without limitation
62 paving, grading, cleaning and snow removal;
63 d. Has the potential if not removed to damage pavement or other improvements in the
64 right-of-way;
65 e. Has the potential if not removed to damage or interfere with the operation of
66 overhead or underground public utility facilities in the right-of-way.

67
68 **11.36.030 Removal for compliance-public works director discretion**

69
70 **a. The public works director retains the sole discretion and authority to remove**
71 **or retain any part of a tree, shrub or other vegetation within three feet of a City-owned**
72 **right-of-way abutting a road acquired by the City after the road was constructed.**

73
74 **b. Notwithstanding subsection (a), the public works director shall only exercise**
75 **his or her authority under this section when he or she determines it is more likely than**
76 **not that the removal of all or part of a tree, shrub or other vegetation within the three**
77 **feet area will improve safety, allow for effective maintenance activities, or otherwise**
78 **make the road more compliant with City laws and procedures.**

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

82
83 Section 3. This ordinance is of a permanent and general character and shall be

[Bold and underlined added. Deleted language stricken through]

84 included in Homer City Code.

85

86 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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95 ATTEST:

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99 MELISSA JACOBSEN, MMC, CITY CLERK

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101 Introduction:

102 Public Hearing:

103 Second Reading:

104 Effective Date:

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106 YES:

107 NO:

108 ABSTAIN:

109 ABSENT:

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111 Reviewed and approved as to form:

112

114 Katie Koester, City Manager

Holly Wells, City Attorney

115

116 Date: _____

Date: _____

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

CITY OF HOMER
HOMER, ALASKA

Stroozas/Lord

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.

WHEREAS, In October 2016, the Homer City Council adopted Ordinance 16-51 clarifying
the City of Homer's right and obligation to maintain public rights-of-way; and

WHEREAS, There are a number of roads, especially in the annexed portion of the City,
that were not built to City standards and as such have offset center lines and narrow rights-of-
way, making maintenance difficult (especially snow removal/storage) and particularly
noticeable to adjoining property owners.

NOW THEREFORE, The City of Homer Ordains:

Section 1. Homer City Code Chapter 11.36, "Vegetation in Rights-of-Way, is amended
as follows:

Chapter 11.36

VEGETATION IN RIGHTS-OF-WAY

Sections:

- 11.36.010 Vegetation in rights-of-way.
- 11.36.020 Removal of vegetation in rights-of-way and rights-of-way maintenance.
- 11.36.030 Removal for compliance - public works director discretion.

11.36.010 Vegetation in rights-of-way.

All or any part of a tree, shrub, ground material or other vegetation that is located in,
over or under a public right-of-way in the city is subject to removal by the city as necessary for
the reasonable public use of the right-of-way, including without limitation removal as

43 authorized in HCC 11.36.020, regardless of whether:

44

45 a. The vegetation existed in, over or under the right-of-way before the granting,
46 dedication or improvement of the right-of-way;

47 b. The vegetation was planted in the right-of-way by another person, including without
48 limitation an owner of property adjacent to the right-of-way; or

49 c. The vegetation originated on property adjacent to the right-of-way, to the extent that
50 limbs, branches or roots of the vegetation extend into, over or under the right-of-way.

51

52 11.36.020 Removal of vegetation in rights-of-way and rights-of-way maintenance.

53

54 Except as otherwise provided in this chapter, ~~the~~ the city manager may cause the
55 removal of all or any part of a tree, shrub, ground material or other vegetation that is located
56 on, over or under a public right-of-way if the city manager finds that the vegetation:

57

58 a. Obstructs or interferes with the use of the right-of-way by vehicular or pedestrian
59 traffic;

60 b. Obscures visibility to or from the right-of-way or otherwise constitutes a safety
61 hazard;

62 c. Interferes with the maintenance of the right-of-way, including without limitation
63 paving, grading, cleaning, drainage, and snow removal;

64 d. Has the potential if not removed to damage pavement or other improvements in the
65 right-of-way;

66 e. Has the potential if not removed to damage or interfere with the operation of
67 overhead or underground public utility facilities in the right-of-way.

68

69 11.36.030 Removal for compliance - public works director discretion

70

71 a. The public works director retains ~~the~~ sole discretion and authority to remove or
72 retain any part of a tree, shrub, ground material, or other vegetation located from the
73 outer edge to three feet inside of a City-owned right-of-way abutting a road acquired by
74 the City after the road was constructed.

75

76 b. Notwithstanding subsection (a), the public works director shall only exercise his
77 or her authority under this section when he or she determines it is more likely than not
78 that the removal of all or part of a tree, shrub, ground material, or other vegetation
79 within the three feet area will improve safety, allow for effective maintenance activities,
80 or otherwise make the road more compliant with City laws and procedures.

81

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

[Bold and underlined added. Deleted language stricken through]

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
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.

Sponsor: Venuti

1. City Council Regular Meeting June 10, 2019 Introduction
Memorandum 19-070 from Deputy City Planner as backup

2. City Council Regular Meeting June 24, 2019 Public Hearing and Second Reading
Memorandum 19-070 from Deputy City Planner as backup

**CITY OF HOMER
HOMER, ALASKA**

Mayor

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

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231); and

WHEREAS, Since 2013, KHLT has worked with the National Park Service Rivers, Trails, Conservation Assistance Program, architects, State Parks, the City, Independent Living Center and community members on a conceptual site plan for a community park on this property; and

WHEREAS, KHLT was awarded a Recreational Trails Grant to build an Americans with Disabilities Act (ADA) accessible trail on KHLT land and on City of Homer land (KPB Parcel 17719231 and KPB Parcel 17719234) and plans to begin construction in late July; and

WHEREAS, The Parks, Art, Recreation and Culture Advisory Commission recommended support of the project; and

WHEREAS, Homer City Council adopted Resolution 18-069 in support of the project, pledging a match of 10% up to \$6,000.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2019 Capital Budget is hereby amended by appropriating \$6,000 for the construction of an ADA Accessible Trail on City of Homer Property and KHLT Property.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165 -0375	HART Trails	\$6,000

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

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

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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: _____



City of Homer

www.cityofhomer-ak.gov

229

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

Memorandum 19-070

TO: Mayor Castner and the Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Julie Engebretsen, Deputy City Planner
DATE: May 23, 2019
SUBJECT: Poopdeck Trail Matching Funds Budget Amendment

Background

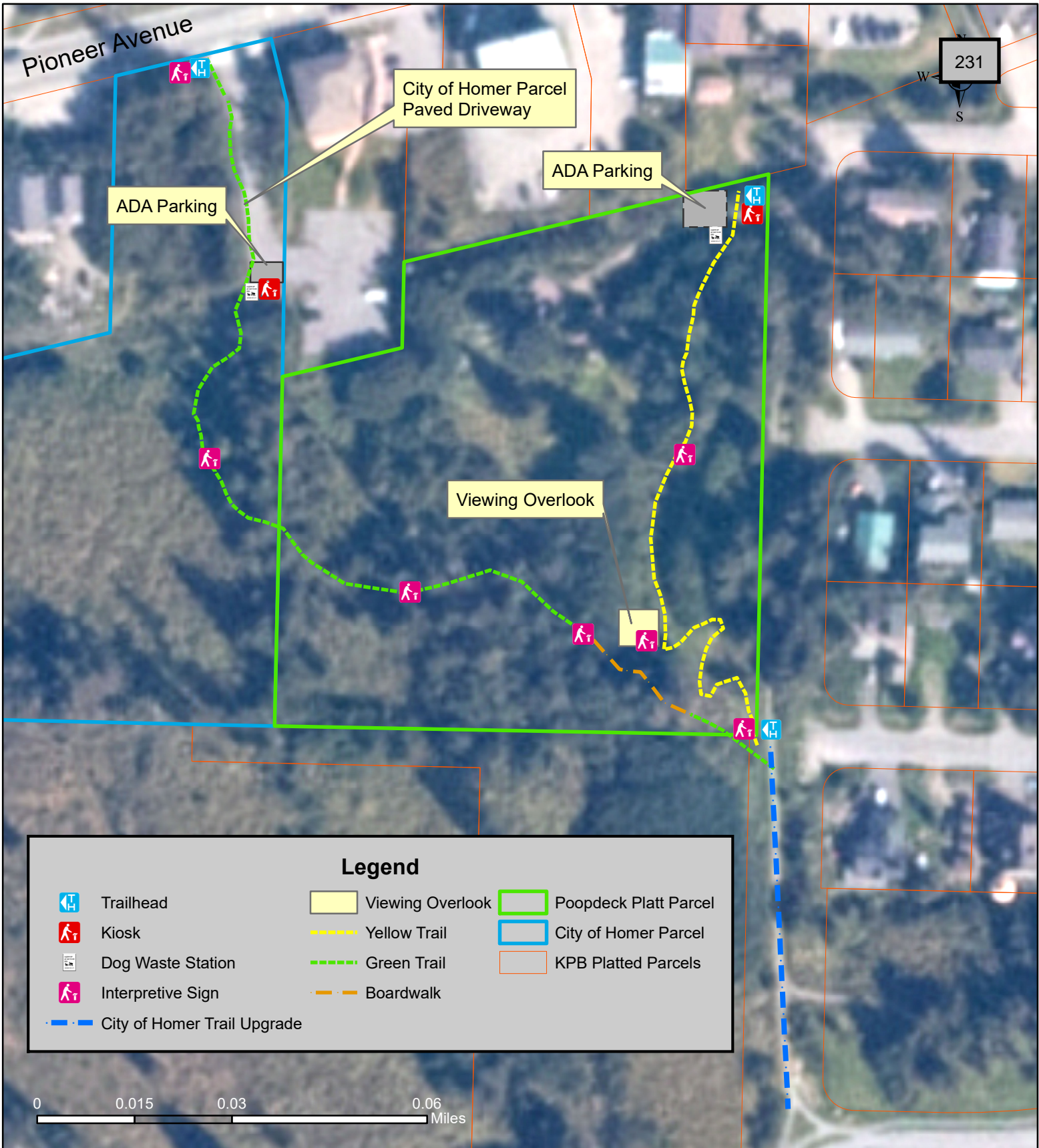
The Kachemak Heritage Land Trust (KHLT) has been awarded a grant to build a universally accessible trail between Pioneer Avenue, crossing City and KHLT properties, to the existing Poopdeck Trail. When KHLT was applying for the grant, Council adopted Resolution 18-069, which included a statement that the City would provide a 10% match up to \$6,000 for the project. Now that the grant has been awarded, and a budget ordinance is needed for the City to provide the pledged funds.

On the attached project map, this funding would provide a match for the green, yellow and orange trail segments.

Requested Action: Amend the 2019 Budget to authorize the expenditure of up to \$6,000 of HART Trails funds.

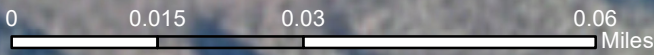
Attachments

1. Project Map
2. Resolution 18-069



Legend

	Trailhead		Viewing Overlook		Poopdeck Platt Parcel
	Kiosk		Yellow Trail		City of Homer Parcel
	Dog Waste Station		Green Trail		KPB Platted Parcels
	Interpretive Sign		Boardwalk		
	City of Homer Trail Upgrade				



315 Klondike Ave., Homer, AK 99603
 (907) 235-5263, www.KachemakLandTrust.org

Poopdeck Platt Community Trail Site Plan

NAD 1983 State Plane Alaska 4 FIPS 5004 Feet,
 Transverse Mercator. KPB 2016 aerial imagery.
 Created 04/19/2019. The information depicted
 on this map is a graphical representation of best available sources.
 KHLT assumes no responsibility for any errors on this map.

**CITY OF HOMER
HOMER, ALASKA**

Mayor

RESOLUTION 18-069

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE KACHEMAK HERITAGE LAND TRUST TO APPLY FOR A STATE OF ALASKA RECREATIONAL TRAIL PROJECT GRANT FOR THE CONSTRUCTION OF A TRAIL ACROSS CITY PROPERTY, ENTERING INTO A MEMORANDUM OF UNDERSTANDING REGARDING TRAIL CONSTRUCTION AND MAINTENANCE, PROVIDING A MATCH OF UP TO \$6,000 OR 10%, WHICHEVER IS LESS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231) which abuts City owned property (KPB Parcel 17719234); and

WHEREAS, The 2004 Homer Non-Motorized Transportation and Trail Plan describes the need to construct trails that are Americans with Disabilities Act (ADA) accessible; and

WHEREAS, The 2010 Homer Comprehensive Plan describes the need to improve access to parks, and encourages incentives to improve accessibility; and

WHEREAS, Since 2013 KHLT has worked with the National Park Service Rivers, Trails and Conservation Assistance Program, Architects, State Parks, the City, Independent Living Center and community members on a conceptual site plan for a community park on this property; and

WHEREAS, Resolution 17-075(A) resolved to continue to work towards becoming a city that is universally accessible to all; and

WHEREAS, Ordinance 18-29(A) authorized the expenditure of up to \$5,200 of HART Trail funds to pay for design and cost estimate work on a universally accessible trail through City and KHLT lands; and

WHEREAS, Estimated project costs are \$56,327 (*this number to change*), and the State of Alaska Recreation Trail Program requires a 10% match; and

WHEREAS, The HART Trails fund balance is in excess of \$500,000 and can provide the required match; and

WHEREAS, Use of HART Trails fund will leverage considerable funding for the trail; and

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WHEREAS, The construction of the trail will provide increased universal access within downtown Homer.


NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the following:

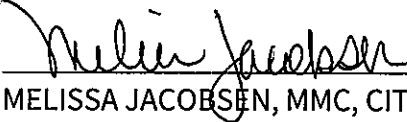
1. KHLT may to apply for an Recreational Trail Project grant to include trail construction on City lands
2. The City agrees to retain the trail for a minimum of 5 years as required by the grant program.
3. If the grant is awarded, the City shall enter into a Memorandum of Understanding with KHLT for project management and maintenance of the trail and that the City Manager is authorized to execute the appropriate documents.
4. The City shall follow this resolution with a budget amendment ordinance to authorize the expenditure of up to \$6,000 or 10% of the project as required by the grant program.

PASSED AND ADOPTED by the Homer City Council this 27th day of August, 2018.



CITY OF HOMER


DONNA ADERHOLD, MAYOR PRO TEMPORE

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: N/A

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
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.

Sponsor: Venuti

1. City Council Regular Meeting June 10, 2019 Introduction

Memorandum 19-071 from Parks Art Recreation and Culture Advisory Commission as backup

2. City Council regular Meeting June 24, 2019 Public Hearing and Second Reading

Memorandum 19-071 from Parks Art Recreation and Culture Advisory Commission as backup

**CITY OF HOMER
HOMER, ALASKA**

Venuti

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

WHEREAS, Kachemak Heritage Land Trust (KHLT) owns the 3.47-acre Poopdeck Platt property at the end of Klondike Avenue in Homer (KPB Parcel 17719231); and

WHEREAS, KHLT was awarded a Recreational Trails Grant to build an Americans with Disabilities Act (ADA) accessible trail on KHLT land and on City of Homer land (KPB Parcel 17719231 and KPB Parcel 17719234) and plans to begin construction in late July; and

WHEREAS, The lower portion of Poopdeck Trail between Hazel Ave and Grubstake Ave is in need of trail tread maintenance; and

WHEREAS, An ADA parking space at the trailhead off of Pioneer Ave is a desirable and feasible amenity.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The FY 2019 Capital Budget is hereby amended by appropriating \$13,900 for the rehabilitation of the lower portion of Poopdeck Trail, and for the construction of an ADA parking area at the Pioneer Ave Trailhead.

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
165 -0375	HART Trails	\$13,900

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

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

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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: _____



City of Homer

www.cityofhomer-ak.gov

491 East Pioneer Avenue
Homer, Alaska 99603

(p) 907-235-8121
(f) 907-235-3140

MEMORANDUM 19-071

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION
DATE: JUNE 4, 2019
Subject: REQUEST FOR HART FUNDS FOR ADDITIONAL POOPDECK TRAIL WORK

Recommended Actions:

1. Council authorize \$6,200 for the rehabilitation of lower Poopdeck Trail
2. Council authorize up to \$7,700 for construction of an ADA parking space on city property for the trail

Background

In 2018, the Kachemak Heritage Land Trust applied for a grant to construct a trail from Pioneer Ave, across City and KHLT lands, connecting to Poopdeck Trail. KHLT was successful and was awarded the grant. The City committed to providing the 10% grant match, up to \$6,000. The budget amendment ordinance will be introduced at Council as a separate action. The Parks, Art, Recreation and Culture Advisory Commission reviewed and recommended approval of these expenditures at their May, 2019 meeting.

Lower Poopdeck Rehabilitation

In the scoping process for the new trail, staff noticed that the city trail on lower Poopdeck is in need of some rehabilitation. This is the section of trail from Hazel Avenue, up to about Grubstake Ave, where the KHLT trail will tie into the city trail. (See Map) Over time the fine material has washed away or been pushed down, leaving larger rocks that are not the best walking surface and present a challenge for ADA trail users. Some maintenance is needed to repair the trail tread. KHLT had their trail contractor provide an estimate for the work. The estimate came in at approximately \$5,283. A dog bag waste dispenser is also desirable for the project (\$200 materials and labor). The city generally adds a 15% contingency to any project, which would bring this amount up to \$6,200.

Requested action 1: City spend up to \$6,200 of HART Trail funds to lower Poopdeck Trail rehabilitation.

ADA Parking Space Estimate

KHLT received a quote for two ADA parking areas. One is on KHLT property and is not a city concern. The second parking area is on City land and would provide ADA access from Pioneer Ave. The quote for this work is \$5,200. Additional expenses include surveying, (\$800 estimate) ADA parking signage

(\$300) and striping (\$300, best guess). The city generally adds a 15% contingency to any project, which would bring this amount up to \$7,700. 240

Requested action 2: City spend up to \$7,700 of HART Trail funds to construct ADA parking on the north end of the trail.

