



**Homer City Hall**  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## **City of Homer Agenda**

**City Council Regular Meeting  
Monday, December 09, 2019 at 6:00 PM  
City Hall Cowles Council Chambers**

### **CALL TO ORDER, PLEDGE OF ALLEGIANCE**

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

### **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

### **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

### **RECONSIDERATION**

**CONSENT AGENDA** (Items listed below will be enacted by one motion. If a separate discussion is desired on an item, that item may be removed from the Consent Agenda and placed on the Regular Meeting Agenda at the request of a Councilmember.)

- a. Homer City Council unapproved Special and Regular Meeting Minutes of November 25, 2019. City Clerk. Recommend adoption.
- b. Memorandum 19-157 from City Clerk re: Liquor License Renewals for Finn's and AJ's Oldtown Steakhouse & Tavern. Recommend approval.
- c. Memorandum 19-158 from Deputy City Clerk re: Vacation of a 40 foot wide section of an unnamed Public Access Easement in Homer described as the westerly 280.6 feet of the north 20 feet of Lot 14, H.K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H.K. Davis No. 5 (HM 86-21). The Public Access Easement being vacated is developed and located within the NW 1/4 SE 1/4 of Section 11, Township 6, Range 13 W, Seward Meridian, Alaska, within the Kenai Peninsula Borough, KPB File 2019-128V. Recommend approval.
- d. Memorandum 19-159 from Deputy City Clerk re: Vacation of a 33 foot Section Line Easement located on the south lot lines of Lot 18-A Oscar Munson No. 23 (Plat HM 2006-66) and the south 400 feet of the east 400 feet of Government Lot 1, Section 20, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough, KPB File 2019-025v. Recommend approval.
- e. Ordinance 19-55, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Amending Homer City Code 2.08.040, Bylaws for Council Procedures to

Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos. Introduction November 25, 2019 Postponed. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

- f. Ordinance 19-59, 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. Venuti. Recommended dates Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.
- g. Resolution 19-086, A Resolution of the City Council of Homer, Alaska, Establishing the 2020 Regular Meeting Schedule for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks, Art, Recreation & Culture Advisory Commission, Planning Commission and Port & Harbor Advisory Commission. City Clerk. Recommend adoption.

Memorandum 19-162 from City Clerk as backup

- h. Resolution 19-087, A Resolution of the City Council of Homer, Alaska, Acknowledging the November 2019 Surplus Vehicle Bid Results. City Clerk. Recommend adoption.
- i. Resolution 19-089, A Resolution of the City Council of Homer, Alaska, in Support of the Exchange of Services Contract between the Homer Port and Harbor and Kachemak Marine Haul Out Services for the Disposal of Nuisance Vessel, *F/V Kupreanof*, and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Port Director. Recommend adoption.
- j. Resolution 19-090, A Resolution of the City Council of Homer, Alaska, Authorizing the City to Apply for a Federal Economic Development Administration Disaster Recovery Program Grant for Pre-Disaster Planning and Communications Improvements in an Amount up to \$206,365 and Expressing its Commitment to Provide a Local Match to Grant Funds. City Manager. Recommend adoption.

## **VISITORS**

- a. South Kenai Peninsula Opioid Task Force Quarterly Update (10 Minutes)
- b. Homer Chapter of the Kenai Peninsula Homeless Connect Project - Derotha Ferraro (10 Minutes)
- c. 2019 Salmon Season Update - Nate Burga and Norm Barch - PowerPoint Presentation (10 Minutes)

## **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
- e. Borough Report
- f. Library Advisory Board
- g. 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. City Council Travel
  - i. Travel Report from Councilmember Aderhold re: AML Conference November 2019
  - ii. Travel Report from Councilmember Evensen re: NEO Training and AML Conference 2019
  - iii. Mayor's Report re: 2019 AML Travel

### **PUBLIC HEARING(S)**

- a. Ordinance 19-51, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds. City Manager. Introduction October 28, 2019. Public Hearing and Second Reading November 25, 2019 and December 9, 2019.
- b. Resolution 19-080, A Resolution of the City Council of Homer, Alaska Amending the Homer Tariff No. 1 Under Rule 9-Anchoring, Rule 12-Vehicle Parking, Rule 13-Wharfage, Demurrage and Free Time, Rule 26-Fish Dock Rates, and Rule 27-Small Boat Harbor Rules and Regulations. City Manager/Port Director. Follows Ordinance 19-51.
- c. Resolution 19-081(S), A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees. City Clerk. Follows Ordinance 19-51.  
  
Memorandum 19-154 from City Clerk as backup
- d. Ordinance 19-53, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 1.16.040 Fine Schedule and Chapter 5.42 Carryout Bags, Sections 5.42.020

Definitions and 5.42.020 Exceptions. Venuti. Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

Memorandum 19-147 from Special Projects and Communications Coordinator as backup

- e. Ordinance 19-54(S)(A), An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant. Venuti/Smith. Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

Memorandum 19-148 from Economic Development Advisory Commission as backup

Ordinance 19-54(S-2)(A), An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services.

Memorandum 19-161 from Special Projects and Communications Coordinator as backup.

- f. Ordinance 19-56, An Ordinance of the City Council of Homer, Alaska Moving Expenditures in the Amount of \$92,852.24 Previously Allocated from the General Fund Operating Fund to now be Allocated from the Natural Gas Line Capital Project Fund for Legal and Travel Related Expenses Associated with ENSTAR Tariff Filing 310-4. Mayor. Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

## **ORDINANCE(S)**

- a. Ordinance 19-57, An Ordinance of the City Council of Homer, Alaska, Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund). Mayor. Recommended dates Introduction December 9, 2019 Public Hearing and Second Reading January 13, 2020.

Memorandum 19-155 from Finance Director as backup.

- b. Ordinance 19-58, An Ordinance of the City Council of Homer, Alaska, Addressing the Recommendations from the Altman Rogers & Company HAWSP Fund Balance Analysis Report. Mayor. Recommended dates Introduction December 9, 2019, Public Hearing and Second Reading January 13, 2020

## **CITY MANAGER'S REPORT**

- a. City Manager's Report

**PENDING BUSINESS**

**NEW BUSINESS**

- a. Memorandum 19-160 from City Manager re: Authority to Clear Hazardous Trees in the Right of Way on Mt. Augustine and E. Bayview

**RESOLUTIONS**

- a. Resolution 19-088, A Resolution of the City Council of Homer, Alaska, Commenting on Regulatory Commission of Alaska Docket No. P-19-017 in the Matter of the Joint Application Filed by BP Pipelines (Alaska), Inc., and Harvest Alaska, LLC, for Approval of the Transfer of a Certificate of Public Convenience and Necessity No. 311 and Operating Authority thereunder from BP Pipelines (Alaska) Inc. to Harvest Alaska, LLC. 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, January 13, 2020, at 6:00 p.m. Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 19-33 a Special Meeting of the Homer City Council was called to order on November 25, 2019 by Mayor Ken Castner at 3:30 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, EVENSEN, LORD, SMITH, VENUTI

**EXCUSED:** HANSEN-CAVASOS (recused by Mayor Castner)

**STAFF:** CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
ATTORNEY PINKEL

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

LORD/VENUTI MOVED TO APPROVE THE AGENDA

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

**PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA** (3 minute time limit)

**PENDING BUSINESS**

**NEW BUSINESS**

- a. Memorandum 19-146 from City Clerk Re: Request for Executive Session Pursuant to AS 44.62.310(A-C)(1&5) Matters, the Immediate Knowledge of which would Clearly have an Adverse Effect Upon the Finances of the Government Unit and Attorney/Client Privilege (Thomas Stroozas vs. City of Homer Lawsuit)

ADERHOLD/LORD MOVED THAT COUNCIL ADJOURN INTO EXECUTIVE SESSION PURSUANT TO AS 44.62.310(A-C)(1&5) MATTERS, THE IMMEDIATE KNOWLEDGE OF WHICH WOULD CLEARLY HAVE AN ADVERSE EFFECT UPON THE FINANCES OF THE GOVERNMENT UNIT AND ATTORNEY/CLIENT PRIVILEGE (THOMAS STROOZAS VS. CITY OF HOMER LAWSUIT)

Mayor Castner noted for the record that JDO Attorney Pinkel and City Manager Koester will attend.

VOTE: YES: VENUTI, SMITH, ADERHOLD, LORD, EVENSEN

Motion carried.

Council adjourned into executive session at 3:33 p.m.

Mayor Castner called the meeting back to order at 3:54 p.m.

Councilmember Lord reported Council met in executive session to discuss the Thomas Stroozas v. City of Homer lawsuit and give direction to Attorney Pinkel of JDO Law.

**COMMENTS OF THE AUDIENCE**

**ADJOURN**

There being no further business to come before the Council Mayor Castner adjourned the meeting at 3:54 p.m. The next Regular Meeting is Monday, December 9, 2019 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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Melissa Jacobsen, MMC, City Clerk

Approved: \_\_\_\_\_

Session 19-34 a Regular Meeting of the Homer City Council was called to order on November 25, 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, EVENSEN, HANSEN-CAVASOS, LORD, SMITH, VENUTI

**STAFF:** CITY MANAGER KOESTER  
CITY CLERK JACOBSEN  
POLICE CHIEF ROBL  
PORT DIRECTOR HAWKINS  
CITY PLANNER ABOUD  
PERSONNEL DIRECTOR BROWNING  
LIBRARY DIRECTOR BERRY  
FIRE CHIEF KIRKO

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

The following changes were made: **Consent Agenda Ordinance 19-54**, An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant. Venuti/Smith. **Ordinance 19-54(S)**, with the same title. Written public comments. **Resolution 19-083**, A Resolution of the City Council of Homer Alaska Strongly Discouraging any Legislative or Regulatory Changes that Erode Oil Spill Prevention and Response Standards; Stating that if the System Created after the 1989 Oil Spill is Weakened, Alaskans will Likely Face an Increased Risk of Reliving Another Major Oil Spill; and Asking the State of Alaska to Halt the Department of Environmental Conservation's Public Scoping Process Until Detailed Information is Provided to the Public as to the Driving Factors that led to this Regulatory and Statutory Reform Initiative. Aderhold. Article from PWSRCAC website and letter to Regulatory Commission of Alaska as backup. **Visitors** Homer Chamber of Commerce – Jan Knutsen, Interim Director and Tom Soderholm, Board President. **Public Hearings Ordinance 19-49**, An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith. **Ordinance 19-49(S)**, An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for ~~Medical Clinics~~ Conditional Use Permits in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith. Memorandum 19-156 with attachments from City Planner as backup and Proposed amendments from Councilmember Aderhold; **Ordinance 19-51**, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the



Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Budget amendment re: Hosting AML Summer Conference 2021; **City Manager's Report** 2020 Homer Facility Tour Schedule

LORD/VENUTI MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **MAYORAL PROCLAMATIONS AND RECOGNITIONS**

### **PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA**

Karin Marks, city resident and Economic Development Advisory Commission Chair, commented in support of Ord 19-54(S). She shared some history of the development of the recommendation from the Economic Development Advisory Commission of a Wayfinding and Streetscapes plan for the city.