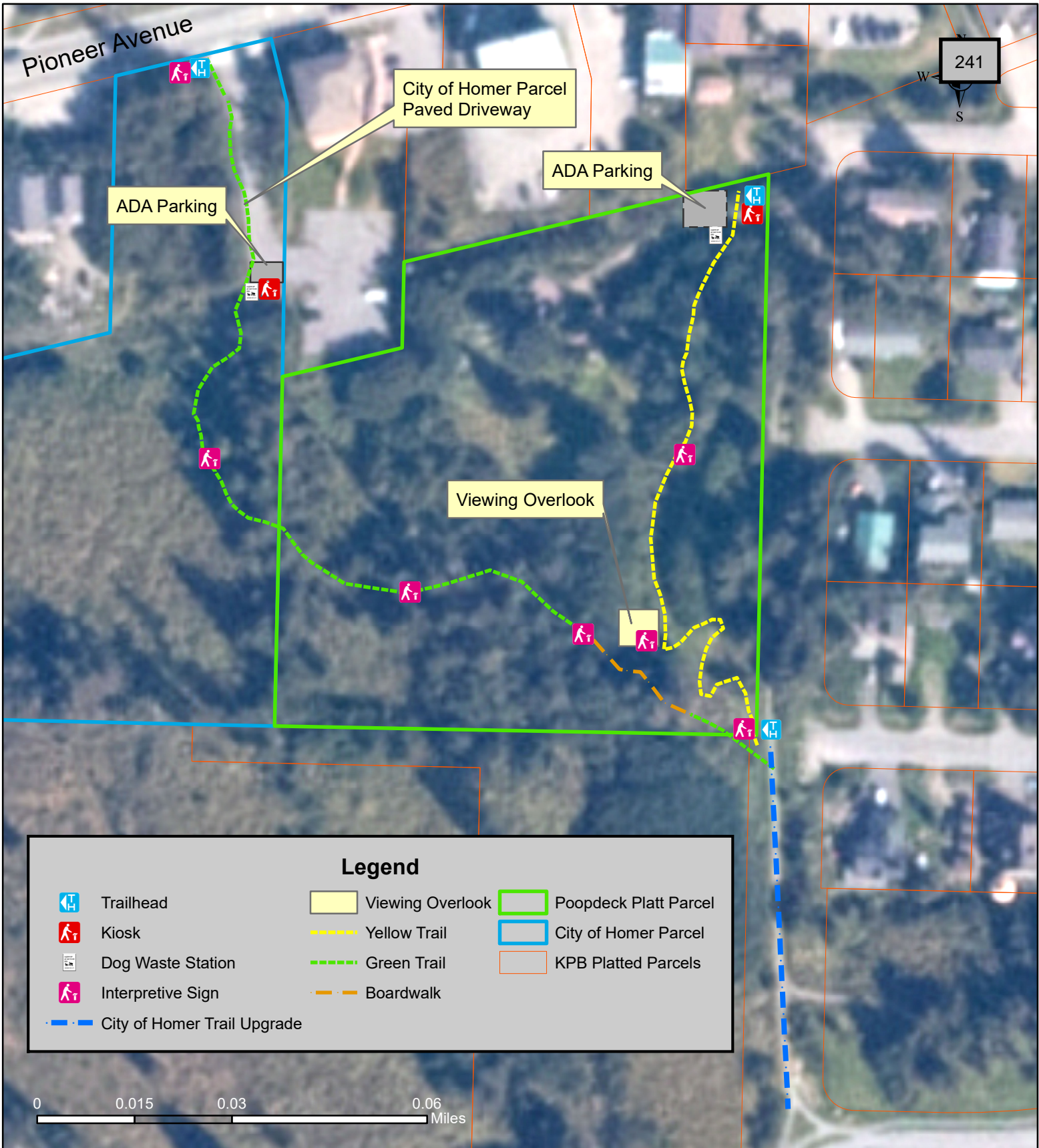
Attachment

4/19/2019 KHLT Site Plan

Poopdeck Rehabilitation cost estimate

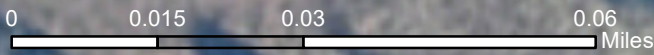
ADA parking space cost estimate

PARCAC Minutes Excerpt



Legend

	Trailhead		Viewing Overlook		Poopdeck Platt Parcel
	Kiosk		Yellow Trail		City of Homer Parcel
	Dog Waste Station		Green Trail		KPB Platted Parcels
	Interpretive Sign		Boardwalk		
	City of Homer Trail Upgrade				



315 Klondike Ave., Homer, AK 99603
 (907) 235-5263, www.KachemakLandTrust.org

Poopdeck Platt Community Trail Site Plan

NAD 1983 State Plane Alaska 4 FIPS 5004 Feet, Transverse Mercator. KPB 2016 aerial imagery. Created 04/19/2019. The information depicted on this map is a graphical representation of best available sources. KHLT assumes no responsibility for any errors on this map.

Ptarmigan Ptrails, LLC
 PO BOX 649
 Port Orford, OR 97465 US
 907-841-0114



PTARMIGAN PTRAILS
 CONSULT :: DESIGN :: BUILD

ESTIMATE

ADDRESS

City of Homer
 Poopdeck Platt Project

ESTIMATE # 18_24

DATE 04/30/2019

DESCRIPTION	ITEM	QTY	RATE	AMOUNT
Hourly Labor	Operator 1	18	85.00	1,530.00
Hourly Labor	Operator 2	18	85.00	1,530.00
Materials	D1 Aggregate - 4" Depth	32.50	14.75	479.38
Materials	1/2" Minus Aggregate - 2" Depth	16	16.50	264.00
Trucking		5	100.00	500.00
Fuel		25	4.00	100.00
Excavator	Daily	1	300.00	300.00
Skid Steer Rental	Daily	1	325.00	325.00
Compactor Daily		1	75.00	75.00
Meals & Lodging		1	150.00	150.00

TOTAL

\$5,253.38

Accepted By

Accepted Date



East Road Services, Inc.

TROY A. JONES, PRESIDENT
33740 JONES DRIVE • HOMER, AK • 99603 • PHONE: (907)235-6574 • FAX: (907)235-9072
OFFICE@EASTROADSERVICES.COM • WWW.EASTROADSERVICES.COM

Date: 4-25-2019

To: Joel Cooper
Kachemak Heritage

Bid Price

RE: ADA parking, Poopdeck Trail

This quote is for two parking areas to access the Poopdeck Trail in Homer.

#1 – Trail parking to access from Klondike Ave. as discussed with Joel Cooper during site visit on 4/25/2019. Parking area to be 16 ft. x 20 ft. This would include labor, materials, gravel, Typar, paving and equipment to clear the area and construct the parking area.

Total for quote #1 \$14,200.00

#2 – Trail parking to access from the Homer City lot as per site visit. Parking area constructed to 16 ft x 20 ft. This would include labor, materials, gravel, Typar, paving and equipment to construct the parking area.

Total for quote #2 \$ 5,200.00

These quotes do not include painting and striping of the pavement or survey.

This does not include any permitting.

This quote does not include tax. If you are tax exempt, please provide a copy of your certificate.

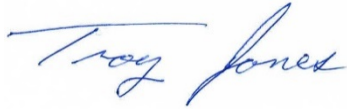
This quote is valid for 60 days from the above date. A non-refundable deposit of 30% (#1-\$4260.00 & #2 - \$1260.00) is required to schedule the work. Balance is due upon completion.

Thank you for the opportunity,

...

We accept   

A surcharge of 2.27% will be imposed on credit card transactions. This is not greater than our cost of acceptance. Debit and Prepaid cards are exempt.



Troy Jones
President

Read and Approved:

Date: _____

B. HART Trails Funding Request – Rehabilitation of Lower Poopdeck Trail

Chair Harrald introduced the item by reading of the title.

Deputy City Planner Engebretsen reviewed her report for the Commission and noted corrections to the amounts shown in her report.

Commissioner Lewis stated that he had a conflict on this subject.

LOWNEY/ARCHIBALD – MOVED THAT COMMISSIONER LEWIS HAS A CONFLICT OF INTEREST.

Commissioner Lewis declared his involvement working with the Independent Living Center on this project. He responded that he does not have any financial gain, no interest in ownership of the property and he is not an employee or board member for either organization.

VOTE. NO. ARCHIBALD, ROEDL, HARRALD, HARRALD, FAIR

Motion failed.

Chair Harrald requested clarification on staff request for two separate motions.

Deputy City Planner Engebretsen responded that separate motions would be preferred as she was not sure of City Council appetite to fund both items.

LEWIS/ARCHIBALD MOVED TO RECOMMEND CITY COUNCIL APPROVE THE EXPENDITURE OF UP TO \$6,200 FROM HART FUNDS TO REHABILITATE LOWER POOPDECK TRAIL.

A brief discussion ensued on the funds available and the condition of the trail and ADA compliance and where the funds will be used to improve the trail. It was noted that there was no intent to sell the property.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Harrald requested a motion for the ADA Parking Improvements for the trail.

LEWIS/LOWNEY MOVED TO RECOMMEND CITY COUNCIL APPROVE THE EXPENDITURE OF UP TO \$7,700 FROM HART FUNDS TO CONSTRUCT AN ADA COMPLIANT PARKING SPACE TO ACCESS POOPDECK TRAIL FROM PIONEER AVENUE.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
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.

Sponsor: City Manager

1. City Council Regular Meeting June 10, 2019 Introduction

2. City Council Regular Meeting June 24, 2019 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

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.

WHEREAS, The State of Alaska collects revenues under the Commercial Vessel Passenger Tax Program and remits proceeds to boroughs which contain ports where cruise ships land; and

WHEREAS, The Kenai Peninsula Borough has received such funds for calendar year 2018 and decided to pass those revenues through to Homer and Seward; the communities where cruise ships land and utilize local infrastructure and services; and

WHEREAS, The Borough Assembly adopted KPB Ordinance 2018-19-36 which appropriated funds and authorized a pass through grant to the City of Homer in the amount of \$35,815; and

WHEREAS, The City of Homer receives an annual appropriation directly from the state of Alaska equal to the pass through funds from the borough and have committed these funds to the same purpose.

WHEREAS, The grant funds must be used for port and harbor projects that benefit cruise ship passengers and the City has proposed the use of the proceeds of this grant to replace the bathroom at the top of Ramp 2.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates a Commercial Vessel Passenger Tax Program pass through grant from the Kenai Peninsula Borough for the calendar year 2018 in the amount of \$35,815 as follows:

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Reviewed and approved as to form:

Katie Koester, City Manager

Date:_____

Holly Wells, City Attorney

Date:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager 253

491 East Pioneer Av

Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

April 9, 2019

Honorable Mayor Charlie Pierce
Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

SUBJECT: 2018 Cruise Passenger Tax Receipts

Dear Mayor Pierce,

I am writing to confirm that the City of Homer wishes to receive the 2018 Commercial Vessel Passenger Tax receipts from the Borough. It is our understanding that you will be sponsoring an ordinance that would make the Borough's share of these tax receipts for vessel landings in Homer available to the City. The City appreciates that and understands that the amount to be passed through for calendar year 2018 is \$35,815.

The City of Homer recognizes that these funds must be used for port and harbor improvements that directly benefit cruise ship passengers. The City agrees to comply with the provisions contained in AS 43.52.200 – 43.52.295 and former SB 256 and HB 310. It is the City's intention to apply 2018 funds from the Borough and the State to reimburse the Port and Harbor Enterprise fund for the construction of Ramp 2 restroom.

This project was recently completed (see attached images). Located at the center of the retail area on the Homer Spit and at the launching point for many recreational day trips, Ramp 2 is heavily used by cruise ship passengers when they are in port.

Using the funds in this manner has been previously approved by the Borough and the State. The City of Homer greatly appreciates the opportunity to pool these funds to be able to make meaningful improvements for passengers and leverage funds. In this project, the City's Commercial Passenger Vessel Tax funds leveraged Federal Land and Water Conservation Fund dollars for a 1:1 match. If cruise ship traffic remains constant, the City expects to have reimbursed the Enterprise for the CPV portion of Ramp 2 restroom by 2021.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Katie Koester
City Manager

Enc: Ramp 2 Restroom Project Summary

Cc: Brenda Ahlberg, KPB Community and Fiscal Projects Manager



KENAI PENINSULA BOROUGH

Grant Agreement

Total Grant Funds **\$35,815** Authorizing Ordinance **O2018-19-36** KPB Account Number **271.94910.19CPV.43011** Total Grant Award **\$35,815**

Project Title **Commercial Passenger Vessel Tax Program** Funding Source **State**

Grantee		Borough Contact Person	
Name City of Homer	DUNS# 040171563 EIN# 92-0030963	Name Brenda Ahlberg, Community & Fiscal Projects Manager	
Mailing Address 491 E. Pioneer Avenue		Mailing Address 144 N. Binkley Street	
City/State/Zip Homer AK 99603		City/State/Zip Soldotna, AK 99669	
Contact Person Katie Koester, City Manager		Email bahlberg@kpb.us	
Phone 235-8121	Fax 235-3148	Phone 714-2153	Fax 714-2377

The Kenai Peninsula Borough (*hereinafter* "Borough") and City of Homer (*hereinafter* "Grantee") agree as set forth herein.

Section I: The Borough shall pay Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed **\$35,815**.

Section II: The Grantee shall perform all of the work required by this agreement.

Section III: The work to be performed under this agreement begins 05/21/19 and shall be completed no later than 06/30/2022.

Section IV: the agreement consists of this page and the following attachments:

- A. Scope of Work and Use of Funds
 - Payment Method and Reporting Requirements
 - Standard Provisions
- B. Financial/Progress Report
- C. Signature Authorization Form
- Certificate(s) of Insurance – provided by Grantee**

Section V: The Community & Fiscal Projects Manager shall control the original, including any attachments filed.

Grantee	Borough
Signature: _____	Signature: _____
Authorized Signatory Name and Title Katie Koester, City Manager	Authorized Signatory Name and Title Charlie Pierce, Mayor
Date: _____	Date: _____
	Attest: Johni Blankenship, Borough Clerk

Approved as to form and legal sufficiency:

Holly Montague, Deputy Borough Attorney

KPB Grant Agreement

City of Homer - Commercial Passenger Vessel Tax Program CY2018 Funds

Scope of Work and Use of Funds

Project Description: The purpose of this Borough Grant is to provide funding through the State of Alaska Commercial Passenger Vessel Tax Program, *hereinafter* referred to as CPVT, to the City of Homer, *hereinafter* referred to as “Grantee.” The Grantee will use the funds for port and harbor projects impacted by cruise ship landings as governed by the Alaska Statutes (see “Source of Funds, page 2).

Project Management

1. The project will be managed by the Grantee.
2. The City Manager, or such other person(s) as indicated on Attachment C, shall be designated as the representative to receive or make all communications regarding the performance or administration of this agreement. The Borough Community & Fiscal Projects Manager, or such other person(s) as designated by the Borough Mayor, is hereby designated as the representative of the Borough to receive or make all communications, payment requests, and reports regarding the performance or administration of this agreement, and who approves payment under this agreement. The parties may change their representative upon written notification to the other party.

Key Contact Information

Brenda Ahlberg, Community & Fiscal Projects
 714-2153 • bahlberg@kpb.us
 Kenai Peninsula Borough
 144 N. Binkley St.
 Soldotna AK 99669

Project Approval

The Assembly approved and appropriated CPVT funds from calendar year 2018 in the amount of \$35,815 to the Grantee through KPB Ordinance 2018-19-36. Grantee shall cite KPB account number **271.94910.19CPV.43011** in correspondence and reporting forms.

Grant funds, or any earnings there from, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough. Request to amend the budget shall be submitted to the Community & Fiscal Projects Manager no less than ninety (90) days prior to performance period end date.

Project Performance Period

Period: The performance period shall be effective for the period commencing on May 21, 2019 and ending on June 30, 2022. The Grantee must liquidate all obligations not later than June 30, 2022. The Borough shall have no obligation for payment of services rendered by the Grantee which are not performed within this specified period.

Request to Extend: Any determination to extend the project performance period is solely at the discretion of the Borough. A request to amend the performance period should be submitted not later than ninety (90) days prior to the established end date.

Funding

1. Source of Funds:
 - a. This project is being funded in full through the State of Alaska Department of Commerce, Community & Economic Development, "Commercial Passenger Vessel Tax Program" (CPVT) as governed by AS 43.52.200 - 43.52.295.
 - b. All unexpended grant funds as of the end of the grant period must be returned to the Borough. Funds will be considered obligated if they have actually been expended or encumbered prior to the end date of the performance period.
2. Condition for Receipt of Funds: The Grantee shall comply with AS 43.52.230 (b), federal legislation and court rulings that permit the use of these funds for port facilities, harbor infrastructure, and other services provided to the commercial passenger vessels and the passengers on board those vessels.
3. Funds, or earnings there from, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or U.S. Congress.

Payment Terms and Reporting Requirements

1. Payments:
 - a. The Grantee will be compensated for up to and not exceeded \$35,815 as determined by the State of Alaska for projects identified in the City of Homer's request letter dated April 09, 2019 and approved by Kenai Peninsula Borough Ordinance 2018-19-36.
 - b. Under no circumstances will funds be released to the Grantee unless all required reporting is current.
2. Reporting Requirements:
 - a. The Borough's approval of the proposed expenditures shall not be construed to mean that the Borough is liable in any manner whatsoever if it is determined by an agency or court of competent jurisdiction that the city's project does not satisfy the statutory criteria.
 - b. The Grantee shall provide a report summarizing actions to date, no later than June 30th each year for project performance period greater than one year.
 - c. Upon completion of the projects, but no later than thirty days thereafter the agreement end date, the Grantee shall provide a detailed written report to the Borough administration and

assembly, explaining the use of these funds and their compliance with statutory requirements.

- d. The Grantee agrees to refund any such amounts, including principal, interest, costs, fees, fines, or other charges, if it is determined by a court of competent jurisdiction that the Grantee's expenditure of the funds does not meet the statutory criteria.
- e. This agreement is not to be construed as entitlement to city receiving the future allocation of the Borough's CPVT.
- f. Failure to meet the reporting requirements set forth in this agreement may result in the Borough withholding future allocations of the borough's grant of CPVT funds.

Mail OR Email Narrative and Fiscal Reports to:

Brenda Ahlberg, Community & Fiscal Projects Manager
 Kenai Peninsula Borough
 144 N. Binkley St., Soldotna AK 99669
 (907) 714-2153 • bahlberg@kpb.us

Standards for Financial Management

Financial Management System:

1. The Grantee will maintain an accounting system and a set of accounting records that at a minimum, allows for the identification of individual projects by source of revenue and expenditures related to this project.
2. All costs will be supported by source documentation. Grantee shall retain all contracts, invoices, materials, payrolls, personnel records, conditions of employment, and other data relating to matters covered by this agreement for a period of three years after the completion date of the agreement, or until final resolution of any audit findings, claims, or litigation related to the grant.
3. The Grantee's accounting records will be the basis for generating financial reports which must reflect accurate and complete data. In addition, financial records must be properly closed out at the end of the project period and all reports submitted in a timely manner.

Procurement Standards

The Grantee agrees to use a competitive process when making procurements for goods and services. These standards include but are not limited to the following:

1. Grantee may use its own procurement policies provided that they adhere to the applicable standards;
2. Grantee shall maintain a code of conduct which shall govern the performance of its officers, employees or agents in contracting with or expending grant funds; and
3. All procurement transactions shall be conducted in a manner so as to provide for maximum open and free competition.

Audits and Monitoring

Audits:

1. Provisions of 2 AAC 45.010 shall apply to a Borough Grantee receiving a grant of \$500,000 or more from the Borough. An audit in compliance with 2 AAC 45.010 shall be required on the performance of the grant conditions. Such audit report shall be due to the Borough no later than 30 days after the audit is completed, or 6 months after the expiration of the grant, whichever is sooner. A copy of a federal single audit report may be submitted to fulfill the requirements of this section.
2. An annual audited financial statement, certified by a Certified Public Accountant, shall be submitted by a Borough Grantee receiving a grant less than \$500,000 from the Borough. Such financial statement shall be due no later than 6 months from the termination of this agreement.
3. Grantees receiving less than \$500,000 from the Borough and receiving payments on a reimbursable basis are exempt from the audit requirements.