Nicole Arevelo, city resident and Economic Development Advisory Commissioner, commented in support of Ordinance 19-54(S). She shared her experience working on the spit in the summer and visitors not being aware of downtown and Old Town. A structured plan for signage will help with that.

Angie Newby, city resident, commented in support of Ordinance 19-54(S) and shared about her time on the former Public Arts Committee's and their work on Gateway signage. She appreciates that this broadens the scope to a Wayfaring signage opportunity and the benefits for our locals and tourists.

Jan Knutson, Interim Director of the Homer Chamber and also the Visitor Center Manager, commented in support of Ordinance 19-54(S) and the benefits of this for visitors to Homer. The Chamber Board of Directors endorses this ordinance unanimously.

Adele Person, city resident, served on the Pioneer Avenue Task Forces and works at Bunnell Street Art Center. She commented in support of 19-54(S) and explained at Bunnell they are working on a project to put more public art installations that would segue well into this.

Taz Tally, non-resident, commented in support of 19-54(S) and the benefits of Wayfinding. He suggested including digital and mobile wayfinding as part of the overall plan as most people rely heavily on their phones to get around.

## **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. City Council Unapproved Meeting Minutes for October 14 and 28, 2019 Regular Meetings and October 28, 2019 Special Meeting. City Clerk. Recommend adoption.
- b. Memorandum 19-145 from Deputy City Clerk Re: Liquor License Renewal for Harbor Grill and Liquor License Transfer for Little Mermaid. Recommend approval.
- c. Ordinance 19-53, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 1.16.040 Fine Schedule and Chapter 5.42 Carryout Bags, Sections 5.42.020 Definitions and 5.42.020 Exceptions. Venuti. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

Memorandum 19-147 from Special Projects and Communications Coordinator as backup

- d. Ordinance 19-54, An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant. Venuti/Smith. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

Memorandum 19-148 from Special Projects and Communications Coordinator as backup

Moved to Ordinances item c. Aderhold.

- e. Resolution 19-082, A Resolution of the City Council of Homer, Alaska Urging the Alaska Department of Transportation and Public Facilities to Keep the Silvertip Maintenance Station Open. Aderhold. Recommend adoption.
- f. Resolution 19-083, A Resolution of the City Council of Homer Alaska Strongly Discouraging any Legislative or Regulatory Changes that Erode Oil Spill Prevention and Response Standards; Stating that if the System Created after the 1989 Oil Spill is Weakened, Alaskans will Likely Face an Increased Risk of Reliving Another Major Oil Spill; and Asking the State of Alaska to Halt the Department of Environmental Conservation's Public Scoping Process Until Detailed Information is Provided to the Public as to the Driving Factors that led to this Regulatory and Statutory Reform Initiative. Aderhold. Recommend adoption.

- g. Resolution 19-084, A Resolution of the Homer City Council Approving an Operating Agreement Between the Kenai Peninsula Borough and the South Peninsula Hospital Inc. dated January 1, 2020 and also Approving the Kenai Peninsula Borough and South Peninsula Hospital Inc.'s Request to Sublease a Portion of the Hospital to the U.S. Department of Veterans Affairs on the City Leased Property Tract A-2, South Peninsula Hospital Subdivision 2008 Addition, Filed as Plat No. 2008-92. City Manager. Recommend adoption.
- h. Resolution 19-085, A Resolution of the City Council of Homer, Alaska Encouraging Proper Pronunciation of Cowles Council Chambers as Continued Recognition for the City of Homer's First Mayor. Evensen. Recommend adoption.

Item d. was moved to Ordinances item c. Aderhold

City Clerk Jacobsen read the consent agenda.

VENUTI/LORD MOVED TO APPROVE THE RECOMMENDATIONS OF THE CONSENT AGENDA AS READ.

**VISITORS** (10 minutes)

- a. South Peninsula Hospital Report - Ryan Smith, CEO (10 minutes)

Ryan Smith, South Peninsula Hospital CEO, thanked the Council for adopting Resolution 19-084 on the Consent Agenda. He reported on the hospitals ownership and governance, and finances. He reviewed their leadership team, and provided an update on their efforts to rent the Kachemak Building following the closure of Medicenter. He explained that Carol Klamsler, DNP, has joined the South Peninsula Hospital team and will be in that building along with general surgeons, Dr. Boling and Dr. Larsen. Mr. Smith also reported the hospital received its Trauma Level IV recertification, it will have a new CT Scanner in June, Home Health was named to 2018's HomeCare Elite list, received an American Physical Therapy Association Award, along with other updates and events.

- b. Homer Chamber of Commerce – Jan Knutson, Interim Executive Director and Tom Soderholm, Board President (10 minutes)

Jan Knutson, Interim Executive Director and Tom Soderholm, Board President reviewed the annual statistics for the Homer Chamber of Commerce. They have 30 volunteer hosts who have given over 2700 hours of their time to almost 16,000 visitors who have called or come in. At \$15 per hour, that's close to \$40,000 in kind services to the Chamber. With an increase in visitors and conferences this year, they've prepared welcome packets for 12 major conferences. There will be 10 Holland America cruise ships coming into port this summer and there are volunteer hosts to welcome the passengers, and provide visitor guides, and assist with activities and buses to town when they disembark, and at the bus stops around town.

They reviewed information about events in 2019 including the spring Winter King Tournament, shoulder season events, and moving from the summer long Halibut Derby to a tournament style event in June. They announced the upcoming events including Tree Lighting ceremony and events on December 5<sup>th</sup>, Winter Carnival Parade on February 9<sup>th</sup>, cleanup day the first week in May, and others. They touched on relocation packages, the new neighbor program, and local partnerships. They thanked Council for consideration of renewal of the marketing contract with the City and proposed additional funds to expand and enhance the visitor center on the spit \$12,000 for seasonal staffing and \$2000 for improvements to the building. Lastly they introduced the recently hired Executive Director, Brad Anderson.