Monitoring:

1. The Grantee may receive an on-site review from the Borough, or its authorized representatives, in addition to reviews from State of Alaska personnel representing the AK Department of Commerce, Community & Economic Development. Monitoring staff may review project and financial activity relating to the terms of this agreement. Upon request, the Borough shall be given full and complete access to all information related to the performance period of this agreement to ensure compliance with the project activities and consistently applied costs.
2. The Grantee shall provide the Borough and its authorized representatives all technical staff, assistance and information needed to enable the Borough or the State personnel to perform its monitoring function. This assistance from the Grantee includes, but is not limited to, information about the Grantee's project operation, accounting and data-base systems.

Program and Financial Deficiencies:

1. Through audits, reviews, monitoring or other means, the Borough may find the Grantee to have program or financial deficiencies in the performance of the agreement. Such deficiencies may include, but are not limited to, the areas of accounting, financial controls, budgeting, and/or project compliance issues. If deficiencies are found, the Borough may require the Grantee to take corrective action and to submit a written corrective action plan to address identified deficiencies. All corrective action plans must be accepted by the Borough or its authorized representatives. Any corrective action must be satisfactorily completed within thirty days from the date of written notification.
2. The Borough, in its sole discretion, may require the Grantee to submit periodic written verification that measures have been taken to implement the corrective action. If the Grantee fails to demonstrate its compliance with the approved corrective action plan within the time constraints set by the Borough, the Borough may, at its option, exercise its rights to terminate the agreement. The Borough may exercise any of the other rights and remedies available to it at law or in equity.

Standard Provisions

1. **No Maintenance or Further Funding Responsibility:** By signing this agreement, Grantee certifies that it will not ask the Borough to operate or maintain its program, except as may be otherwise agreed to in writing signed by both parties. Grantee understands, acknowledges and agrees that the Borough shall not be responsible for any services, programs, maintenance, operations, or further funding to Grantee, or actions related thereto, and has not, and will not assume any such responsibility, all of such to be the sole and exclusive responsibility of Grantee.
2. **Defense and Indemnification:** The Grantee shall indemnify, defend, save and hold the Borough, its elected and appointed officers, agents and employees, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys fees resulting from Grantee or Grantee's officers, agents, employees, partners, attorneys and suppliers' performance or failure to perform this agreement in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions by the Borough or its agents, which are said to have contributed to the losses, failure, violations, or damage. However, Grantee shall not be responsible for any damages or claim arising from the sole negligence or willful misconduct of the Borough, its agents, or employees. Grantee shall also not be required to defend or indemnify the Borough for damage or loss that has been found to be attributed to an independent party directly responsible to the Borough under separate written contract. If any portion of this clause is voided by law or court of competent jurisdiction, the remainder of the clause shall remain in full force and effect.
3. **Insurance:** Grantee shall purchase at its own expense and maintain in force at all times during the term of this agreement Commercial General Liability and Automobile Insurance. Such policies are to include bodily injury, personal injury, and property damage with respect to the property and the activities conducted by grantee in which coverage shall not be less than \$1,000,000 per occurrence or such higher coverage as specified by the Borough. Borough approval shall be required for the amount of any deductible or self-insured retention.

Additionally, Grantee shall maintain at its own expense worker's compensation and employer's liability insurance for all employees per Alaska State Statutes who are performing work under this agreement.

Proof of Insurance: *Grantee shall deliver to the Borough certificates of insurance along with Grantee's signature on this agreement.* KPB must be designated as an Additional Insured on this policy. This policy shall be primary and exclusive of any insurance carried by the borough. Failure to provide the certificate of self-insurance required by this section, or a lapse in coverage, is a material breach of the terms of this agreement entitling the Borough to terminate this agreement.

4. **Relationship of Parties:** Nothing herein contained shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent, or of partnership, or of joint venture between the parties hereto, it being understood and agreed that neither method of computation of payment nor any other provision contained herein, nor any acts of the parties hereto, shall be deemed to create any relationship between the parties hereto other than the relationship of Borough and independent Grantee of funds.

5. **No Exclusive Service; No Property Interest:** The Grantee understands, acknowledges and agrees that all supplies, materials and equipment purchased with the grant funds shall be and shall remain the property of the Grantee, subject to all applicable State statutes and Federal regulations.
6. **Termination.** The Borough may terminate this agreement, by written notice, when it is in the best interest of the Borough. In the event that Grantee does not perform the tasks as required in this agreement, or does not submit any required reports for verification of performance, the Borough may exercise its option to terminate this agreement.
7. **Permits, Taxes and Adherence to Local, State, and Federal Laws:** Signing of this agreement does not, in any manner, excuse Grantee from complying with any other law, Alaska state statute or regulation, or Borough ordinance or regulation. Grantee must in all cases adhere to all local, state and federal laws and regulations that pertain to public funds, to the services performed pursuant to this agreement, and related to wages, taxes, social security, workers compensation, nondiscrimination, licenses, permits, and registration requirements. Grantee shall pay all taxes pertaining to its performance under this agreement, and shall acquire and maintain in good standing all permits, licenses and other entitlements necessary to the performance under this agreement.
8. **Jurisdiction; Choice of Law:** Any civil action arising from this agreement shall be brought in the superior court for the Third Judicial District of the State of Alaska at Kenai. The law of the State of Alaska shall govern the rights and obligations of the parties.
9. **Non-Waiver:** The failure of the Borough at any time to enforce a provision of this agreement shall in no way constitute a waiver of the provisions, nor in any way affect the validity of this agreement or any part thereof, or the right of the Borough thereafter to enforce each and every protection hereof. No conditions or provisions of this grant agreement can be waived unless approved by the Borough in writing. Waiver by the Borough of any non-compliance by Grantee, or excusing or extending performance, shall not be considered a waiver of any other rights of the Borough or a waiver of the right to terminate in the event of future breaches.
10. **No Third-Party Beneficiary:** This agreement is intended solely for the benefit of each party hereto. Nothing contained herein shall be construed or deemed to confer any benefit or right upon any third party.
11. **Environmental Requirements:** The Grantee must comply with all environmental standards, to include those prescribed under State of Alaska and Federal statutes and Executive Orders.
12. **Entire Agreement:** This agreement represents the entire and integrated agreement between the Borough and Grantee, and supersedes all prior, inconsistent negotiations, representations or agreements, whether written or oral. This agreement may be amended only by written instrument signed by both the Borough and Grantee.



KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7599
PHONE: (907) 714-2153 • **FAX:** (907) 714-2377
EMAIL: bahlberg@kpb.us

FROM: City of Homer
KPB ACCOUNT: 271.94910.19CPV.43011

Contract Amount: \$35,815
Ending: 06/30/2022

Financial / Progress Report

Submit Report To: Brenda Ahlberg
 Community & Fiscal Projects Manager
 Kenai Peninsula Borough
 144 N. Binkley St., Soldotna, AK 99669

Project Name: CY2018 CPVT Program
Date:
Report No.:
Quarter From:
To:

FINANCIAL REPORT:

Cost Category	Authorized Budget	Expenditures from Last Report	Expenditures This Period	Total Expenditures to Date	Balance of Funds
	\$ -				
Personnel		-	-		\$ -
Travel		-	-	-	\$ -
Contractual	35,815.00	-	-	-	\$ 35,815.00
Supplies		-	-	-	\$ -
Other		-	-	-	\$ -
		-	-	-	\$ -
TOTALS	\$ 35,815.00	-	\$ -	\$ -	\$ 35,815.00
Advance funding					\$31,532.50
Expenditures applied to advance					\$ -
Remaining Advance Balance					\$ 31,532.50

PROGRESS REPORT: Describe activities that have occurred during this reporting period. Describe any challenges you may have experienced, any foreseen problems, and/or any special requests. Attach additional pages.

Reference: City of Homer's request letter April 9, 2019 and approved by Kenai Peninsula Borough Ordinance 2018-19-36.

Grantee Certification: I certify that the above information is true and correct, and that expenditures have been made for the purpose of, and in accordance with, applicable grant agreement terms and conditions.

Signature: _____ Date: _____

Printed Name and Title: _____

Signature Authorization Form

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Grant Program: Commercial Passenger Vessel Tax Program - State Pass Thru Funding

Agreement Number: 271.94910.19CPV.43011

Effective Date 05/21/19

Name of Grantee City of Homer

DUNS# and Tax ID# **DUNS # 040171563 TAX ID# 92-0030963**

Point of Contact Information

Program Manager, Chief Financial Officer, and Signatory Official must be three (3) different individuals.

Primary and Alternate Signatories: Grant Award/Amendments and Grant Reports

Program Manager Name
Individual managing the project Brian Hawkins

PM Address 491 E. Pioneer Ave., Homer, AK 99603

PM Telephone 907-235-3160

PM Fax 907-235-3152

PM Email bhawkins@ci.homer.ak.us

Chief Financial Officer Name
Authorized to certify financial expenditures and records Elizabeth Walton, Finance Director

CFO Address 491 E. Pioneer Ave. Homer, AK 99603

CFO Telephone 907-235-8121

CFO Fax 907-235-3140

CFO Email ewalton@ci.homer.ak.us

Signatory Official Name
City Manager Katie Koester

Signatory Official Address 491 E. Pioneer Ave., Homer AK 99603

Signatory Official Telephone 907-235-8121

Signatory Official Fax 907-235-3140

Signatory Official Email kkoester@ci.homer.ak.us

Signatures required by each of the above-named individuals.

Project Manager
Signature and Date

Chief Financial Officer
Signature and Date

Signatory Official
Signature and Date



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager 265

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: June 19, 2019
SUBJECT: June 24th City Manager Report

Final Draft of Planning Assistance to States (PAS) Study Released

The City of Homer engaged the Army Corps in a Planning Assistance to States (PAS) study last year to provide a preliminary assessment of the benefits and costs of building a large vessel harbor to the north of the existing small boat harbor. A 2008 general investigation study on harbor expansion was shelved due to a benefit-to-cost ratio finding of 0.5-0.7. Preliminary indications show that the ratio this time around ranges between 0.89-1.0. Staff feels strongly that there are areas where that BCR can be improved with additional data and study. The final draft of the report was received in May of this year; Port and Harbor Director Hawkins will provide the Council with a 10 minute overview of the report (included in your packet) at the Committee of the Whole. The Port and Harbor Commission will take a more in depth look at the report at their June 26th meeting (6pm – Council Chambers) which members are welcome to attend.

The next step to move the Large Vessel Expansion Project forward will be re-initiating the general investigation study with the Army Corps. This is a \$3 million study with a 50/50 federal/nonfederal cost share. In 2008, ADOT split the non-federal portion with the City and we will be working with them again to hopefully partner on this project. Nevertheless, the minimum commitment from the City is \$750,000 to provide the project with preliminary design, environmental, geophysical and economic analyses. This will put the project in a 'shovel ready' status to start advocating for construction funds.

AML Online Sales Tax Update

On June 6th I traveled to Anchorage to attend a meeting of municipalities with taxable sales along with 60 other attorneys, managers and finance directors from around the state. There are over 100 different taxing jurisdictions in Alaska, which is why aligning on definitions, framework and governance structure is so important. The Wayfair decision dictates that collecting sales tax cannot be unduly burdensome on a vendor (there must be a single point of contact) and we are only one of five of states that does not have a state wide sales tax. This is where AML hopes to jump in as a single representative that collects the tax and then distributes it to municipalities. Interestingly, any online sales tax that the Kenai Peninsula Borough is currently collecting is not due to the Wayfair decision but based on their physical presence in the Borough (Amazon and Home Depot, for example, both have physical locations in the central peninsula). This means there are still a lot of taxable sales that won't be taxed until this organizational structure is complete, which adds some urgency to the project. Larry Persily who was hired by AML to work on the project estimated that on the low end \$20 million in online sales tax revenue state-wide is uncollected annually. If you divide that revenue up on a per-capita basis, that is \$330,000 for Homer. Higher estimates of taxable sales given Alaska's above average use of online retailers put it closer to \$1 million.

The next step will be discussing a governance structure (like who has representation on the board) at the summer AML meeting in August. The City of Homer will need to weigh in on this, especially because the point came up that since Homer does not physically collect sales tax, we don't need representation. I argued that if the City is paying into the service, then we need the opportunity to be represented (Ketchikan Borough and Kenai Borough are the two entities that collect sales tax on behalf of their municipalities; the remainder are separate taxing administrations).

Keep in mind that there are some potentially heavy lifts in the near future if this sub-organization is going to get started in order to pay for mapping, staff, and contracting with a tax collection company. Member municipalities will be asked to contribute to this. The City of Homer has contributed \$4,500 thus far; I anticipate a much larger ask to get to launch. Any upfront costs will be recouped in increased revenue and will have the added benefit of leveling the playing field for our local brick and mortar stores that are such an important part of our community. However, it is important to not lose sight of the fact that the increased revenue comes from the same taxpayer - the City of Homer residents. Many municipalities in attendance expressed concern that passing the code changes necessary to implement online sales tax would be an uphill battle. Another important aspect Homer will watch closely is how goods for resale are treated as it is important our brick and mortar locations are not taxed twice on goods they sell. As you can see, there is a lot of work to be done and questions to figure out, but the conversation is moving forward quickly. AML is working on a public information document to help educate the public about the potential changes.

Update on Police Station

Attached is a report detailing progress from May 7 through June 18 on the Police Station project. Further project detail can be found in the attached photos and end of week reports from the contractor. To summarize, significant site work has been completed including preparing the foundation for the next phase of work. No unexpected problems have come to light in this reporting period. In the future, Council will be provided with monthly progress reports to be able to track the project and any areas of concern or stumbling blocks during construction.

LIDAR Landslide Hazard and Bluff Stability Update

Last year the City of Homer approached the Alaska Division of Geological & Geophysical Surveys (DGGS) on two ongoing projects related to slope stability in Homer: 1) Landslide Hazard Project and 2) Bluff Stability Project. Both projects are funded by FEMA and administered by DGGS.

The first project is a mapping project to help identify areas in Homer that are susceptible to landslide hazards. This will assist in developing future infrastructure decisions and produce some appropriate code regarding those areas identified as the highest risk, possibly such as the Judy Rebecca CT area or above the hospital.

DGGS is a bit behind the schedule as there were technical difficulties with obtaining LIDAR imaging, which is used to gain topographical data last fall. LIDAR data was just gained on June 3rd and is expected to be processed by the second week of July. They will be working on developing and distributing preliminary maps to FEMA. A project completion coordination meeting will be scheduled in August of next year, with finalized maps and data for publication completed by September 30, 2020.

The second project will be focused on evaluating bluff stability to help the City make better decisions regarding the safety of people and property in hazard areas. This project has been identified for funding by FEMA and a complete application is currently being finalized. This project will create a Coastal Bluff Stability Database and Coastal Bluff Stability Map and Report. The goal will be to evaluate our current policies for

development in regards to the information. The project will be developed on a two-year time frame starting in October of this year.

New Airport Terminal Sublease Agreement between the City and Pioneer Car Rental

Pioneer Car Rental has submitted an application for a new sublease agreement with the City since their current sublease expires September 2019. One of the changes proposed is an increase in the number of leased spaces they will have for their rental fleet (currently they formally lease 10 spaces yet pay for 17 and are now formally requesting 17). Pioneer Car Rental has been a great, long-term business for the Homer community and visitors alike to have at the airport and is budgeted to contribute \$43,512 in revenue for the Airport this year.

As background info, the City can enter into 5-year sublease agreements with the State's permission, however these sublease agreements cannot extend past March 30, 2023 since that is when the City's land lease with the State expires. In the upcoming years, the City will need to begin negotiations with the State concerning the airport land lease.

Fire Hydrant Testing

In July, the Insurance Services Office (ISO) will be visiting Homer to re-evaluate the City's fire protection equipment and infrastructure. As part of this evaluation, Public Works will be flow testing many fire hydrants in the City this June and July. During this time, City water customers may experience reduced water pressure for short periods of time or experience some cloudy water as the high pressure of the water vigorously scrubs the inner walls of the pipes to dislodge accumulated material. If water becomes cloudy or discolored, flush water until color returns to normal. If water does not become clear call the Public Works Department at 235-3170.

Good News for Health Insurance

Human Resources has been working with the Employee Committee and Brandon Nyberg from Understand, Service and Innovate (USI) Insurance to explore various health insurance plan options to keep costs down for the City. Employees have been happy with Premera, nevertheless the City is always looking for ways to think outside the box to control costs. After much back and forth, USI has presented the City with an exciting option that would move the City to an August 1st annual plan renewal date with Premera.

This would allow USI to work with the City to come up with plan renewals during off-peak renewal season, which is good for Premera and would work well with the City's budget schedule; I could present you with real numbers at budget time instead of having to estimate high and hope for the best.

Brandon from USI will be attending the July 22nd Council Meeting and a Resolution will be before you approving an August 1st renewal. The City's numbers look good so far in 2019 which means Premera is willing to not only offer the renewal, but offer a "Premium Holiday" to make it worth our while to lock in our renewal, but also switch to an August 1st renewal date. A Premium Holiday is the equivalent of one month of premiums taken off our overall renewal and will equate to a decrease in healthcare costs for the City. Yes, I said decrease (!).

HERC1 RFP

The deadline for submitting proposals for the HERC1 RFP is Council Monday, June 24th. I will be able to give you a verbal report at the meeting regarding the number of proposals received. After June 24th, a selection committee will be formed to evaluate the proposals and make a recommendation to City Council. City Council will then tentatively review and approve/disprove of the recommendation at the July 22, 2019 meeting. If no proposals are received, I suggest Council schedule some time in the coming weeks to discuss

next steps for the HERC1 building. As Council is aware, there are many deferred maintenance considerations at the facility and we are reaching a critical tipping point if the building is to be preserved. For example, a recent engineer's report regarding the HERC1's roof determined that the entire roof needs to be replaced rather than patched to protect against strong winds.

June 25th ADOT Open House

Next Tuesday, ADOT will be hosting an open house in Council chambers between 4 and 7pm to discuss 6 area projects and provide updates: Pioneer Avenue, Homer Airport, Sterling Highway and Main Street Intersection, Lake Street, West Hill Road, and East Hill Road. More information can be found on the City's website (<https://www.cityofhomer-ak.gov/citymanager/dot-open-house-six-homer-projects-june-25>), also attached. This meeting will be advertised so all Councilmembers can attend.

Customer Comment Cards

Over the last two quarters, the public provided seven customer comments cards, six of which compliment City staff for their excellent service. City staff in the Clerk's office, at the City Hall front desk and at the library were recognized for their positive, friendly and proactive services, and for the consideration the library gives for the underprivileged. It is affirming for staff to see acknowledgment from the public for their hard work and professional conduct. One card suggested simplifying the moorage fee structure by going to a flat fee based on vessel length. The card did not include contact information so Harbor staff was not able to follow up with the customer.

July 1 Deadline to Pay Natural Gas Assessments

As a reminder, July 1 is the deadline to pay natural gas assessments. Payments have been steadily coming into City Hall and are increasing daily as the deadline approaches. Finance staff expects everything to go smoothly as there have been no issues with the mail out and last year went smoothly. There have been roughly 600 out of the 1600 customers invoiced that have paid so far. In case anyone is counting, we are halfway through the 10 year payment schedule.