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

a. Committee of the Whole Report

Councilmember Lord reported Council discussed the 2020-2021 budget and focused on proposed amendments and reviewed the project closeout work the Finance Department has been working on.

b. Worksession Report

City Manager Koester reported the Council discussed the Homer Accelerated Water and Sewer Fund and heard from the accounting firm Altman and Rogers who took a deep look at it. They have recommendations to Council to get the fund balance back into a positive nature and allow special assessment districts to begin again in the City.

c. Special Meeting Report

Councilmember Lord reported Council met in executive session to discuss the Thomas Stroozas v. City of Homer lawsuit and give direction to Attorney Pinkel of JDO Law.

d. Mayor's Report

Mayor Castner reported several members were at the Alaska Municipal League conferences in Anchorage last week. Elected officials attend as well as affiliate groups, including the Clerks and Managers. He attended as well as Councilmembers Aderhold, Lord, Venuti, Evensen, and Hansen-Cavasos. Melissa Jacobsen was elected as President of the Alaska Association of Municipal Clerks, Katie Koester was elected as President of the Alaska Municipal Management Association, and Bryan Hawkins is currently serving as the Alaska Harbormasters Association President. There is a lot of leadership coming out of Homer right now. Our Borough Mayor and Assembly members were there and we had a good opportunity to talk about broader community problems and events.

e. Borough Report

f. Library Advisory Board

Gordy Vernon, Library Advisor Board member, reported the Board has been discussing an Endowment Fund and working with foundations to see what they have to offer.

g. Planning Commission

h. Economic Development Advisory Commission

- i. Memorandum from Economic Development Advisory Commission Re: Recommendations for Ordinance 19-47 to Repeal HCC 2.76 Economic Development Advisory Commission

Karin Marks, Economic Development Advisory Board Chair, reported at their last meeting the Commission voted to support Ordinance 19-54 and look forward to it passing as there is a lot of support for it. They also developed their recommendation for Ordinance 19-47 regarding disbanding the Commission that's included in the packet.

i. Parks Art Recreation and Culture Advisory Commission

Ingrid Harrald, Parks Art Recreation and Culture Advisory Commissioner, shared her thankfulness for the support from staff and all they do for the Commission and community, and also for the Council. She reported on the Commissions upcoming letter to editor regarding summer Camp Hosts. The Commission recently discussed camping and schedules, increased vandalism in the parks, held a walkthrough at Karen Hornaday Park to look at traffic calming and discuss ideas, and the memo to Council supporting HART funds for trail maintenance. She commended Parks Staff for upping their game in litter pickup in the parks, it's been noticed and received positive feedback. They also had productive discussion with Deputy City Planner Engebretsen and Parks Maintenance Coordinator Steffy on camping at Mariner Park and ways to maintain the capacity of camp sites on the spit. The Commission has also commented in support of the Wayfinding and Streetscapes plan.

j. Port and Harbor Advisory Commission

k. Americans with Disabilities Act Compliance Committee

Councilmember Aderhold reported the Committee had a meeting scheduled, but didn't have a quorum to meet. She announced there is an opening on the Committee and anyone interested can inquire at the Clerk's Office.

l. Employee Committee Report

- i. Memorandum from Employee Committee Re: Request for a COLA for FY 2020 & 2021 to Match Inflation

Deputy City Planner Julie Engebretsen and Library Technician David Bernard, Employee Committee Chair and Co-Chair reported to Council on the Committees support of the proposed budget amendment for the COLA in 2020 and 2021.

## **PUBLIC HEARING(S)**

- a. Ordinance 19-49, An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for Professional Offices and Medical Clinics in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith. Introduction October 14, 2019 Public Hearing and Second Reading November 25, 2019

Ordinance 19-49(S), An Ordinance of the City Council of Homer, Alaska Imposing a Temporary Six-Month Moratorium on Applications for ~~Medical Clinics~~ Conditional Use Permits in the Residential Office District and Directing the Planning Commission to Make a Recommendation to the City Council for the Creation of a Medical District in the Vicinity of the South Peninsula Hospital During this Time Frame. Smith.

Mayor Castner opened the public hearing.

Lane Chesley, city resident and property/business owner in the the affected area, commented in support of Ordinance 19-49 and thanked the Council and Planning Commission for taking up this important zoning matter.

There were no further comments and the hearing was closed.

SMITH/LORD MOVED TO ADOPT ORDINANCE 19-49 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

SMITH/LORD MOVED TO SUBSTITUTE ORDINANCE 19-49(S) FOR 19-49.

It was noted the substitute is a product of the Planning Commission's review and the City Attorney has had an opportunity to review it.

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

Motion carried.

ADERHOLD/LORD MOVED TO AMEND LINES 8 AND 25, TO ADD NON-RESIDENTIAL IN FRONT OF CONDITIONAL.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO DELETE LINES 29 AND 30.

Councilmember Aderhold explained the language should be in the section to be ordained and she'll propose similar language in another amendment.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO REVISE LINES 40-42 TO READ "THE CITY WILL NOT ACCEPT ANY ADDITIONAL CONDITIONAL USE PERMIT APPLICATIONS THAT ARE SUBJECT TO THIS MORATORIUM. THIS DOES NOT APPLY TO THOSE CONDITIONAL USE PERMIT APPLICATIONS THAT HAVE BEEN PREVIOUSLY RECEIVED AND/OR APPROVED."

Councilmember Aderhold commented this just changes the wording to make it more grammatically correct.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVE TO AMEND LINE 44 TO ADD "SECTION 2. THE PLANNING COMMISSION IS DIRECTED TO WORK WITH THE NEIGHBORHOOD AND PRODUCE RECOMMENDATIONS REGARDING THE CREATION OF A MEDICAL DISTRICT BY JUNE 30, 2020. THE RECOMMENDATIONS SHOULD COME IN THE FORM OF A DRAFT ORDINANCE AND A MEMO EXPLAINING THE RECOMMENDATIONS AND PROCESS FOLLOWED TO DEVELOP THEM."

There was brief discussion confirming the time line is acceptable to Councilmember Smith who sponsored the ordinance.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO REVISE LINES 37 AND 38 TO READ "A MORATORIUM ON ISSUING NON-RESIDENTIAL CONDITIONAL USE PERMITS FOR THE AREA DISPLAYED IN ATTACHMENT A SHALL BE IN EFFECT UNTIL JUNE 30, 2020."

Councilmember Aderhold confirmed this is not redundant, it's clarify language on those two lines.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion on the main motion as amended.

VOTE (main motion as amended): NON OBJECTION: UNANIMOUS CONSENT.

- b. Ordinance 19-50, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.30 Marine Industrial Zoning District Section 21.30.020 Permitted Uses and Structures, to add Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Permitted Uses and Section 21.30.050 Conditional Uses and Structures to Remove Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Conditional Uses. Planning Commission. Introduction October 28, 2019 Public Hearing and Second Reading November 25, 2019.

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

VENUTI/LORD MOVED TO ADOPT ORDINANCE 19-50 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 19-51, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, Capital Projects, and Internal Service Funds. City Manager. Introduction October 28, 2019, Public Hearing and Second Reading November 25, 2019 and December 9, 2019, Second Reading December 9, 2019.

Mayor Castner opened the public hearing.

Marilyn Sigman, city resident and Pratt Interim Executive Director, introduced the new Executive Director, Jennifer Gibbins, who starts next week. She quickly highlighted the museum and its history, and emphasized how critical the operating funds from the City are to the Pratt.

Aaron Glidden, city resident and Port Maintenance Supervisor, requested Council support for the amendment proposed by Councilmember Aderhold regarding the cost of living adjustment (COLA) to employee wages. He addressed the overall benefits related to matching inflationary trends, employee retention, and employee recruitment.

Ryan Browning, city resident and Police Lieutenant, commented in support of the proposed amendment for the employee COLA and noted several inflationary impacts in our community. He also commented in support of the proposal for an additional police officer position. He addressed the liability for the Department of their current staffing level that is inadequate based on our local population.

Jason Hoffman, non-resident and city employee, commented in support of the proposed amendment for the employee COLA. He shared that it's a privilege to serve community and



and assist in running the Wastewater and Water Treatment Plants. He shared some history of transitioning into his position four and half years ago and how the COLA helps to inflation proof wages.

Bryan Hawkins, non-resident and Port Director, commented in support of the proposal put forward by the Employee Committee the proposed amendment for the employee COLA.

Robert Archibald, city resident and Parks Art Recreation and Culture Advisory Commissioner, recognized Community Recreation Manager Mike Illg for all he does for the community and that he could use more staffing. He commented in support of a recreation position and benefits of community recreation for the youth in our community.

Larry Slone, city resident, commented he generally isn't opposed to the proposed budget amendments, but would appreciate is more objective standard criteria brought in to reviewing the requests. He feels their requirements for amendments should be more stringent.

Mayor Castner opened the floor for discussion and amendments.

LORD/ADERHOLD MOVED TO AMEND THE BUDGET TO INCLUDE A POLICE OFFICER 1 POSITION IN THE AMOUNT OF \$92,930 IN 2020 AND \$98,775 IN 2021.

Councilmember Lord commented she believes the amendments in the packet include objective data driven support. She addressed the need for another police officer and this request has been brought forward for several years. The statistics of coverage related to the case load are truly critical to address from a public safety standpoint and city liability stand point.

There was brief discussion regarding the impacts of adding a new officer to a reduction in overtime for the department.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

ADERHOLD/VENUTI MOVED MOVED TO APPROVE THE AMENDMENT TO INCREASE THE COST OF LIVING ALLOWANCE FOR CITY EMPLOYEES AS STATED IN THE PACKET (Increase 2020 to 3% and reduce in 2021 to1%).

Councilmembers Aderhold, Lord, Venuti, Evensen, and Hansen-Cavasos commented in support of the amendment, noting the data driven information from the parity study that's done every five years, the benefits of making adjustments over time to keep the pay scale relevant, as well as benefits for employee retention and recruitment.

Councilmember Smith commented he supports the COLA proposed in the City Manager's budget, but does not support the amendment. In looking at the big picture, he doesn't agree

that it's fair. He doesn't appreciate the Employee Committees effort to roll the City Manager's decision. He believes the salary and wages per department are already inflation proof.

Mayor Castner commented labor and "other stuff" seem to move in lockstep, if other stuff is more expensive, labor will catch up. Right now we're in zero inflation. He explained how inflation is tied to national debt, and he worries that we're creating an expectation that whatever inflation is, we're going to make an automatic adjustment, but he thinks every year it needs to be examined.

VOTE (amendment): YES: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI, EVENSEN  
NO: SMITH

Motion carried.

Mayor Castner asked for a recess at 8:11 p.m. and called the meeting back to order at 8:18 p.m.

VENUTI/ADERHOLD MOVED TO APPROVE THE AMENDMENT FOR ALASKA MUNICIPAL LEAGUE SUMMER CONFERENCE.