Enc:

Homer PAS Final Report

Progress Status Report for New Police Station Time Period May 7-June 18 (associated weekly reports and pictures)

Web Article: June 25th ADOT Open House

Customer Comment Card Summary

**Homer Planning Assistance to States (PAS) Section 22
Navigation Improvements
Technical Report**

Homer, Alaska

May 2019



**US Army Corps
of Engineers**

Alaska District

Executive Summary

This study provides planning and technical assistance to the City of Homer (the City) related to the Homer Harbor Large Vessel Expansion Project. The purpose of this study is to provide planning/technical assistance to the local sponsor by developing a preliminary assessment of the benefits and costs of implementing navigation improvements to build a large vessel harbor to the north of Homer's existing small boat harbor.

The authority for this study is the Planning Assistance to States (PAS) Program Section 22 of WRDA 1974 (P.L. 93-251) as amended. Section 22(a)(2) provides authority for the U.S. Army Corps of Engineers (USACE), at the request of a non-Federal sponsor, to provide technical assistance with provisions and integration of hydraulic, economic, and environmental data and analyses. This analysis considers one alternative, which is consistent with the conceptual drawings developed by the non-Federal sponsor.

This technical report is a high-level preliminary economic analysis of the benefits and costs of implementing the proposed navigation improvements. The previous Homer Small Boat Harbor Navigation Improvements feasibility study in 2008 (USACE 2008a) resulted in a benefit-cost ratio (BCR) ranging from 0.5 to 0.7 for the array of alternatives considered. The current PAS effort uses new available information for re-evaluation of benefits and costs for the alternative considered. This results in a preliminary BCR range of 0.89 to 1.0 for a project cost range of \$72.5 million to \$81 million based on rough order magnitude (ROM) costs.

The analysis brought price level updates to 2018 prices, and applied the discount rate for fiscal year 2019. Each benefit category was assessed against readily available data. Transportation cost savings, through avoided travel for commercial fishing vessels, are quantified by cross-referencing data sets from the harbor office and other sources. The subsistence harvest evaluation is updated with the alternative method, Production Cost Analysis, which is used more commonly by the USACE Alaska District.

The project costs range is developed with two broad assumptions, which are discussed in subsequent sections. The considerations of the BCR range from a benefits perspective are constrained by limited data. There are potential increases to existing benefits if sufficient data are available. There are also potential new benefits that emerged during this study; however, these are unquantifiable at this time. As such, this report elaborates on data gaps as opportunities for the local sponsor to focus on data gathering for a more in-depth analysis.

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1. INTRODUCTION

1.1 Study Purpose and Authority

This study provides planning and technical assistance to the City of Homer (the City) related to the Homer Harbor Large Vessel Expansion Project. The purpose of this study is to provide planning/technical assistance to the local sponsor by developing a preliminary assessment of the cost and benefits of implementing navigation improvements to build a large vessel harbor to the north of Homer's harbor.

The authority for this study is the Planning Assistance to States (PAS) Program Section 22 of WRDA 1974 (P.L. 93-251) as amended. Section 22(a)(2) provides authority for the U.S. Army Corps of Engineers (USACE), at the request of a non-Federal Sponsor (the City), to provide planning and study services, and recommendations related to the Homer Large Vessel Expansion Project currently being considered by the City. The PAS Agreement with the City was executed on 10 August 2018.

This PAS study is pursued under the USACE Engineering Regulation (ER) 1105-2-100 guidance that states the USACE may provide technical assistance to support State or local governments in preparation of comprehensive water and related land resources development plans, including watershed and ecosystem planning and help conducting individual studies supporting the State water plan.

1.2 Scope of Work and Objective

This technical report includes developing a high-level preliminary economic analysis of the benefits and costs of implementing navigation improvements associated with the City's interest in developing a large vessel harbor project. This economic analysis re-evaluates National Economic Development (NED) benefits estimated during the 2008 USACE study using updated, readily available data, and by estimating additional benefits when data was available. The overall objective is to ascertain whether the project alternative proposed by the local sponsor may be justified to support comprehensive water and related land development plans the City may pursue. The scope of work for this study included:

- Gathering available data
- Identification of existing conditions
- Assessment of future without project economic conditions
- Assessment of future with project economic conditions
- Development of high-level cost estimates for alternatives
- Documentation of key assumptions and findings

1.3 Background

A previous feasibility study related to the potential expansion of the Homer Boat Harbor was initiated in 2004 by the USACE in partnership with the Alaska Department of Transportation and

Public Facilities (ADOT&PF) and the City. This effort culminated in the Homer Small Boat Harbor Navigation Improvements Economics Appendix (USACE 2008a). The economic analysis presented in the 2008 USACE study was conducted from a NED perspective, where economic benefits are defined as the change in value of goods and services that accrue to the Nation as a whole as a result of constructing the project. Costs are defined as the total economic costs of constructing and maintaining the project. The average annual economic benefits of the project are compared to the average annual economic costs to estimate the benefit-cost ratio (BCR). A project with a BCR greater than 1.0 is considered economically justified. In the 2008 USACE study all the alternatives evaluated showed BCRs of less than 1.0 and therefore the USACE did not pursue further investigation.

The BCRs estimated during the 2008 study ranged from 0.5 to 0.7. The key issues at the time that potentially resulted in the BCRs below one, as noted by the City at the initiation of this PAS study, were possibly a result of high implementation costs associated with materials (rock), dredged material disposal options available at the time, and underestimated benefits. These considerations are pivotal to this PAS effort and are discussed below.

1.3.1 Rock Pricing and Rock Source

The previous study (USACE 2008a) reported that a major contributor to high project costs was the cost of rock. The City believes there is an opportunity for the project to benefit from potentially lower rock costs in the future because they have identified at least one new rock quarry being developed in the region that may compete with established quarries. This rock cost savings opportunity is dependent on whether this quarry opens for business, and whether the rock meets the quality criteria for the project.

Rock prices from recent USACE construction projects at Valdez and Port Lions were compared to rock prices used in the 2008 Homer USACE study. This comparison was heavily constrained by uncertainties; however, the potential Homer Large Vessel Expansion Project is much larger when compared to both Valdez and Port Lions. As such, there is a potential for a decrease in the price of rock as quantity and scale increases. Assessing potential rock prices any further was beyond this study's scope.

1.3.2 Dredge Material Management

In the 2008 USACE study, the management method of the dredged material included land disposal. This requires trucking the material to an upland site at significant cost. Land disposal was considered at that time because in-water disposal/placement options were estimated to be even more costly. Additionally, no permitted in-water placement or disposal areas were available near the Homer Spit, and if an area was to be permitted, it would have had to be located a significant distance from the harbor project to reach an area outside the Kachemak Bay State Critical Habitat Area (SCHA) boundary (Figure 1). However, this SCHA boundary was revised recently to exclude the northern side of the Homer Port (Figure 2). There is potential to reduce dredge costs associated with a future Homer Large Vessel Expansion Project by permitting for a

dredge material placement area closer to the project site than what was possible in the 2008 USACE study. Specific collaboration with the State will still be required to verify the extent of the permitting efforts, but haulage fees would potentially be reduced.

In addition, other management methods with beneficial uses can be considered including using the dredged material for beach nourishment, which may count as a project benefit under NED criteria, as well as incorporating the dredged material in the design of the causeways or breakwater, if appropriate.

1.3.3 Other Considerations for Potential Benefit Analysis

Other considerations, including certain changes in conditions since the 2008 USACE study, that may influence project benefits include:

- Since the 2008 USACE study, the vessel dimensions of the fleet in Homer have changed. The number of larger vessels that are using, or have expressed interest to use, the existing small boat harbor has increased. These vessels are often turned away due to draft limitations or the lack of available dock and maneuvering space in the existing harbor. The increasing number of large vessels that seek moorage in Homer include oil exploration and research vessels that would prefer to winter in Homer rather than at ports further south. According to the City, oil rig support vessels frequently request harbor moorage in the Homer harbor, but they are turned away due to their size and draft.
- Derelict vessels were occupying harbor dock space and other harbor resources resulting in lost revenue and increased congestion; however, changes in state law and revised harbor policies has decreased this economic liability and increased revenues generated by the port.
- Ownership of the tidelands where the Deep Water dock and Pioneer dock are located were transferred from the State to the City in 2014 (Figure 2).
- Since the 2008 USACE study, Homer harbor has evolved to become a regional transportation hub, serving not only a local fishing fleet but vessels that participate in fisheries statewide. It is home port to the Alaska Marine Highway System (AMHS) ferry Tustumena, which serves the communities of Southcentral, Kodiak Island, and Southwest Alaska. Due to its size, the Tustumena is the only AMHS vessel capable of serving all 13 ports of call between Homer and Unalaska.
- The City implemented a new moorage rate structure aimed for an equitable distribution of moorage fees and a financially sustainable harbor.
- The City recognizes that the presence of the U.S. Coast Guard (USCG) has the potential to provide national security benefits when planning the Large Vessel Harbor Expansion Project. These benefits were not considered in the 2008 USACE study and are now a possible consideration in the future under the implementation guidance, Section 1202(c)(3) of the Water Resource Development Act (WRDA 2016). This guidance expands the feasibility justification of an arctic deep draft harbor and related navigation improvements to include benefits potentially associated with national security. In

addition to potential national security benefits, transportation cost savings that the USCG may realize if they were to use the Large Vessel Harbor are considered NED benefits. The USCG Hickory currently leases permanent moorage at the Pioneer Dock adjacent to the harbor entry, and because of the large tidal range and exposure to wind and waves, dedicated USCG personnel must man the ship during moorage to manage their moorage system lines. However, they recently installed a moorage system that was intended to reduce the need for continuous monitors. Unfortunately, the USACE understands that this new mooring system was damaged shortly after installation during inclement weather. If the USCG vessels could be in a protected harbor there would be benefits associated with reduced damages and less personnel requirements to manage the moorage system.

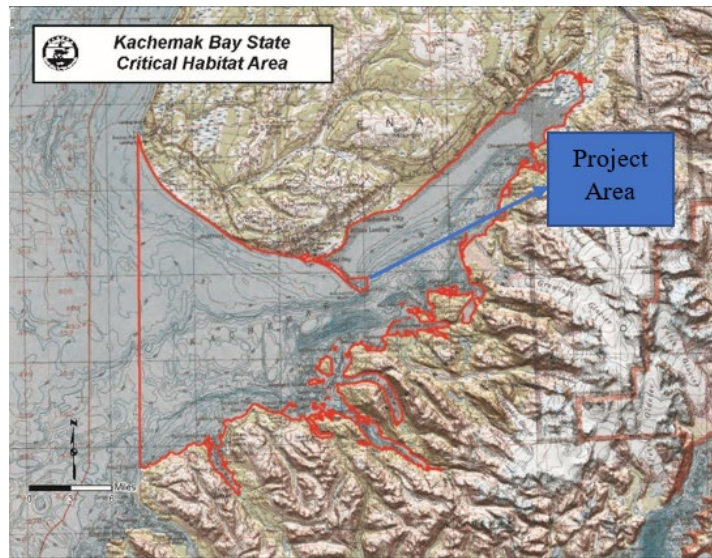


Figure 1. Former Kachemak Bay SCHA Boundary

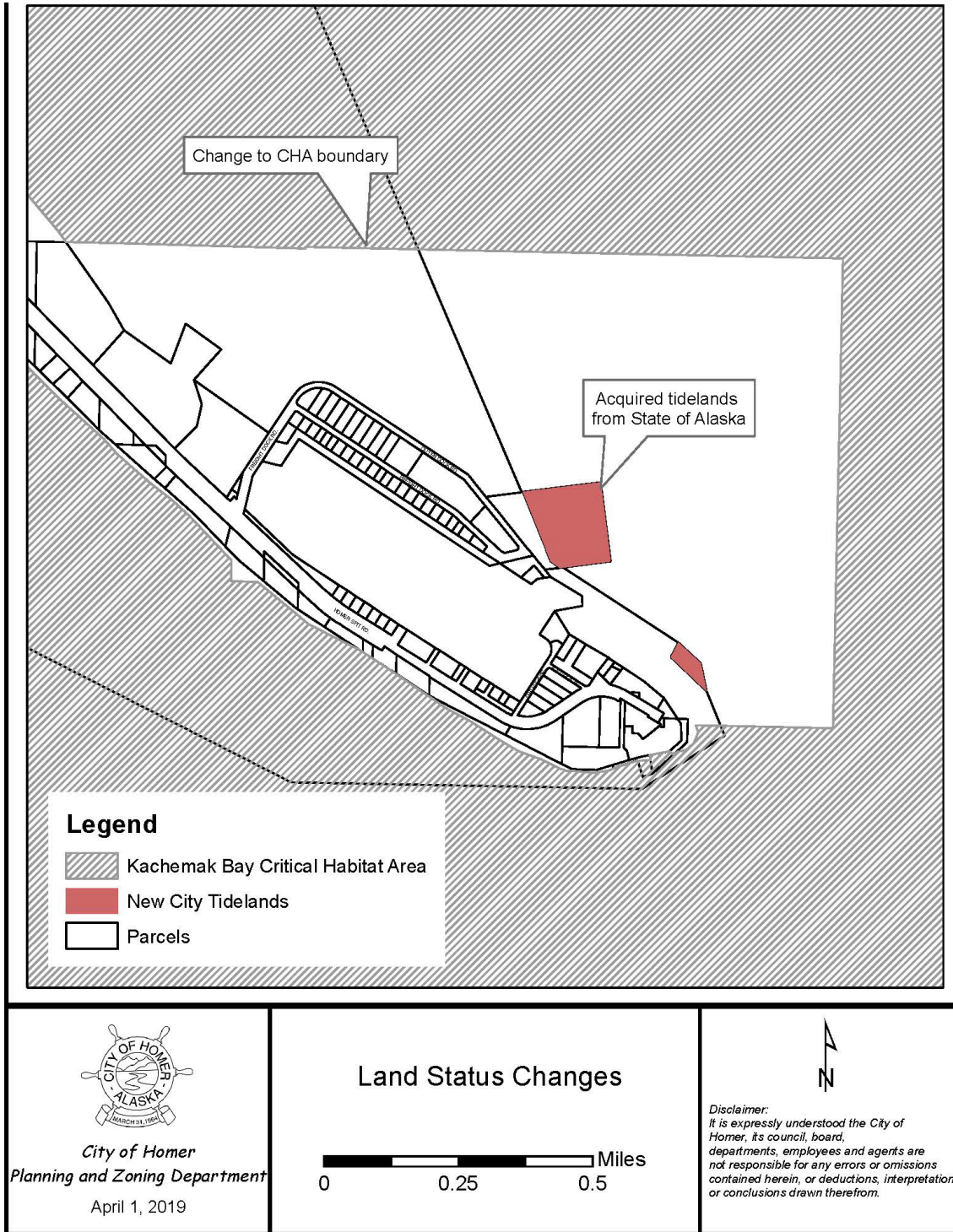


Figure 2. Current Kachemak Bay SCHA Boundary in Homer

1.4 Project Location and Description

The City of Homer is located on the north shore of Kachemak Bay on the southwestern edge of the Kenai Peninsula in Alaska. The Homer Spit is a 4.5 mile long gravel bar that extends from

the Homer shoreline. It is 227 road miles south of Anchorage at the southernmost point of the Sterling Highway at approximately 59° 38' north latitude and 151° 33' west longitude. (Sec. 19, T006S, R013W, Seward Meridian). Homer is in the Homer Recording District and hosts a population of 5,313 (State of Alaska 2019b). It is accessible via air, road, and water year round and is the economic center of the southern Kenai Peninsula. The area encompasses approximately 11 square (sq) miles of land and 16 sq miles of water. Homer lies in the maritime climate zone.

The Port of Homer is located at the end of the Homer Spit, a narrow promontory of land separating Kachemak Bay from Cook Inlet, with the proposed large vessel harbor located on the north side of the existing small boat harbor at the end of the spit (Figure 3). The area east of the spit is the inner Kachemak Bay and west of the spit is the outer bay. Facilities at the existing port include a deep-water cargo dock, a fish dock equipped with eight cranes and ice facility, an ocean pier, and a small boat harbor. This analysis focuses on the benefits and costs associated with the existing boat harbor and proposed large vessel harbor expansion.

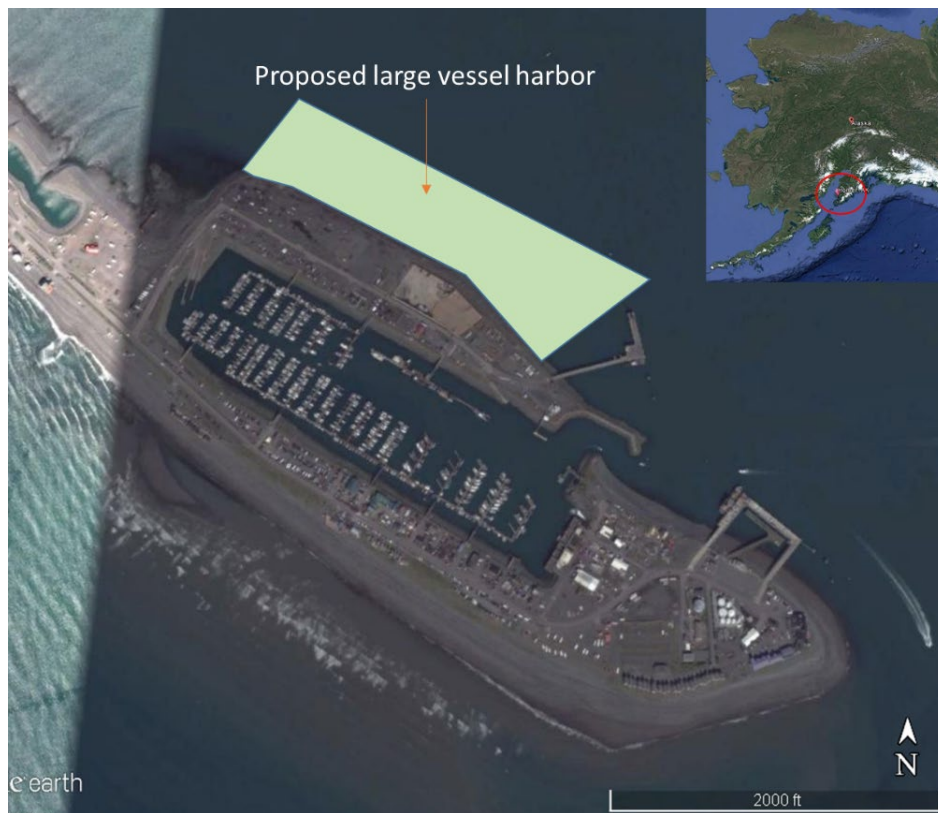


Figure 3. Homer Harbor and Proposed Large Vessel Harbor

While commercial fishing has long been the mainstay of the Homer economy, tourism has become increasingly important. Subsistence fishing is also an important activity in the area. Homer is known as an arts community and is a gateway community in relation to more remote destinations, such as Kachemak Bay State Park and Lake Clark National Park and Preserve. Activities and

events, such as the Homer Jackpot Halibut Derby and Kachemak Bay Shorebird Festival, draw many participants.

1.4.1 Project Area and Study Area

This analysis makes the distinction between the study area and project area in accordance with the USACE planning guidelines. The project area refers to the locations of alternative plans. This analysis considers only one alternative which is the location and area of the proposed large vessel harbor expansion. The study area, on the other hand, refers to the area within which significant project impacts occur. For this high-level analysis the study area refers to the existing harbor and the Pioneer Dock where a substantial amount of benefit categories assessed would be realized. Throughout the analysis the Homer harbor is referred to as the existing harbor.

1.5 Methodology

The general methodology of this study consisted of a review of previous USACE reports, published materials on the study area, and data provided by the local sponsor. Benefits are updated to 2018 price levels and the discount rate for NED benefit calculations was updated to the FY2019 rate. The benefit categories in this analysis are benefits expected to be realized in the existing harbor as a result of a large vessel harbor expansion. Local port officials in Homer were consulted to gain a better understanding of the navigation problems and potential benefits that could result from a navigation improvements project. Available data on Homer harbor's fleet, moorage characteristics and damages to floats and docks were analyzed to compare with the conditions described in the 2008 USACE study. Finally, updates to NED benefits were made with assumptions established where data gaps persist. Data collection efforts were made with consideration to key issues noted by the City. Findings were constrained by available information and are discussed in subsequent sections.

The analysis considers the alternative identified in the 2008 USACE study which is most similar to the alternative proposed by the City. Benefits equal the difference between future without- and with-project costs associated with transportation delays, reduced damages to vessels and harbor facilities, and enhanced access for commercial, subsistence, and recreational activities.

Project costs calculated in the 2008 USACE study were updated to FY2019 (October 2018) price levels and then converted to Average Annual Equivalent (AAEQ) values using the FY19 Federal discount rate of 2.875 percent, assuming a 50-year period of analysis. Costs and benefits for the alternative were then compared to determine justification for further investigation.

1.6 Problems and Opportunities

The primary problems identified in this study are listed below:

- Infrastructure damages and transportation inefficiencies exist due to the existing harbor's lack of capacity to accommodate the growing number and changing features of the vessel fleet that use or wish to use the existing small boat harbor.

- The existing small boat harbor is severely overcrowded which results in commercial losses due to delays and damages.
- Transient float systems for vessels ranging from 90 feet (ft) to 150 ft in length are particularly overcrowded.
- There are no permanent stalls for vessels over 75 ft in length. However, to meet the demand from large vessels, the harbor leases moorage to vessels with overall lengths of up to 85 ft to dock in the 75-foot stalls. This leads to vessels that would normally moor in the 75-foot stalls to be assigned to smaller stalls.
- The depths associated with the transient float systems for these larger vessels are inadequate.
- Due to an extreme tidal range of 28.4 ft (extreme high water +22.9 ft and extreme low water -5.5 ft), strong currents and shallow depths in the entrance channel can significantly delay larger vessels from entering the harbor at lower tides and/or result in these vessels using transient float systems until conditions improve.

The following opportunities are identified under the proposed alternative considered:

- Improve access for commercial and subsistence vessels
- Reduce transportation costs related to vessels required to travel to other ports
- Increase moorage facilities for large vessels
- Reduce damages to floats and docks
- Reduce vessel damages due to collisions and congestion in the small boat harbor
- Increase regional economic activities
- Improved access for recreational activities

1.7 Key Socioeconomic Components

Key socioeconomic characteristics associated with the Homer area include the significant presence of marine activities, commercial and recreational fishers, aquaculture farmers, and subsistence users. The robust marine services industry provides an array of services from boat building and repair to boat hauling and storage facilities. Local businesses form the Homer Marine Trades Association. Some members of this association informed the Project Delivery Team (PDT) about the incorporation of a marine trades program into high school and vocational training institutions in Homer. The goal of this program is to build local skills applicable to the marine trades and services in the study area. These key socioeconomic characteristics play a role in the local employment and income in Homer, and are dependent on a functional harbor with adequate moorage facilities for both small and large vessels that need repair services. Improved navigational infrastructure associated with the proposed Large Vessel Harbor Expansion Project translates to improved opportunities for local marine trades services.

2. ECONOMIC ANALYSIS

2.1 Overview

The economic analysis presented below re-assesses the benefit categories evaluated in the 2008 USACE study based upon new information available, conducts a high-level update to the benefit categories, and describes potential new benefits. The sponsor-proposed plan has the key goals of accommodating large vessels and reducing damages and delays currently experienced in the existing harbor.

2.2 Key Updates and Changes

Primary updates to the 2008 USACE study include price level and discount rate updates to the benefits considered in the previous analysis as well as updates to specific benefit categories relating to float and dock repairs, transportation cost savings for the commercial fleet, opportunities for increased subsistence harvests, and the removal of derelict vessels from the existing harbor.

2.2.1 Derelict Vessels

Lost revenue from and maintenance costs for derelict vessels were previously recognized as part of harbor operations damages. These derelict vessels have since been removed by harbor staff and are therefore eliminated from the analysis because the problem has been alleviated.

2.2.2 Avoided Travel for Commercial Fishing Fleet

Avoided travel refers to additional vessel operating costs (VOC) incurred by vessel operators when they are required to travel to another port foregoing the preferred and optimal port. These travel expenses represent a transportation cost inefficiency that could be avoided if Homer had adequate navigation facilities. A survey of harbor users was conducted in June 2007 by the USACE and the City. The Homer Small Boat Harbor Vessel Survey was mailed out to more than 1,100 users of the harbor at the time. More information on the survey can be found in the Homer Small Boat Harbor Vessel Survey Results Summary (USACE 2008b). Two survey respondents homeporting in Kodiak revealed they were seeking permanent moorage at Homer. The 2008 USACE study assumed that with permanent moorage, these vessels would forego at least one roundtrip annually to Kodiak.

The 2008 USACE study and other small boat harbor studies by the USACE Alaska District provide the basis for methodology and assumptions used to develop VOC estimates upon which avoided travel is quantified. This approach considers VOC by vessel and crew size. For this PAS study, data on permanent and transient moorage lease was cross-referenced with data from the Alaska Commercial Fisheries Entry Commission (CFEC) for commercial fishing vessels for 2018 (CFEC 2018). The underlying assumption for this analysis is that commercial fishing vessels that lease permanent and transient moorage in Homer, but are registered to homeport elsewhere, are required to make one roundtrip per year to the homeport. This assumption is comparable to that used in the previous 2008 USACE study regarding avoided travel for fishing

vessels. Transient moorage is leased on an annual, semi-annual, monthly and daily basis. This analysis considers fishing vessels with monthly transient subscription and permanent moorage subscriptions. Table 1 summarizes the homeport for the fishing vessels, the distances traveled roundtrip and vessel overall lengths. It is important to note that this analysis should be explored in more detail in the future.

Table 1. Avoided Travel for Fishing Vessels in Alaska, 2018

Homeport	Number of fishers	Vessel Length Overall Range (ft)	Nautical miles Round Trip
Kodiak	1	>75	252
Kodiak	2	51-75	252
Kodiak	3	41-50	252
Kodiak	2	33-40	252
Seldovia	1	>75	32
Seward	1	41-50	316
Port Lions	1	33-40	348
Valdez	2	41-50	534
Cordova	3	41-50	540
Cordova	2	33-40	540
Cordova	2	25-32	540
Chignik	2	51-75	626
Chignik	2	41-50	626
False Pass	2	41-50	1042
Juneau	1	>75	753
Juneau	3	51-75	753
Juneau	5	33-40	753
Total number of Fishing Vessels with avoided travel in 2018	35		

2.2.3 Avoided Travel for Commercial Vessels

Commercial vessels in Homer participate in a range of activities including fishing, freight/cargo transport, and northern operations and explorations support as tow and/or tug vessels. In the 2008 USACE study, avoided travel benefits were captured for 11 tenders. These benefits were measured as transportation cost savings for boats greater than 85 ft in length that were not able to obtain permanent moorage at the harbor but were assumed to moor there if adequate moorage were available. The number of large commercial vessels (excluding commercial fishing) increased from 11 to 20 in 2018. The largest vessel measuring 190 ft in length overall (LOA) uses transient moorage at the current harbor. As such, these large commercial vessels may be incurring additional VOC. Assessing these potential transportation cost savings would require a more detailed investigation.

2.2.4 Subsistence Harvest

The analysis of potential subsistence benefits for this PAS study follows the approach used in the 2008 USACE study with two notable updates. First, a price level update was conducted so all prices relating to subsistence resources are now reported in current dollars. Second, the method used to estimate the value of subsistence resources was updated to incorporate production cost values in addition to the replacement cost values used in the 2008 USACE study. Together, these changes resulted in an increase in the average value of subsistence resources from \$5.11 to \$12.54 per pound. This methodology for valuing subsistence harvest is also used in other recent and ongoing USACE Alaska District studies and is further discussed below. Other assumptions used in this analysis are consistent with the 2008 USACE study and are also described below.

The subsistence harvest analysis in the 2008 USACE study considered a total of 93.8 pounds per capita subsistence harvest for Homer per Alaska Department of Fish and Game (ADF&G). It assumed that subsistence activity would increase harvest by 15 percent as a result of improved harbor conditions. It also assumed population increase by projections by Alaska Department of Labor (ADOL) for the Gulf Coast Region Population. As noted above, the subsistence harvest value was based on replacement cost analysis, which relied on information collected from full-line grocery stores in Homer by averaging prices of meats and related products. The valuation of subsistence harvests is now based on assumed replacement values and production cost values for these resources.

A study conducted by the ADF&G Division of Subsistence found that the replacement value of subsistence resources ranged from \$4.00 to \$8.00 in 2012, or \$4.25 to \$8.50 in current dollars. A study conducted for the Alaska District about subsistence harvest values on Little Diomed found maximum harvest values of \$24.86 per pound, updated to current dollars. These values were updated to current dollars using the Anchorage Consumer Price Index from the State of Alaska Department of Labor and Workforce Development. The values from the Little Diomed study are higher than those reported by ADF&G as they represent the total production costs of acquiring subsistence resources rather than a replacement value. Replacement values only consider the cost of purchasing proteins whereas the production cost method used for Little Diomed considers all of the resources utilized to harvest subsistence resources. The intent of this method is to better quantify the value of subsistence beyond a simple replacement value of protein.

The values calculated for Little Diomed are specific to that community and do not necessarily represent the costs to harvest subsistence resources in Homer. However, including this cost on the distribution of possible subsistence valuations is appropriate for this analysis to address the range of methodologies for valuing subsistence. The method used for the Little Diomed feasibility study is a production cost method which considers that subsistence resources are worth at least as much as the harvesters invest in them through expenditures of cash and labor. This is thought to be a more comprehensive approach than simply considering the grocery store (or equivalent) replacement value of these resources.

The subsistence data presented in the Little Diomedede feasibility study is based on comprehensive surveys to estimate subsistence production time and costs. The level of data needed to conduct a detailed update of this method is not available for Homer. As such, updating the value from the Little Diomedede study using an economic index is an appropriate method to utilize this data for Homer. This value is used as one point on the distribution of subsistence values to represent the uncertainty in quantifying these resources.

2.3 Existing Conditions

The following sections describe current conditions at the Port of Homer.

2.3.1 Marine Facilities

Cook Inlet is broken into two fisheries management areas: Upper Cook Inlet (UCI) and Lower Cook Inlet (LCI). UCI and LCI are further divided into districts and subdistricts (see Figure 5). As a major port for commercial fishing in the southern region of Cook Inlet Fisheries Management Area, the Port of Homer consists of the facilities for harvest deliveries as well as a modern fish dock with public access cranes and ice facilities. Figure 5 shows the facilities available at the Port and Harbor of Homer.

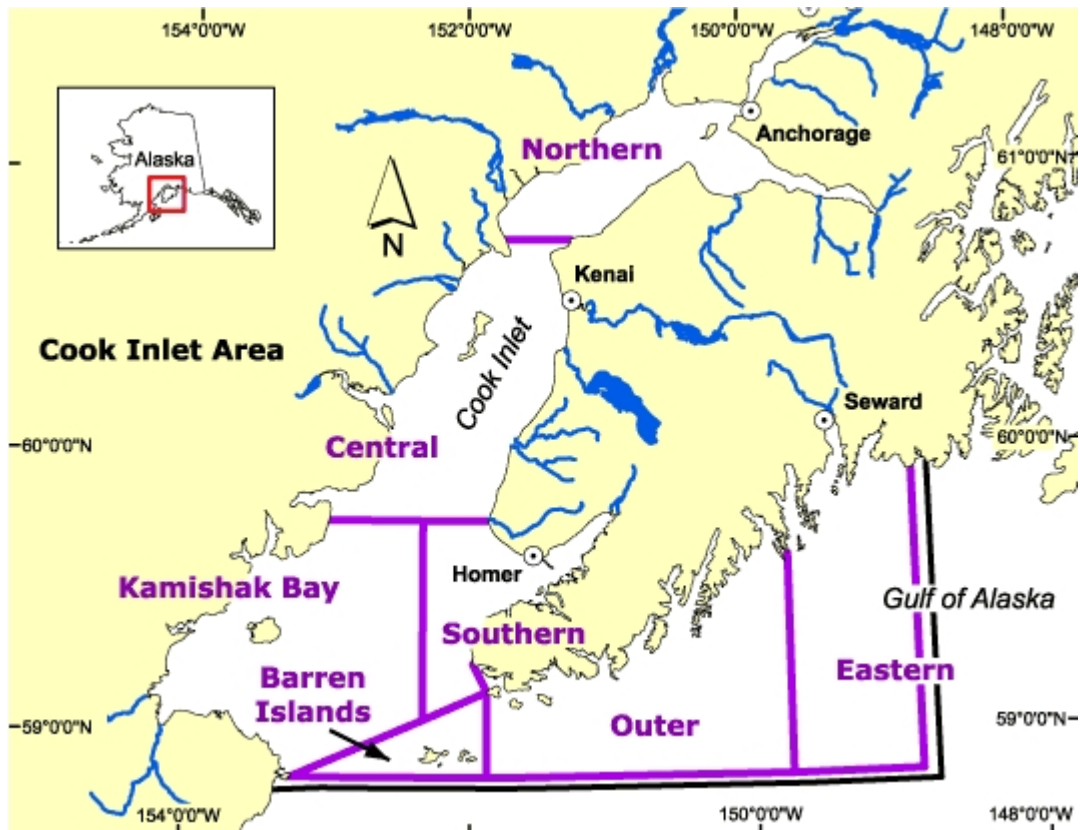


Figure 4. Cook Inlet Fisheries Management Districts & Subdistricts.
Source: State of Alaska 2019b

A. Deep Water Dock

The Deep Water dock northeast of the existing harbor is a secure facility, gated with heated guard station and restrooms, allowing for the transfer of both regulated and unregulated cargo. It allows berthing for ships up to 820 ft LOA and 65,000 displacement tons at -40 ft Mean Lower Low Water (MLLW). There is a 5-acre cargo laydown area directly adjacent to the Deep Water dock that is fenced, gated, and lighted, with monitored security cameras that allows for regulated and unregulated cargo staging and storage.

B. Pioneer Dock

The Pioneer Dock, located to the east of the existing harbor, is a U-shaped structure with two trestles and an outer berthing face of 469 ft and with a combination of breasting/mooring dolphins provides for docking of ships up to 750 ft LOA. Currently this dock has a -40 ft MLLW moorage depth, and it is used for preferential berthing of the AMHS ferries and as a USCG berth (on the northwest trestle).

C. Large Vessel Haul Out Repair Facility

Homer has a large vessel haul out and repair facility located in between Nick Dudiak Fishing Lagoon (also known as the Fishing Hole) and the Freight Dock Road west of the harbor. This facility is marked in the darker blue in Figure 5. The haul out facility is currently used as a repair site option for select large vessel owners. The large vessel haul out repair facility is a key project for the City in its Capital Improvements Plan (CIP) for 2019 to 2024. The City plans to improve the facility to enable barges to complete required annual maintenance at the uplands repair facility while wintering over.



Figure 5. Port of Homer Facilities

2.3.2 Homer Boat Harbor

The existing harbor is a key infrastructure facility in the City’s robust port. The harbor has a five boat lane load and launch ramp. An inner and outer barge ramp facilitates loading and unloading of cargo. The harbor has 900 stalls ranging from 20 to 75 ft long for moorage. The harbor allows the longest stalls (75 ft) to accommodate vessels of overall lengths up to 85 ft. Permanent moorage is leased on an annual basis from 01 October to 30 September the following year. Currently the permanent stalls are at maximum capacity for stall lengths ranging from 24 to 75 ft. Close to 60 vacant 20-foot stalls are offered for seasonal lease from April to September for smaller boats.

Vessels with overall lengths exceeding 85 ft are tied to transient rafts and are offered transient moorage lease. The harbor has 6,000 linear ft of transient moorage leased on an annual, semi-annual, monthly, and daily basis. Figure 6 shows the stall sizes and transient moorage in the existing harbor. The harbor as shown on the map, also assigns the space at the endcaps of each ‘branch’ (also referred to as stall fingers) as a stall for either permanent or transient moorage. When the harbor is at maximum capacity, boats moored in these spaces constrict passage and reduce maneuverability.