It was explained that the City of Homer is Homer is hosting the AML Summer Conference in 2021 and this addresses the associated costs to the city.<sup>1</sup>

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO APPROVE THE TRANSFER TO FIRE RESERVES 2020-\$215,264 AND 2021-\$40,000.

City Manager Koester explained this amendment addresses the emergency funds allocated last meeting and funding upcoming projects.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VENUTI/ADERHOLD MOVED TO AMEND TO INCREASE FOR COUNCIL TRAVEL AUTHORITY.

Councilmember Venuti commented regarding the importance of Councilmembers having the ability to travel to AML conferences. This would allow for three people to attend the AML Winter and Summer Conferences and Mayor and Council to attend the AML Annual Local Government Conference programs.

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<sup>1</sup> Clerk's note: Homer is scheduled to host the AML Summer Conference in 2022.

There was brief discussion related to funding adjustments used in the amendment.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ADERHOLD MOVED TO ADD A \$20,000 EXPENDITURE IN 2020 FROM HART FUNDS FOR THE SPIT PARKING STUDY.

Councilmember Lord noted the justification included in the packet. There are a lot of ways to look at parking, and how to manage it and maximize our space out there. We need to move this forward from safety perspective and land use perspective.

Question was raised if it's appropriate to expend HART funds for this project. City Manager Koester shared she thinks it's a reasonable funding source, however Council can request a legal review or change the funding source. A legal review was requested.

There was further discussion supporting the amendment and the need to have a parking study done for the spit.

LORD/ADERHOLD MOVED TO POSTPONE THIS AMENDMENT UNTIL DECEMBER 9<sup>TH</sup>.

VOTE (postpone): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/ADERHOLD MOVED TO AMEND FOR FY 2021 \$50,000 TO UPDATE THE SPIT COMPREHENSIVE PLAN WITH FUNDING FROM CARMA AND PORT AND HARBOR RESERVES.

This project ties in well with the spit parking plan and is timely with the port expansion efforts.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO AMEND TO INCLUDE TWO HPD DISPATCH WORKSTATIONS.

City Manager Koester explained this amendment this replaces two old workstations at a time when the contractor will be here installing the workstation that was approved through a prior ordinances. There is an overall savings in taking care of all of the workstations at one time, rather than one now, and have the contractor come back to install two more at a later time.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO AMEND FOR ADA PARKING ON THE SPIT.

Councilmember Aderhold noted the project is part of the Capital Improvement Plan to improve city resources for ADA compliance. This was proposed by Port and Harbor but was not included in the City Manager's budget. This addresses improving existing parking spaces, not creating new ones.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmembers discussed the memo provided by the Parks Art Recreation and Culture Advisory Commission (PARCAC). In response to questions City Manager Koester noted the original request is on page 20 of the draft budget. She explained it wasn't funded in her budget because it's an expansion of services, which she feels is a Council decision, and PARCAC hadn't had an opportunity to review it. Since that time PARCAC has reviewed it and submitted the memo in tonight's packet. It was further clarified the budget request was for just under \$13,000 and the PARCAC request was for \$15,000, and it would be appropriate to propose a budget amendment as listed in the budget request on page 20.<sup>2</sup>

LORD/ADERHOLD MOVED TO AMEND THE FY 20 BUDGET TO INCLUDE THE PAGE 20 REQUEST IN OUR BUDGET.

Councilmember Aderhold shared her agreement with PARCAC regarding this request.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Resolution 19-080, A Resolution of the City Council of Homer, Alaska Amending the Homer Tariff No. 1 Under Rule 9-Anchoring, Rule 12-Vehicle Parking, Rule 13-Wharfage, Demurrage and Free Time, Rule 26-Fish Dock Rates, and Rule 27-Small Boat Harbor Rules and Regulations. City Manager/Port Director. Follows Ordinance 19-51.

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

- e. Resolution 19-081, A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees. City Clerk. Follows Ordinance 19-51.

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<sup>2</sup> Clerks note: The amount submitted in the original budget request referenced on page 20 is \$12,944.

Resolution 19-081(S), A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees. City Clerk. Follows Ordinance 19-51.

Memorandum 19-154 from City Clerk as backup

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

VENUTI/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 19-081(S) FOR 19-081.

In response to questions, City Manager Koester explained the \$25 fine for smoking prohibited in city facilities, vehicles and water craft is being removed and moved into the fine schedule. The animal shelter fees are being amended to reflect the actual cost to adopt a pet. The shelter includes the cost for spay/neuter, vet check, vaccinations, and microchipping, and while that's stated in the fee schedule, it didn't include the actual cost. She will get more information and report back regarding the sale of vehicle exceeding noise limits.

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

Motion carried.

Mayor Castner noted Ordinance 19-51 and Resolutions 19-080 and 19-091(S) will come back for a second public hearing at their next meeting.

### **ORDINANCE(S)**

- a. Ordinance 19-55, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Amending Homer City Code 2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

EVENSEN/LORD MOVED TO POSTPONE TO THE NEXT MEETING.

Councilmember Evensen commented this can be taken up another time, there are more pressing items to be discussed tonight.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 19-56, An Ordinance of the City Council of Homer, Alaska Moving Expenditures in the Amount of \$92,852.24 Previously Allocated from the General Fund Operating Fund to now be Allocated from the Natural Gas Line Capital Project Fund for Legal and Travel Related Expenses Associated with ENSTAR Tariff Filing 310-4. Mayor. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-56 BY READING OF TITLE ONLY.

Mayor Castner explained ENSTAR pays the City a small amount of the cost of the construction of the system, it's called the Free Main Allowance (FMA). The FMA comes in and it's generally to the benefit of the whole customer group. It it will continue to come in annually for a time as new customers get service, and using the FMA to offset this bill, which benefits every customer, is a fair use of the FMA.

Councilmembers Lord and Aderhold asked for a legal review. This seems similar to the earlier question of use of the HART Funds.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 19-54, An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant. Venuti/Smith. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

Ordinance 19-54(S), An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant. Venuti/Smith. Recommended dates Introduction November 25, 2019, Public Hearing and Second Reading December 9, 2019.

LORD/VENUTI MOVED TO INTRODUCE ORDINANCE 19-54 BY READING OF TITLE ONLY.

LORD/ VENUTI MOVED TO SUBSTITUTE ORDINANCE 19-54(S) FOR 19-54.

Councilmember Lord noted the substitute provides funding and account information.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was brief discussion confirming staff has enough information to prepare a scope of work for the RFP, and that a resolution would come forward to provide more direction for the task force referenced in the ordinance.

LORD/ADERHOLD MOVED TO AMEND LINE 30 TO ADD TO LINE 30 WHEREAS, STREETScape PLANNING GIVES US THE OPPORTUNITY TO INCREASE BUSINESS ACTIVITY, GENERATE TAX REVENUE AND A HIGH RETURN ON INVESTMENT IN OUR CENTRAL BUSINESS DISTRICT WITH PEDESTRIAN-FRIENDLY INFRASTRUCTURE AND LAND USE IMPROVEMENTS SUCH AS A CONNECTED, EASILY WALKABLE SET OF SIDEWALKS AND TRAILS THAT OFFER PERSONAL SECURITY AND TRAFFIC SAFETY, PUBLIC PARKING SOLUTIONS, AND PUBLIC GATHERING OR RESTING AREAS AT REASONABLE INTERVALS.

There was brief discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VOTE (introduction): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

### **CITY MANAGER'S REPORT**

a. City Manager's Report

Councilmember Lord noted the information regarding the seawall and asked to have this on an agenda so they have adequate time to discuss it. Councilmember Aderhold volunteered to work with the City Manager on potential next steps.

City Manager Koester reported the police station is well ahead of schedule and the next milestones will be truss and sheet roof, finishing main level slab, and installing roofing. She's requested a budget update, which she will provide to Council.

### **PENDING BUSINESS**

- a. Resolution 19-071, A Resolution of the City Council of Homer, Alaska Accepting the 2018 Comprehensive Annual Financial Report with Audit and Financial Statements and Acknowledging the Management Letter Submitted by the City's Independent Auditor, BDO, USA, LLP and Authorizing the City Manager to Execute the Financial Report. City Manager/Finance Director.

Memorandum 19-149 from Finance Director as backup

Mayor Castner explained there is a motion on the floor, postponed from October 14, 2018 to adopt Resolution 19-071 by reading of title only. He opened the floor for further discussion.

Mayor Castner commented he was not happy with the audit. When he provided his questions to the auditors he was devastated by their responses. He's concerned with their process and that what they do isn't really an audit.

Councilmember Smith concurred. In his mind the report is in no way comprehensive, they only audit certain parts of our financial books, and regardless of what's required it's misleading what's being presented to the public.

There was discussion regarding the audit process, and changes that have been made over the last few years, like having an separate of having a separate audit firm help us prepare us prepare our audit, which is then audited by BDO.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

#### **NEW BUSINESS**

- a. Memorandum 19-150 from City Clerk Re: Right of Way Evaluation Team

ADERHOLD/LORD MOVED TO APPOINT COUNCILMEMBERS LORD AND EVENSEN TO THE RIGHT OF WAY EVALUATION TEAM.

Councilmember Aderhold explained she felt at least one sponsor of the resolution should be on the working group.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- b. Memorandum 19-151 from Councilmembers Aderhold and Venuti Re: City Council Retreat Planning

ADERHOLD/VENUTI MOVED TO SCHEDULE A WORKSESSION ON DECEMBER 9<sup>TH</sup> FOR FURTHER DISCUSSION ON THE CITY COUNCIL RETREAT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.



- c. Memorandum 19-152 from City Clerk Re: Travel Reimbursement for Councilmember Venuti's Attendance at the Alaska Municipal League Conference in Anchorage on November 20 and 21, 2019

EVENSEN/LORD MOVED TO APPROVE REIMBURSEMENT FOR COUNCILMEMBER VENUTI'S ATTENDANCE AT AML ON NOVEMBER 20 AND 21"

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- d. Memorandum 19-153 from Councilmember Lord Re: Traffic Calming Policy

LORD/VENTI MOVED TO AUTHORIZE CITY STAFF TO WORK ON A TRAFFIC CALMING POLICY AS OUTLINED IN MEMORANDUM 19-153.

Councilmember Lord commented the memo outline issues with speeding around town and thinks the next step is to flesh out guidelines.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

## **RESOLUTIONS**

### **COMMENTS OF THE AUDIENCE**

Larry Slone, city resident, commented he agrees with Council's decision to add a police officer position, but doesn't agree with the decision regarding the cost of living allowance. agrees with police officer, but comment was about pay cut to scenery.

Philip Gonzalez, Jr. comment in support of an additional police officer and shared concerns about speeding in the residential areas and danger to kids and pedestrians.

### **COMMENTS OF THE CITY ATTORNEY**

### **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 about the pressure staff has been under on the accelerated review of things. He had hoped to start earlier in the year but ENSTAR got in the way. It's been a monumental task but there are things that need to be cleaned up. If we have ambitions of building a \$120 million new port, we need to show the capacity of handling our money prudently. He appreciates all the effort from Finance Director Walton and her staff.