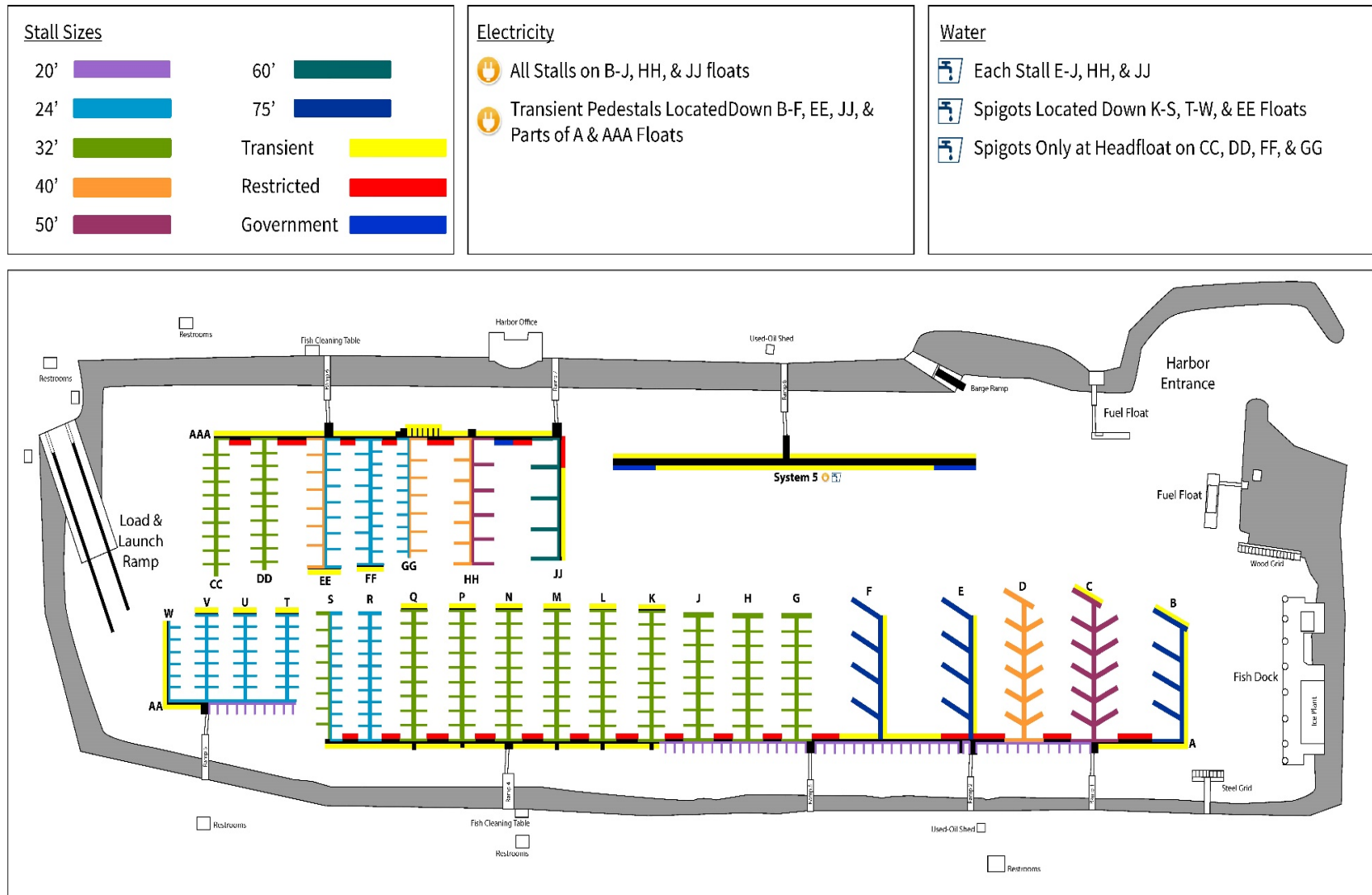


Figure 6. Homer Harbor Moorage Map

A majority of the harbor stalls are 32 ft, 24 ft and 20 ft long (Table 2). System 5 and the highlighted sections of the harbor are designated for transient moorage (see Figure 6) are not included in the number of stalls presented in Table 2.

Table 2. Number of Stalls at Homer Harbor

Stall Size (ft)	Number of Stalls	Percent of Stalls	Location in Harbor/Label
20	103	12%	AA, A
24	230	26%	EE,FF,GG,W,V,U,T,S,R
32	423	48%	CC,DD,S,Q,P,N,M,L,J,K,H,G
40	65	7%	EE,GG,HH,D
50	34	4%	HH, C
60	9	1%	JJ
75	24	3%	F,E,B
Total	888	100%	

2.3.1 Fleet Composition

This section discusses characteristics of the fleet in the study area. Homer’s location as a regional transportation hub in the central gulf and the marine resources in the surrounding area attract numerous user groups to the harbor including commercial fishing, charter, recreation, commercial freight, tourist transportation, research, and the USCG. The data presented here are sourced from the harbor office and the CFEC.

Table 3 shows the vessels lengths overall that lease permanent or transient moorage at the Homer Port for the period of 2017 to 2018. As shown, more than 1400 boats and vessels moor at the harbor. Close to 40 large vessels with overall lengths exceeding 85 ft are rafted to transient floats for moorage. This still leaves 1,400 boats and vessels that are assigned to 888 stalls.

Table 3. Homer Fleet Characteristics 2017-2018

Length Overall (ft)	<15	15-24	25-34	35-44	45-54	55-64	65-74	75-84	85-94	95-104	105-114	>115	Total
Permanent	0	97	399	150	27	24	11	3	4	0	0	0	715
Transient	2	212	274	110	58	29	10	13	7	13	8	10	746
Total	2	309	673	260	85	53	21	16	11	13	8	10	1461

A key issue according to the City is that fleet composition has evolved and this change was not adequately assessed in the 2008 USACE study. During data collection for this PAS study, the harbor was transitioning to a new database system during data collection, which imposed constraints on capturing the multi-year trend of the fleet composition using the existing harbor. Nevertheless, Table 3 above is a snapshot that shows the prevalence of congestion problems that are further explained in the Moorage Demand Analysis section.

The primary purpose of the vessel is an important component to analyzing project benefits. Examples of vessel purposes include commercial fishing, subsistence, recreation, freight transport, and support for exploration or resource development in Cook Inlet. However, an accurate representation of vessel purpose is not adequately captured for 2017 to 2018 and is documented as a data gap.

2.3.1.1 Commercial Fishing Fleet

The rich marine resources surrounding Homer generate activities from numerous user groups including commercial and recreational fishers, aquaculture farmers, and subsistence users. Homer is the largest port in the southern region of the Cook Inlet fisheries management area and often accepts harvest deliveries from surrounding districts such as the adjacent Kamishak Bay, Barren Island, and Central Districts.

Homer’s fishing fleet grew by 42 percent between 2008 and 2018. This is based on the fishing vessels that register Homer as their homeport on the CFEC database. The CFEC issues permits and vessel licenses for fishing in the State. Overall lengths of fishing vessel that have used Homer as a homeport in the last decade are shown in Table 4. The vessel dimensions are summarized into two categories: vessels with overall lengths less than 75 ft, and greater than 75 ft. Vessels with overall lengths exceeding the largest available stall size in Homer doubled between 2008 and 2018. This trend reflects an overall increase in the number and sizes of fishing vessels that homeport or seek moorage in Homer.

Table 4. Fishing Vessels Homeport in Homer

Length Overall (ft)	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<75	426	443	484	536	548	569	589	589	582	601	600
>75	7	11	9	9	9	11	12	12	16	15	14
Total	433	454	493	545	557	580	601	601	598	616	614

It is important to note that the CFEC issues fishing permits and licenses. Vessel operators may participate in both commercial and subsistence fishing. Some of these operators are charters. These specific details require further investigation and a larger data collection effort that is outside the scope of this PAS study.

2.3.1.2 Commercial Vessels

Commercial vessels range in use from freight cargo and oil tenders to tow and tug support for northern explorations. In the 2008 USACE study, there were more than 200 commercial vessels using the harbor. According to the City, commercial vessels have increased in size over time and the fleet characteristics captured in the 2008 USACE study are no longer representative of current conditions. Two commercial freight vessels with LOAs of 200 ft and 260 ft used Homer’s large vessel haul out facility for repairs and requested moorage but were turned away

because the harbor cannot accommodate them. This may indicate that commercial vessels that would rather moor in Homer have to travel elsewhere and incur costs that would be avoided if there was a large vessel harbor in Homer. Assessing these potential benefits are constrained by limited data and requires more investigation. As such, this PAS study notes the new anecdotal information presented but for NED evaluation assumes that the fleet composition for commercial vessels remains the same since 2008.

2.3.2 Moorage Demand Analysis

The number of boats and vessels that moor in the existing harbor exceed the number of stalls available. Table 5 shows the number of vessels for each vessel length range compared to the number of available stalls for the period of 2017 to 2018. The fleet shows a considerable wide range in overall lengths (from 15 to 177 ft) that use the harbor. For each vessel class there is an excess demand for moorage, with the exception of the smallest boats (lengths 15 to 24 ft). Moreover, it is typical that the stalls are assigned to vessels that are longer than the stalls. This is reflected in the column of available stalls assigned to each vessel group. In 2018, 6 vessels with overall lengths from 80 to 95 ft were assigned moorage in 75 ft stalls which were too small for these vessel sizes. These vessels draft between 3 and 8 ft. This has a cascade effect; boats in Homer are generally in stalls that are too small which adds stress to floats and harbor infrastructure, reducing maneuverability and imposing safety risks.

Table 5. Moorage Demand Analysis at Homer 2017-2018

Vessel Length Range (LOA in ft)	Number of Vessels	Available Stalls
15-24	311	333
25-34	673	423
35-44	260	65
45-54	85	34
55-64	53	9
65-74	21	24
75-84	16	
85-94	11	Rafted to transient floats
95-104	13	Rafted to transient floats
105-114	8	Rafted to transient floats
>115	10	Rafted to transient floats
Total	1461	888

As previously mentioned, vessels longer than 85 ft are tied to transient floats and often rafted 2 to 3 abreast. This condition adds to the issue of constricting travel between the docks, and

increases damages and delays. In 2018, close to 40 vessels over 85 ft in length used transient moorage and more than 270 small to large vessels were on the waitlist for moorage.

It is important to note that this is a high-level assessment of moorage demand that captures a one-year period based on readily available data. There are seasonal factors that impact moorage demand which are not specifically considered. These factors would require further investigation.

2.4 Without-Project Conditions

In the absence of Federal investment in navigation improvements for a large vessel harbor expansion project, the current navigation facilities are expected to remain heavily congested and lack moorage capabilities to meet demand, resulting in:

- Inefficiencies to harbor operations and all harbor users
- Transportation delays for vessels
- Damages to vessels and harbor infrastructure
- Lost opportunities for commercial vessels, subsistence, and recreational activities.

Over the 50 year period of analysis, the adverse impacts incurred as a result of current and future harbor conditions have a present value of \$93 million and an average annual value of \$3.5 million. These are preliminary values evaluated within the limited scope of this PAS study.

The categories of damages presented in Table 6 were developed and evaluated in the previous 2008 USACE study. The development of the without-project conditions analysis relied in part on a results of the 2007 mail-out survey previously discussed (Homer Small Boat Harbor Vessel Survey). This analysis provides a high-level re-evaluation of these categories. Specific updates to each category are subsequently discussed. Detailed descriptions for each category can be found in the 2008 USACE study economics appendix.

Table 6. Damages and Inefficiencies under Without Project Conditions

Categories	Present Value (FY19 dollars)	Average Annual Value	Percentage of Total
<i>Harbor Operations</i>			
Harbor personnel time	373,000	13,700	2%
Float and dock repairs	1,885,000	71,500	
<i>Vessel Damages</i>			
Commercial fleet	4,649,300	171,500	17%
Charter fleet	1,271,400	46,900	
Recreation boats	10,551,000	389,200	
<i>Commercial Vessels</i>			
Avoided travel	13,993,900	516,200	19%
Vessel delays	726,500	26,800	
Opportunity Cost of Time	3,464,600	127,800	
<i>Tender Vessels</i>			
Avoided travel	9,564,200	352,800	10%
Vessel delays	32,500	1,200	
Opportunity Cost of Time	149,100	5,500	
<i>Charter Vessels</i>			
Avoided travel	-	-	1%
Vessel delays	203,300	7,500	
Opportunity Cost of Time	463,600	17,100	
<i>Recreation Vessels</i>			
Recreation experience	12,165,000	461,600	13%
<i>Subsistence Fleet</i>			
Increased harvest	28,306,000	1,074,200	31%
<i>Dredging by U.S. Coast Guard</i>			
Avoided dredging	5,283,000	195,000	6%
<i>Harbor of Refuge</i>			
Avoided damages	33,000	600	<1%
Total Damages	93,114,400	3,479,100	

2.5 With-Project Conditions

The following section describes anticipated conditions at Homer assuming that a project has been constructed. The anticipated changes in the operating procedures at the harbor are the basis for the economic analysis.

2.5.1 Assumptions

The period of analysis is 50 years, beginning with the base year of 2022, the project effective date, to 2073. The FY19 Federal discount rate of 2.875 percent is used to discount benefits and costs. The report uses methodology for small boat harbor navigation analysis described in the

USACE Planning Guidance Notebook (ER 1105-2-100), with specific guidance found in the appendices on economic and social considerations and the USACE Civil Works program.

2.5.2 Project Alternative

One alternative was evaluated along with the future without-project conditions (No Action). The No Action alternative serves as a baseline for comparison to the proposed large vessel harbor alternative.

- 1. No Action.** The harbor will remain the same absent Federal action. No large vessel harbor and no additional float system would be constructed. If no action is taken, congestion and overcrowded conditions will continue to cause transportation delays and limit access for commercial fishing and subsistence activities, creating economic inefficiencies to the region and Nation. No project benefits or opportunities would be realized.
- 2. Large Vessel Harbor.** The large vessel harbor would be constructed north of the harbor. This is expected to relieve congestion and transportation inefficiencies in the current harbor. Potential project benefits and opportunities identified in earlier sections of this report may be realized.

2.5.3 Summary of Future With-Project Conditions

Preliminary benefits that are expected to be realized with construction the large vessel harbor are presented in Table 7.

Table 7. Preliminary Benefits: Large Vessel Harbor

Benefit Categories	Present Value of Benefit (FY19 dollars)	Average Annual Benefits	Percentage of Total
<i>Harbor Operations</i>			
Harbor personnel time	263,993	9,760	25%
Float and dock repairs	17,399,019	622,728	
<i>Vessel Damages</i>			
Commercial Fleet	3,293,842	121,522	15%
Charter Fleet	756,629	27,970	
Recreational Fleet	6,279,058	231,619	
<i>Commercial Vessels</i>			
Avoided Travel	7,410,491	365,758	15%
Vessel delays	514,774	19,044	
Opportunity Cost of Time	2,454,611	90,576	
<i>Tender Vessels</i>			
Avoided Travel	5,064,547	249,948	7%
Vessel delays	23,090	833	
Opportunity Cost of Time	105,692	3,928	
<i>Charter Vessels</i>			
Avoided Travel	-	-	0.6%
Vessel delays	121,046	4,523	
Opportunity Cost of Time	275,895	10,236	
<i>Recreational Vessels</i>			
Recreational experience	7,239,574	274,700	10%
<i>Subsistence Vessels</i>			
Increased Harvest	12,531,574	475,500	18%
<i>Dredging by US Coast Guard</i>			
Avoided Dredging	6,287,985	231,976	9%
<i>Harbor of Refuge</i>			
Avoided Damages	19,639	714	0.03%
Total Benefits With-Project	70,041,460	2,741,336	100%

2.5.4 Project Costs

As previously mentioned, the scope of this PAS study was to consider one alternative, the conceptual design of a large vessel harbor that was provided by the local sponsor. The PDT agreed that for this high-level study, the analysis would evaluate the alternative from the 2008 USACE study, for which rough order of magnitude (ROM) costs are available, that is most similar to conceptual design by the City. ROM cost estimates for the alternative considered were developed by USACE Alaska District cost engineers. Cost risk contingencies were included for each item to account for uncertainty.

2.5.5 Key Updates to Project Costs

The project costs developed in the 2008 USACE study are escalated by 20 percent to account for increased prices. The 20 percent escalation is separate from the 20 percent contingency to account for cost uncertainties. Recalling key considerations raised by the City regarding a potential decrease in costs of rock and dredge material management, these form the basis for two scenarios reflected in the preliminary project costs. The first scenario assumes that rock prices and costs of dredge material management will not decrease. This is reflected by contingencies of 20 percent applied on each item cost. The second scenario assumes that costs will decrease and is reflected by removing contingencies from costs associated with rock production and dredging. Contingencies remain for other items.

As with benefit cash flows, costs are discounted to a base year and amortized for comparison against the average annual benefits. Costs used for the benefit-cost analysis include the project first cost, interest during construction (IDC), and operation, maintenance, replacement and rehabilitation (OMR&R) costs greater than the without-project condition. IDC represents the opportunity cost of capital incurred during the construction period. The OMR&R is assumed at \$35,000 annually, amounting to a present value of \$922,000 over the 50-year period of analysis.

The combination of project first costs, IDC, and OMR&R costs form the total investment cost, which was used to determine the average annual equivalent cost for each scenario. Average annual costs were developed by combining the initial construction costs with annual operations and maintenance costs for the alternative under both scenarios using FY19 Federal discount rate of 2.875 percent along with a period of analysis of 50 years. All costs are in 2019 dollars. Table 8 presents the ROM costs for each scenario.

Table 8. Rough Order of Magnitude Costs by Scenario

Cost Description	Scenario A	Scenario B (without contingency for rock prices and dredging)
Land, Easements, Rights-of-Way, and Relocations (LERR)	20,000	20,000
Mobilization and Demobilization	4,279,343	4,279,343
Preparatory Work	113,820	113,820
Breakwater and Seawalls	43,502,887	38,047,640
Dredging and Disposal	14,824,568	12,536,826
Navigation Aids and Markers	119,417	119,417
Inner Harbor Facilities	11,844,004	11,844,004
Pre-Engineering and Design (PED)	2,987,362	2,987,362
Project First Cost	77,691,400	69,638,692
Interest During Construction (IDC)	2,208,243	1,979,358
Operations, Maintenance, Repair, Replacement, and Rehabilitation (OMRR&R)	922,313	922,313
Total Investment Cost	80,821,956	72,540,362
Average Annual Cost	3,067,000	2,753,000

2.5.6 Preliminary Net Benefits and Benefit-Cost Ratio

Net benefits and the BCR are determined using the average annual benefits and average annual costs for each scenario. Net benefits are determined by subtracting the average annual equivalent costs from the average annual benefits for each alternative; the BCR is determined by dividing average annual benefits by average annual costs (Table 9).

Table 9. Summary of Project Costs and Benefits

Alternative Scenario	Present Value Benefits	AAEQ Benefits	Present Value Costs	AAEQ Costs	Net Annual Benefits	BCR
Scenario A	70,041,460	2,741,336	80,821,956	3,067,000	-325,664	0.89
Scenario B	70,041,460	2,741,336	72,540,362	2,753,000	-11,664	1.00

Note: Scenario B reports a minimal negative net annual benefits of -\$11,600. This amount is less than 1% of present value cost for this scenario and the values are rounded, resulting in a preliminary BCR of 1.00.

2.6 Data Gaps and Limitations

While considerable effort was taken to gather sufficient data comparable to the analysis in the 2008 USACE study, data gaps remain as a constraint in this analysis. It is beyond the scope of this study to produce analyses that are closely comparable to the details in the 2008 USACE study. However, it provides an opportunity for documenting specific data needs for further

investigation. Table 10 shows the major benefit categories, the portion of total benefits each of these categories comprises, and descriptions of data needs.

Table 10. Benefit Data Gaps

Benefit Categories	Percent of Total Updated Benefits (PAS 2018)	Data Need Description
Float and Dock Repairs	25%	Analysis assumes 15 to 25 percent of accelerated dock repairs on replacement schedule. Costs on repair and replacement work done since 2008 will inform updated accelerated dock repairs
Vessel Damages -Commercial Fleet -Charter Fleet -Recreational Fleet	15%	Adequate details of vessel dimensions and purpose inform fleet composition. This information by vessel type factors into quantifying vessel damages
Avoided Travel -Commercial Fleet -Tender Vessels	22%	Capturing the types of commercial vessels and documented cases of avoided travel including ports the vessels travel to will improve this analysis
Recreational Experience	10%	Adequate representation of recreational vessels in the existing harbor inform this analysis
Subsistence Vessels	18%	Adequate data on vessels for subsistence purposes in the existing harbor inform this analysis

2.6.1 Assumptions

The USACE assumes that the adverse impacts summarized (see Table 6) would persist in the future while also acknowledging a need for additional data gathering that is beyond the scope of this PAS study. This would allow a more adequate evaluation of the future without-project and with-project conditions. Assumptions noted in the previous study are maintained in this analysis unless stated otherwise.

There are pending initiatives and events that may occur in the future regardless of whether there is Federal investment in navigation improvements. These events may influence the demand and conditions at the existing small boat harbor. For example, an improved barge mooring and large vessel haul out repair facility may lead to more large vessels seeking permanent moorage in the existing harbor. The degree to which these different events may influence benefits and costs is beyond the scope of this PAS and warrants further investigation.

The City’s Capital Improvement Plan (CIP) for 2019 to 2024 describes and provides justification and ranking for projects submitted for state funding. The following are pending projects that are

to take place in the study area vicinity. These are a mix of infrastructure improvements and technical plans for management of infrastructure.

- Barge Mooring and Large Vessel Haul Out Repair Facility
- Storm Water Master Plan
- Main Street Sidewalk Facility: Pioneer Avenue North
- Fire Department Fleet Management

The Cook Inlet Oil and Gas industry is potentially building a liquefied natural gas (LNG) export plant in Nikiski on the Kenai Peninsula. This project will move natural gas from the North Slope to Cook Inlet through a large diameter pipeline to a liquefaction plant in Nikiski. Construction of a plant of such magnitude may attract more barge services and potentially influence large vessel moorage demand at the Homer harbor.

3. CONCLUSION

This preliminary assessment of costs and benefits of implementing navigation improvements in Homer identified a BCR range of 0.89 to 1.00. This analysis meets the study objective discussed to provide planning/technical assistance to the local sponsor by developing a preliminary assessment of the cost and benefits of implementing navigation improvements to build a large vessel harbor to the north of Homer's existing small boat harbor.

It is important to note that this BCR range is based on project cost assumptions, not a range of benefit values. This BCR range may potentially change with more available data about benefit categories and project costs. The benefit evaluation presented in this report included price level and discount rate updates to the benefits considered in the 2008 USACE study as well as updates to specific categories when information existed to inform such updates. This included updating assumptions and benefit values relating to float and dock repairs, transportation cost savings for the commercial fleet, subsistence harvesting opportunities, and the removal of derelict vessels from the existing harbor.

While considerable effort was taken to gather sufficient data comparable to the 2008 USACE study, data gaps remain as a constraint to this analysis. While it is beyond the scope of this PAS effort to produce detailed analyses similar to what occurred in 2008, this study provides an opportunity for documenting specific data needs for further investigation (see Table 10). The benefit categories presented in Table 10 comprise approximately 90 percent of total benefits considered in this analysis. With additional data on these items, it is possible that the BCR could increase beyond the range estimated in this PAS report.

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<https://planning.erdc.dren.mil/toolbox/library/ERs/entire.pdf>
- USACE. 2011. *Economic Value of Subsistence Activity, Little Diomedes, Alaska*. Survey by Tetra Tech, Inc. for USACE.
- USACE. 2008a. *Homer Small Boat Harbor Improvements Economics Appendix*. Alaska.
- USACE. 2008b. *Homer Small Boat Harbor Vessel Survey Results*. Alaska.
- USACE. 2004. *Homer Navigations Improvements Reconnaissance Phase*. Alaska.
- USACE. 2000. Engineering Regulation 1105-2-100 *Planning Guidance Notebook*
<https://planning.erdc.dren.mil/toolbox/library/ERs/entire.pdf>

PROGRESS STATUS REPORT

New Homer Police Station

May 7– June 18, - 2019

Work Completed this Period:

Site survey, clearing and grubbing. Installation of perimeter fencing, temporary power, job trailers. Import of fill, compaction of parking areas 1, 2 & 3. Driveway access cuts. Excavation of lower level and export of overburden. Cut/fill/compaction beneath footings for lower level, elevator pit and Vehicle Storage Building. Layout and installation of waterline/sewer stub beneath footings, 7 line.

Layout, excavation and NFS fill, compaction for installation of footing and elevator pit forms. Forms for VSB, prep for 1st structural concrete pour.
Staging of structural forms and materials.

Work to be Performed Next Period:

Trench/install main waterline and new hydrant. Form/pour valley drive gutters, north entries. Form/pour structural concrete for footings and walls. Install drain tile. Form/pour lower slab. Begin framing on lower level. Install Lift station and sewer lines. Begin block retaining wall installations. Prep structural concrete for backfill.

Schedule Status: Below are milestone start dates for this period:

Milestone Task	Original Start Date	Actual Start Date
Construction Begins	05/07/19	05/07/19
Preliminary Site Work	05/14/19	05/15/19
Excavate for Lower Level	06/22/19	06/05/19
Foundation Forming	06/27/19	06/12/19

Anticipated Problems: No specific problems are anticipated at this time.

End of week, (Friday), Daily Reports and site photos attached for information.
Future updates will include copies of the end of week daily reports.

Prepared by: Pat McNary
Project Manager

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



302

Date Fri 05/10/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



05/10/19 | 04:18PM



05/10/19 | 04:18PM



05/10/19 | 04:18PM

Weather

6:00 AM

46°

Light Rain

Wind: 14 MPH | Precipitation: .04" | Humidity: 72%

12:00 PM

47°

Light Rain

Wind: 10 MPH | Precipitation: .11" | Humidity: 72%

4:00 PM

48°

Overcast

Wind: 10 MPH | Precipitation: .16" | Humidity: 69%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Ron Frazier, Carl Brinkerhoff	Built plan shack Carl Brinkerhoff 05/10/19 06:51PM	2	8	109
Total		2	16	109

Time Cards

No entry

Notes, Issues, Concerns

1. Picked up silt fence and waddle for BMPs. Notified ERS they were onsite and ready for installation. Job site toilet delivered onsite today. Talked to surveyor today.

Carl Brinkerhoff | 05/10/19 | 10:29PM

Site Safety Observations

No entry

Quality Control Observations

No entry

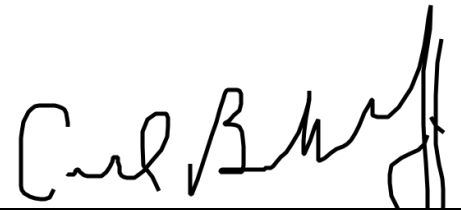
Survey

Questions

N/A No Yes Description

303

- | 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 checked="" type="checkbox"/> | <input type="checkbox"/> | |
| 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"/> | |



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 05/10/19 | 10:29PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603

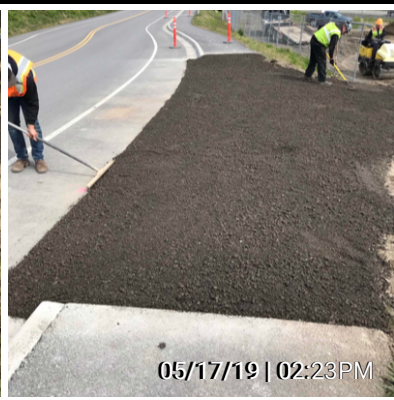


304

Date Fri 05/17/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM	12:00 PM	4:00 PM
43°	49°	51°
Overcast	Overcast	Overcast
Wind: 4 MPH Precipitation: .01" Humidity: 83%	Wind: 3 MPH Precipitation: .07" Humidity: 72%	Wind: 2 MPH Precipitation: .08" Humidity: 67%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Ron Frazier, Carl Brinkerhoff	Coordinate with civil crew building north parking and entrance to west parking. Met with surveyor. Took down section of fence for west parking entrance, reinstalled makeshift gate at end of shift. Requested compaction testing for next Wednesday for first lift of classified fill in north and west parking areas. <small>Carl Brinkerhoff 05/17/19 11:15PM</small>	1	9	143
Total		1	9	151

Time Cards

No entry

Notes, Issues, Concerns

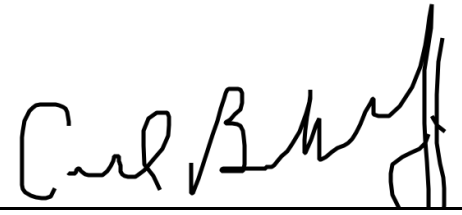
- Civil crew continued north parking area. First lift nearing completion. They also cut curb at both north and west entrances off Grubstake.
Curb and asphalt side walk removed, D1 temporary drive was installed.
Carl Brinkerhoff | 05/17/19 | 11:13PM

Site Safety Observations

No entry

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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 05/17/19 | 11:17PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



306

Date Fri 05/24/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

45°

Mostly Cloudy

Wind: 3 MPH | Precipitation: .0" | Humidity: 81%

12:00 PM

56°

Clear

Wind: 8 MPH | Precipitation: .0" | Humidity: 60%

4:00 PM

59°

Clear

Wind: 7 MPH | Precipitation: .0" | Humidity: 52%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Ron Frazier, Carl Brinkerhoff	Supervision, coordination and documentation. Pre-con meeting. Called for lactates associated with culvert removal. Picked up new civil sheets from print shop and reviewed. Laid out approximate location of vehicle shed. Attended ground breaking ceremony. <small>Carl Brinkerhoff 05/24/19 03:31PM</small>	1	9	197
Total		1	9	205

Time Cards

No entry

Notes, Issues, Concerns

No entry

Site Safety Observations

1. Safety protocols observed onsite.

Carl Brinkerhoff | 05/24/19 | 03:30PM

Quality Control Observations

1. Materials hauled, placed and compacted met spec.

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"/>	Ground breaking ceremony contingent of over 30 people. City council, large number of police force, members of community. <small>Carl Brinkerhoff 05/24/19 10:48PM</small>
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 | 05/24/19 | 10:52PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



308

Date Fri 05/31/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

49°

Mostly Cloudy

Wind: 6 MPH | Precipitation: .0" | Humidity: 77%

12:00 PM

51°

Mostly Cloudy

Wind: 5 MPH | Precipitation: .0" | Humidity: 77%

4:00 PM

54°

Mostly Cloudy

Wind: 7 MPH | Precipitation: .01" | Humidity: 67%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Carl Brinkerhoff	Finished stair railings at both trailers took delivery of partial forming order. Installed remaining section of silt fence east side. Plan review and take offs. Supervision/coordination of civil work. ERS had two men onsite today excavation and haul off materials. Two trucks running all day hauling off overburden and top soil. <small>Carl Brinkerhoff 05/31/19 05:09PM</small>	3	8	51
Total		3	24	277

Time Cards

No entry

Notes, Issues, Concerns

No entry

Site Safety Observations

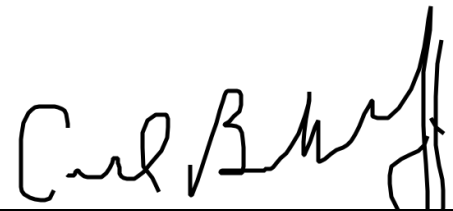
1. Buck anticipates one more week until we can set footings.
Carl Brinkerhoff | 05/31/19 | 05:10PM
2. Safety protocol observed onsite today.
Carl Brinkerhoff | 05/31/19 | 05:13PM

1. All work performed onsite to day met or exceeded project specifications.

Carl Brinkerhoff | 05/31/19 | 05:14PM

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 checked="" type="checkbox"/>	<input type="checkbox"/>	
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"/>	



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 05/31/19 | 05:14PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



310

Date Fri 06/07/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



06/07/19 | 06:09PM



06/07/19 | 05:59PM



06/07/19 | 05:14PM



06/07/19 | 05:14PM

Weather

6:00 AM

50°

Clear

Wind: 5 MPH | Precipitation: .0" | Humidity: 77%

12:00 PM

66°

Clear

Wind: 4 MPH | Precipitation: .0" | Humidity: 51%

4:00 PM

65°

Partly Cloudy

Wind: 8 MPH | Precipitation: .0" | Humidity: 56%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Carl Brinkerhoff	Supervision, coordination, documentation. Completed pre fab of wall forms including parking shed. ERS continued lower level slab excavation and began footing excavation. 2 men onsite rev truck hauling. <small>Carl Brinkerhoff 06/07/19 08:07PM</small>	3	9	184.5
Total		3	27	410.5

Time Cards

No entry

Notes, Issues, Concerns

- I talked to Buck about excavation at elevator pit area footings and expressed my concern due to unsafe north side of trench. He agreed to step the excavation toward the north parking. I let John Bishop know that we have established bottom of sub-grade.

Carl Brinkerhoff | 06/07/19 | 08:15PM

Site Safety Observations

- Safety protocols were observed onsite with the exception of area of footings near elevator.

Carl Brinkerhoff | 06/07/19 | 08:17PM

1. All work and materials utilized on site today met or exceeded project specs.

Carl Brinkerhoff | 06/07/19 | 08:46PM

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 and Carey Meyers were both onsite today. Carl Brinkerhoff 06/07/19 08:55PM
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 | 06/07/19 | 08:55PM

Homer Public Safety Building

Grubstake Avenue Homer, Alaska 99603



312

Date Fri 06/14/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM	12:00 PM	4:00 PM
52° Mostly Cloudy Wind: 4 MPH Precipitation: .0" Humidity: 78%	57° Overcast Wind: 3 MPH Precipitation: .0" Humidity: 65%	56° Overcast Wind: 6 MPH Precipitation: .0" Humidity: 65%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Matt Hanson, Ron Frazier, Tanner Stengel, Carl Brinkerhoff	Supervision, coordination and documentation. We continued lower level footing forms. 95% complete. Set batter boards for parking shed. <small>Carl Brinkerhoff 06/14/19 05:24PM</small>	4	8	64
Total		4	32	538.5

Time Cards

No entry

Notes, Issues, Concerns

1. City provided and installed back-flow preventer at hydrant for temp water supply to site. I talked to Amy at Accel Fire today, I gave her the as-built measurements for 6" water riser in mechanical and requested any required sleeve placement requirements penetrating any concrete. I requested and received submittal materials for water proofing, insulation and drain board from Wakeen at Spenard.
Carl Brinkerhoff | 06/14/19 | 05:29PM

Site Safety Observations

1. Safety protocols were observed onsite today.
Carl Brinkerhoff | 06/14/19 | 05:30PM

1. All work performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 06/14/19 | 05:30PM

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Pat McNary was onsite. City water department was onsite to set back flow preventer at existing fire hydrant. Carl Brinkerhoff 06/14/19 05:34PM
5. Any areas that can't be worked on?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Any equipment rented on site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Attachments



I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 06/14/19 | 05:34PM

Homer Public Safety Building – Foundation Pour



DOT Open House For Six Homer Projects - June 25



Construction season is here, and DOT is busy in Homer!

The Alaska Department of Transportation and Public Facilities (DOT&PF) invites you a "6 in 1" Construction Kickoff and Project Updates Open House.

Stop by the Open House to meet the project managers and to learn more about Homer's three active projects and three upcoming projects.

- **When:** Tuesday, June 25, 2019. Stop by any time between 4 and 7 p.m.
- **Where:** Cowles Council Chambers at Homer City Hall, 491 E Pioneer Avenue

Project managers will be on hand to share information about three projects currently underway by contractor Southcentral Construction, Inc. and three upcoming projects. As the construction season progresses, you can find current project information (shedule of work/road closures, contact information, etc.) on the project weblinks provided below.

1. Pioneer Avenue Pavement Preservation: Sterling Highway to Lake Street (Project # CFHWY00148/0414015)

The purpose of this project is to extend the life of Pioneer Avenue pavement. The project will grind, reshape, and pave the roadway to remove ruts, cracks and potholes, and protect the underlying structural materials. Additional work includes curb ramp upgrades and storm drain repairs. Southcentral Construction Inc. may begin minor work this fall (cleaning storm drains and installing temporary paving) before repavement work slated for summer 2020.

For information during construction:

<http://www.alaskanavigator.org/projects/pioneer-avenue-pavement-preservation> ^[1]

2. Homer Airport Safety Improvements Project # CFAPT00144

The airport project will improve safety by reconstructing taxiway safety areas for Taxiway B and Taxiway E; replace perimeter security fence; relocate primary wind cone and segmented circle; and relocate supplemental wind cone.

For information during construction:

http://dot.alaska.gov/projects-status/wrapper.cfm?project_id=70006 ^[2]

3. Sterling Highway & Main Street Intersection Improvement Project # Z559840000/0211060

Southcentral Construction has begun work this year to install a traffic signal with right-turn lanes on the Sterling Highway to improve the function of the intersection. The signal is expected to reduce crash rates and the delay times.

For information during construction:

<http://www.alaskanavigator.org/projects/hsip-sterling-highway-and-main-street-intersection-improvements> ^[3]

The Construction Project Manager for these three projects is Jacob Gondek, DOT&PF, 907-269 0450, jacob.gondek@alaska.gov ^[4].

Information will also be available on the following projects currently in the design and/or right-of-way acquisition phase.

316

4. Lake Street Rehabilitation: Sterling Highway to Pioneer Avenue/East End Road

Project # Z524610000/0001422

This project will extend the life of the roadway, improve conditions for walking and biking, and improve drainage. The project will widen the road to the west and add bike lanes to both sides; reconstruct curb/gutter and sidewalk on the east side and replace failing culverts. Construction to begin in 2020 pending completing of ROW acquisition and availability of funding.

For more information: <http://dot.alaska.gov/creg/hlsr/index.shtml> ^[5]

Project Manager: Clint Adler, DOT&PF, 907-269-0544, clint.adler@alaska.gov ^[6]

5. West Hill Road Pavement Preservation: Sterling Highway to Skyline Drive

Project # CFHWY00300/0001599

The West Hill Road project includes signing, striping, drainage, pavement, dig-outs, curb ramps, guardrail, lighting, and utility relocation. Construction is slated for 2020.

Project Manager: Aaron Hughes, DOT&PF, 907-269-0523, aaron.hughes@alaska.gov ^[7]

6. East Hill Road Pavement Preservation: East End Road to Skyline Drive

Project # CFHWY00297/0001600

The East Hill Road project will resurface the entire length of East Hill Road, extend the road's service life, repair drainage facilities, and improve safety. The project includes signing, striping, drainage, pavement, dig-outs, curb ramps, guardrail, and utility relocation. Construction is slated for 2021.

Project Manager: Clint Adler, DOT&PF, 907-269-0544, clint.adler@alaska.gov ^[8]

Source URL: <https://www.cityofhomer-ak.gov/citymanager/dot-open-house-six-homer-projects-june-25>

Links

[1] <http://www.alaskanavigator.org/projects/pioneer-avenue-pavement-preservation>

[2] http://dot.alaska.gov/projects-status/wrapper.cfm?project_id=70006

[3] <http://www.alaskanavigator.org/projects/hsip-sterling-highway-and-main-street-intersection-improvements>

[4] [mailto:jacob.gondek@alaska.gov](#)

[5] <http://dot.alaska.gov/creg/hlsr/index.shtml>

[6] [mailto:clint.adler@alaska.gov](#)

[7] [mailto:aaron.hughes@alaska.gov](#)

**Customer Feedback Quarterly Report
1st and 2nd Quarters, 2019**

Customer Feedback Quarterly Report

1st & 2nd Q 2019

DATE	TYPE	CUST COMMENT	Response
Mar-24	Suggestion	Moorage fees complicated. I would suggest a flat fee for like "30-35 ft is \$50.00"	Card left in harbor entry with no contact information, so unable to follow up with customer.
Mar-27	Compliment	Wonderful library with a lot of different materials! Love the customer service I always get here. You guys are great. Thank you.	Card left at Homer Public Library.
Apr-29	Compliment	Rachel Tussey and Renee Krause were super helpful and positive when I was stressed. Thanks!	Card left at Clerk's Office.
May-8	Compliment	Linda, at the front desk, made me feel very welcome and greeted me warmly. Her smile was genuine. Kudos for her.	Card left at City Hall front desk.
May-8	Compliment	Renee in City Clerks Office answered all my questions and referred me to the agencies that can answer my renewing questions. She lets me ring the bell--next round on me!	Card left at City Hall front desk.
Jun-10	Compliment	Thank you for your help and consideration for the underpriveledged. It is appreciated!!!	Card left at Homer Public Library.
Jun-13	Compliment	Thank you for featured web story about DOT&PF Open House, and offering to post notices and include announcement in Clerk's Calendar on local radio station. City of Homer is most proactive City Brooks & Associates has worked with in helping get the word out.	Call to City Clerk's office; City Clerk forwarded comment to Special Projects & Communications Coordinator.

CITY OF HOMER
HOMER, ALASKA

Mayor/Council

RESOLUTION 19-044

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING A REQUEST FOR PROPOSALS (RFP) FOR
GENERAL COUNSEL SERVICES.

WHEREAS, HCC 2.16.010 authorizes the City Attorney to act as legal advisor to and be attorney and counsel for the City Council and shall be solely responsible to the City Council; and

WHEREAS, The last solicitation for General Council services was in 2008; and

WHEREAS, It is in the best interest of the City to occasionally issue a request for proposals for professional services to ensure the City is receiving the highest quality and most cost effective legal representation and advice.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby approves the attached Request for Proposals for general counsel services.

PASSED AND ADOPTED by the Homer City Council this 24th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Advertising costs

**Request for Proposals
General Counsel
City of Homer, Alaska**

Note: the terms “General Counsel”, “Municipal Attorney”, “City Attorney”, and “Legal Service” are used interchangeably within this solicitation for professional service.

I. OVERVIEW OF REQUESTED SERVICES

The City of Homer is a first class municipality located within the Kenai Peninsula Borough with a population of approximately 5,500. The greater Homer area contains approximately 10,000 residents. It is bounded by Lower Cook Inlet to the south and west, Kachemak City (a second class city) to its east, and lands governed by the Kenai Peninsula Borough to its north.

The City is soliciting proposals for a General Counsel. The duties of the General Counsel are generally described in AS 29.2.370 and Homer City Code (HCC) 2.16.010 and more specifically delineated within this solicitation.

While AS. 29.20.360 generally assigns the responsibility of hiring a municipal attorney to the chief administrator, which in Homer’s case is the City Manager, the Homer City Council has reserved that duty for itself. [See HCC 2.04.020(g).]

The City reserves the right to enter into contracts with attorneys other than the general counsel for specialized legal services should the Council so choose. Proposals are invited from any qualified State of Alaska licensed attorney at law or law firm. Attorney/Firms must be qualified to represent the City in all State of Alaska Courts and the U.S. District Court for the District of Alaska.

II. SCOPE OF SERVICES, TERM, AND QUALIFICATIONS

The City prefers to enter into an agreement for an equally fixed monthly fee. The fixed fee shall include all general counsel work and attendance at least one Council meeting per month. The anticipated workload (excluding Council meetings) is approximately 65 hours per month, with an annual aggregate of 780 hours. Court cases and legal proceedings shall be billed at hourly rate(s) as described in your proposal and are separate from the monthly fixed fee.

- A. **SCOPE OF SERVICES.** The Proposer is expected to provide the City with general counsel legal services, which may include any of the following:
1. Serve as the legal advisor of and be responsible to the City Council and City Manager; advise the City Manager and City Clerk concerning

matters affecting the City Administration and perform other legal duties prescribed by the City Council and City Manager.

2. Prepare or review legal documents including, but not limited to ordinances, resolutions, contracts, conveyances, leases, easements, and legal opinions as needed.
3. Be readily available for consultation by the City Council, City Manager, or City Clerk.
4. Provide representation to the Courts of jurisdiction and/or manage the activities of other attorneys who may represent the City in those Courts.
5. Assist the City Manager in negotiations on the City's behalf.
6. At the request of the City Manager, or by resolution of the City Council, draft opinion letters regarding, among other things, the interpretation of the City Code, state and federal laws, and policies.
7. Perform other such duties as may be prescribed for the City Attorney by ordinance or by direction of the City Council and/or City manager
8. Work effectively with the City Council, City Manager, City Clerk and with all other public agencies and other entities with which the City has a legal relationship.
9. Attend at least one City Council meeting per month in person, and ~~others~~ be available telephonically, as requested.

B. TERM. The General Counsel is hired directly by the Homer City Council which is subject to the vicissitudes of annual elections. As such, the agreement may be terminated at the convenience of the City at any time with or without cause. The Homer City Council has not, however, ever exercised that method of change and has looked to the secondary agreement. The term of this professional services agreement shall initially be one year. A longer term may be negotiated by the parties prior to the first anniversary of the agreement.

C. QUALIFICATIONS.

1. The proposer (or primary/lead attorney for the City in a firm) must be a member in good standing of the State of Alaska Bar Association and be qualified to represent the City on all State of Alaska Courts and the U.S. District Court for the District of Alaska.
2. The proposer (or primary attorney) should be experienced and proficient in legal matters affecting the City, to include without limitation, Alaska municipal law including Title 29, the Homer Municipal Code, the Kenai Peninsula Borough Code, and other applicable State of Alaska and Federal laws

D. SKILLS AND COMPETENCIES.

1. The proposer (or firm) must be able to give advice on a wide range of topics and include in their proposal how they would address specialized fields outside the area of expertise of the primary or lead attorney.
2. Research Skills. The proposer (or primary/ lead attorney) must be skilled in legal research.
3. Communication skills. The proposer must be able to clearly present and explain complex information both verbally and in writing.
4. Problem-solving skills. The proposer (or primary/lead attorney) will need complex problem solving skills to help resolve issues that impact the municipality.

III. RESPONSE TO RFP

To achieve a uniform review process and obtain a reasonable degree of comparability, a proposer should submit a response to the request for proposals that is consistent with and follows the format presented below. The proposal should not exceed fifteen (15) pages in length, double spaced, including page 1 of this RFP and the Letter of Transmittal. In page 1 of this RFP, provide the name, address, phone number, fax number, e-mail address, together with the name of the person who the City Manager may contact in regard to the proposal. Provide detail in the proposal for each of the following points:

A. Letter of Transmittal (limited to one page)

1. Briefly state the proposer's understanding of the services to be performed and make a positive commitment to provide the services as specified.
2. State the long term availability of the proposer to the City of Homer
3. Give the name(s) of the person(s) who are authorized to make representations for the proposer, their titles and telephone numbers.
4. The letter must be signed by an individual who has the authority to bind the proposer.

B. Statement of Qualifications

1. Provide a statement of qualifications of the attorney who will be the primary or lead attorney providing general counsel and who will attend Council meetings.
2. Provide a statement of qualifications of other attorneys, if any, who will support the primary attorney. These attorneys may be in the same firm or available under some other arrangement approved by the City Council.

3. Provide a statement of qualifications of other attorneys (if any) in the firm who may have specialized experience and expertise that may be of value to the City.
 4. Describe the municipal experience, other applicable legal experience, and education of the attorney's listed in B1 through B3 above.
 5. List municipal or other relevant cases handled by the primary attorney and supporting attorneys whether the attorney's clients were the prevailing party or not.
 6. Identify and describe the experience over the past five years and the level of expertise in the following areas:
 - a. Attendance at Council/Assembly meetings
 - b. Ordinance and resolution drafting
 - c. Ordinance enforcement
 - d. Zoning and land use regulation
 - e. Public employee labor law
 - f. Municipal sales and property tax law
 - g. Municipal Procurement and contract law.
 - h. Laws related to Police, Fire, Emergency Medical operations
 - i. Acquisition and disposition of public property, land management
 - j. Other municipal issues
- C. Conflicts. List all matters and/or cases where the proposer currently represents an individual or entity with interests potentially adverse to the City. Describe the scope of the representation and the nature of the conflict.
- D. Availability. Specify how available the primary attorney will be to the City. State whether the City will be the primary attorney's main client or one of several or many. State the current workload of the primary attorney and how that attorney intends to accommodate the City's legal work requirements. State the location of the office from which the primary attorney will serve the City.
- E. Disclosure. Disclose any alleged significant prior or ongoing contract failures, contract breaches, any civil or criminal litigation or Bar association investigation which involve the proposer as a party or in which the proposer has been judged guilty or liable or sanctioned. This is a mandatory disclosure.
- F. Cost. Proposals must state the following cost information:
1. A fixed monthly fee to provide 65 hours of general counsel per month plus travel to Homer for 12 Council meetings per year.

2. The hourly rate for the lead attorney, supporting attorneys, and other attorneys for hours worked above and beyond 50 hours per month or for specialized services (ie. litigation) outside the contract for general services.
3. Cost per hour of travel (above the contracted 12 trips).

G. Municipal Experience. List any municipalities for which the proposer has performed legal services in the past five years. Provide a short description of the services, the date performed, and a person employed by the municipality or government organization that is familiar with the work.

H. References. Provide a minimum of five (5) references from similar clients, to include local government, state, and/or private clients, for whom the proposer has performed legal services within the last three years. The City may contact any and all references for validation of information submitted and other information relative to the proposal.

I. A Suggested Legal Services Agreement drafted by the proposed.

IV. PROPOSAL EVALUATION AND AWARD PROCESS

A. Proposals will be evaluated and scored by the Homer City Council on a 100/125 point scale based on the following criteria:

Quality of primary attorney	35 points
Qualifications of other attorneys	10 points
Conflicts (may exclude proposer)	10 points
Availability	10 points
Disclosure (may exclude proposer)	10 points
Cost/Proposed contract	25 points

Subtotal for initial selection 100 points

Council Interview 25 points In person presentation of qualifications and services

Total 125 points

Proposals will be kept confidential until a contract is awarded, subject to law.

B. The City may contact the references provided by the proposer, contact any proposer to clarify a response; contact current and/or prior clients; solicit

information from any available source concerning any aspect of a proposal; and see and review any other information deemed pertinent to the evaluation process.

- C. After the proposals are received, the full City Council will evaluate and score the proposals. The Council may ask the City Manager, current City Attorney, and City Clerk to participate and/or provide support as needed. The Council will, after initial scoring, invite selected attorney's/firms to interview, telephonically and/or in person at the sole expense of the proposing firm.
- D. At the conclusion of the interview process, the City Council will determine its choice of the highest rated proposer. Any award is contingent upon the successful negotiation of final contract terms and upon approval of the contract by the Council. Negotiations shall be confidential and not subject to disclosure to competing proposers unless and until an agreement is reached. If contract negotiations cannot be concluded successfully, the City upon written notice to all selected proposers may negotiate a contract with the next highest scoring proposer or proposers of withdraw the RFP.

V. SUBMITTAL INSTRUCTIONS

A. PROJECTED RFP TIMELINE

<u>TASK</u>	<u>DATE/TIME</u>
Deadline for submission of proposals	July 19, 2019
Initial evaluation period	July 19 – July 26, 2019
Selection/Invitation for interviews	July 26, 2019
Selection of highest scoring attorney (by Resolution)	August 12, 2019
Contract Approval by Council	Next available meeting

NOTE: These dates represent a tentative schedule of events. The City reserves the right to modify these dates at any time, with appropriate notice to applicable proposers on the Plan Holders List.

- B. All interest proposers who obtain a copy of the RFP must be listed on the Plan Holders list maintained by the Homer City Clerk's Office.

- C. Proposers shall submit one (1) original proposal marked "MASTER" and ten (10) identical copies to: Melissa Jacobsen, City Clerk, City of Homer, 491 E. Pioneer Ave., Homer Alaska, 99603.
- D. Proposals shall be clearly labeled in a sealed envelope or box as follows: REQUEST FOR PROPOSALS: Legal Counsel Services
- E. Proposals must be received at the above referenced address no later than 4:00 p.m. on July 20, 2019. Proposals that do not arrive by that time and date WILL NOT BE ACCEPTED. Proposers may submit their proposal at any time prior to the above stated deadline. Facsimile, e-mail, or telephone proposals will NOT be accepted.
- F. For ease of evaluation, the proposal should be presented in a format that corresponds to and references sections outlined in this RFP, and should be presented in the same order. Responses to each section and subsection should be labeled so as to indicate such term is being addressed.
- G. Proposals should be prepared in such a way as to provide a straightforward, concise delineation of capabilities to satisfy the requirements of this RFP. Expensive bindings, colored displays, promotional materials, etc. are not necessary or desired. Emphasis should concentrate on conformance to the RFP instructions, responsiveness to the RFP requirements, and on complete and clear content.
- H. The proposal must be signed by the individual legally authorized to bind the proposer.

VII. GENERAL TERMS, CONDITIONS AND EXCEPTIONS

- A. Performance of the proposer may be rated by the City Council semi-annually for the first year following contract award and then annually for the term of the contract.
- B. The City reserves the right to alter, amend, or modify any provisions of this RFP, or to withdraw this RFP, at any time prior to the award of a contract pursuant hereto, if it is in the best interest of the City to do so.
- C. The City reserves the right to waive informalities and minor irregularities in proposals received.
- D. The City reserves the right to reject any or all proposals received prior to contract award.

- E. The City shall not be obligated to accept the lowest priced proposal, but may make an award in the overall best interest of the City after all factors have been evaluated.
- F. Alterations, modification or variations to a proposal may not be considered unless authorized by the RFP or by addendum or amendment.
- G. Proposals may be withdrawn by written or facsimile notice received prior to the deadline for proposal submittal. Withdrawals received after the proposal submittal deadline will not be considered. Proposers who transmit withdrawals by fax do so at their own risk. The City will not be responsible for any error or failure in fax transmission or receipt.
- H. Prices offered by proposers in their proposals are an irrevocable offer for the term of the contract. The awarded proposer agrees to provide the services at the costs, rates, and fees as set forth in the proposal. No other costs, rates, or fees shall be payable to the awarded proposer for the implementation of their proposal.
- I. The City will not be liable for any costs incurred by a proposer to prepare its proposal. Costs to develop the proposals and any other such expenses incurred by the proposer in responding to the RFP are entirely the responsibility of the proposer and shall not be reimbursed in any manner by the City.
- J. All proposals submitted become the property of the City and will be returned only at the City's option and at the proposer's request and expense. The master copy of each proposal shall be retained for official files and will become public record after the award of the contract.
- K. The City will not be liable for federal, state, or local excise taxes.
- L. Proposer's response to the RFP shall constitute an agreement to all terms and conditions specified in the RFP, including, without limitation, except such terms and conditions that the proposer expressly excludes, which must be written in bold, italicized and underscored font. Exceptions will be taken into consideration as part of the evaluation process.
- M. The City reserves the right to negotiate final contract terms with the proposer selected. The RFP and the awarded proposer's proposal shall be incorporated therein.
- N. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the City in evaluation of the proposal. Any

proposer misrepresentation may be treated as fraudulent concealment from the City of the true facts relating to the proposal.

- O. The City reserves the right to conduct a background inquiry of each proposer that may include collection of appropriate criminal history information, contractual and business associations and practices, Bar sanctions and reprimands, employment histories, and reputation in the legal and business communities. By submitting a proposal to the City, the proposer consents to such an inquiry.
- P. The City is an equal opportunity employer and complies with Title I of the American with Disabilities Act. Proposers who need accommodation to respond to the RFP may call the City Clerk at 907-235-8121.

END OF RFP

CITY OF HOMER
HOMER, ALASKA

Aderhold

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.

WHEREAS, Kenai Peninsula Borough (KPB) Ordinance 2019-11 returns jurisdiction over the sales tax cap to the Borough Assembly; and

WHEREAS, The sales tax cap has not increased from \$500 since 1964; and

WHEREAS, The sales tax cap is an important and valuable revenue tool for the Borough Assembly; and

WHEREAS, Currently the only mechanism the Assembly has to impact revenue is property taxes which unfairly targets one population; and

WHEREAS, If Ordinance KPB 2019-11 passes, any change in the sales tax cap will require Assembly approval and there will be an opportunity for public input.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports KPB Ordinance 2019-11 Repealing KPB 5.18.430(F) which requires voter approval to increase the sales tax cap.

PASSED AND ADOPTED by the Homer City Council on this 24th day of June, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Introduced by:	Carpenter, Cooper
Date:	06/04/19
Hearing:	07/02/19
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-11**

**AN ORDINANCE REPEALING KPB 5.18.430(F) WHICH REQUIRES VOTER
APPROVAL TO INCREASE THE SALES TAX CAP**

WHEREAS, the borough sales tax cap of \$500 has been in effect since 1964; and

WHEREAS, according to the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018; and

WHEREAS, for 41 years, voter approval was not required to increase the cap on the amount of a sales subject to the borough's sales tax; and

WHEREAS, in 2005 the voters approved an initiative which, among other things, imposed a requirement that any increase in the maximum sales tax may not take effect until ratified by the voters at a regular borough election; and

WHEREAS, if this voter approval requirement is repealed then any increase in the sales tax cap would still have to be approved by the assembly by ordinance, which would require the assembly to introduce the ordinance subject to public comment and hold at least one public hearing, giving the public at least two opportunities to comment on any proposed increase before the assembly members vote for or against it; and

WHEREAS, the assembly, the administration and members of the public have been struggling for several years to find ways to balance the borough's budget and provide sufficient funding for education and the services provided directly by the borough;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. KPB 5.18.430(F) is hereby repealed.

SECTION 2. That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2019.**

Wayne H. Ogle, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Kenn Carpenter, Assembly Member *(B) for K.C.*
Kelly Cooper, Assembly Member *(B) for K.C.*

DATE: May 23, 2019

RE: Ordinance 2019-11, Repealing KPB 5.18.430(F) which Requires
Voter Approval to Increase the Sales Tax Cap (Carpenter)

The sales tax cap has remained at \$500 since 1964, when the borough was formed. Per the Alaska Department of Labor Consumer Price Index Inflation Calculator for Anchorage, the value of \$500 in 1964 was \$3,222 in 2018.

The borough assembly and administration have been working to try to balance the budget and adequately fund education as well as the services provided by the borough. In the last few years increased sales tax and property tax exemptions, reductions in state funding for schools and local governments, and the ongoing needs for borough services have made it increasingly difficult for the assembly to balance the budget.

For 41 years, until 2005, voter approval was not required to increase the sales tax cap. It is not required by state law; instead, in 2005, it was imposed through a voter initiative. If this ordinance is approved, it would not increase the cap. However, if the assembly were to consider increasing the cap it would have to do so by ordinance following the standard public process. Members of the public would have the opportunity to comment both verbally and in writing on any such proposed ordinance.

I recognize that two recent attempts to obtain voter approval to increase the sales tax cap failed at the ballot box, but the borough and state's financial condition has worsened. Your support of this ordinance would be appreciated.