### **COMMENTS OF THE CITY COUNCIL**

Councilmember Lord commented regarding the the Alaska Municipal League Government Conference, it's an awesome community of elected officials who are volunteers and trying to do what's best for their community. After AML she went to Seattle for the Pacific Marine Expo to be in the United Fishermen of Alaska Booth, it was really interesting. Homer has a great presence at the Expo from the Port, the Marine Trades Association, and a lot of members from the fishing fleet. She encouraged people to go to the Homer hockey games, there's great food and its fun to watch. She appreciates the feedback from the EDC regarding Ordinance 19-47, and invited feedback about traffic concerns. Lastly she wished her husband Ben, Happy Birthday.

Councilmember Venuti commented she's wearing an orange ribbon in memory of domestic violence that has gun violence. She let listeners know Homer United Methodist Church is hosting a Thanksgiving meal from 3:00-5:00 p.m. on Thursday that's free to the public and everyone is welcome. She wished everyone Happy Thanksgiving and said she's thankful for everyone on the Council and the way they work together.

Councilmember Evensen wished everyone a happy holiday weekend, and said it's the busiest weekend for traveling so he encouraged everyone to be safe.

Councilmember Smith commented the Homer High School Hockey team won the End of the Road Tournament and the Lady Mariners won the State Volleyball Tournament for the first time in 20 years. He thanked the Lions Club and associated members for their efforts to deliver over 200 food boxes to community members in and around Homer. He said December 3<sup>rd</sup> is National Cookie Day, and quoted Mookie Wilson who said, about being in a slump, "I comfort myself by saying if I believe in dinosaurs, then somewhere, they must be believing in me," "And if they believe in me, then I can believe in me"

Councilmember Aderhold commented about attending the AML Conference and that it's hugely valuable, she'll have a report on the sessions she attended at the next meeting. She's happy they are adopting more funding so they all can attend. She wished everyone Happy Thanksgiving.

Councilmember Hansen-Cavasos appreciated the opportunity to attend the Newly Elected Officials training at AML, it was very helpful and informative, and she met a lot of great people.

She said Wednesday is Senior Night for the High School Wrestling Team and wished everyone Happy Thanksgiving.

**ADJOURN**

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:52 p.m. The next Regular Meeting is Monday, December 9, 2019 at 6:00 p.m., Worksession at 4:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

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Melissa Jacobsen, MMC, City Clerk

Approved: \_\_\_\_\_



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 19-157

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: DECEMBER 4, 2019

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATIONS FOR AJ'S OLDTOWN STEAKHOUSE  
& TAVERN AND FINN'S

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The City Clerk's Office has been notified by the Alcohol and Marijuana Control Office of Liquor License Renewal Applications within the City of Homer for the following business:

License Type: Beverage Dispensary  
License #: 1252  
DBA Name: AJ's Oldtown Steakhouse & Tavern  
Service Location: 120 W. Bunnell Homer, AK 99603  
Licensee: APS Investments, LLC  
Contact Person: Adrienne Sweeney

License Type: Restaurant Eating Place – Seasonal  
License #: 4164  
DBA Name: Finn's  
Service Location: 4287 Homer Spit Road, Unit 8, Homer, AK 99603  
Licensee: Finn's, LLC  
Contact Person: Bjorn Larson

### RECOMMENDATION

Voice non-objection and approval for the liquor license renewal.

Fiscal Note: Revenues



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum

TO: MELISSA JACOBSEN, MMC, CITY CLERK

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

FROM: MARK ROBL, POLICE CHIEF

DATE: DECEMBER 4, 2019

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR FINN'S AND AJ'S OLDTOWN STEAKHOUSE & TAVERN

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The Homer Police Department has no objection to the Liquor License Renewal Application within the City of Homer for the following business:

License Type: Beverage Dispensary  
License #: 1252  
DBA Name: AJ's Oldtown Steakhouse & Tavern  
Service Location: 120 W. Bunnell Homer, AK 99603  
Licensee: APS Investments, LLC  
Contact Person: Adrienne Sweeney

License Type: Restaurant Eating Place – Seasonal  
License #: 4164  
DBA Name: Finn's  
Service Location: 4287 Homer Spit Road, Unit 8, Homer, AK 99603  
Licensee: Finn's, LLC  
Contact Person: Bjorn Larson



December 3, 2019

City of Homer

Kenai Peninsula Borough

Via Email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov) ; [jblankenship@kpb.us](mailto:jblankenship@kpb.us) ; [Dhenry@kpb.us](mailto:Dhenry@kpb.us) ; [JRodgers@kpb.us](mailto:JRodgers@kpb.us) ;  
[SNess@kpb.us](mailto:SNess@kpb.us) ; [joanne@borough.kenai.ak.us](mailto:joanne@borough.kenai.ak.us) ; [tshassetz@kpb.us](mailto:tshassetz@kpb.us)

**Re: Notice of 2020/2021 Liquor License Renewal Application**

<b>License Type:</b>	Restaurant/Eating Place – Seasonal	<b>License Number:</b>	4164
<b>Licensee:</b>	Finn’s, LLC		
<b>Doing Business As:</b>	Finn’s		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director  
[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



**Alaska Alcoholic Beverage Control Board**  
**Restaurant or Eating Place License**  
**Form AB-17a: 2020/2021 Renewal License Application**

**What is this form?**

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing restaurant or eating place liquor license that is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

**This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

<b>Licensee:</b>	Finn's, LLC	<b>License #:</b>	4164
<b>License Type:</b>	Restaurant/Eating Place-Seasonal		
<b>Doing Business As:</b>	Finn's		
<b>Premises Address:</b>	4287 Homer Spit Road, Unit #8		
<b>Local Governing Body:</b>	City of Homer (Kenai Peninsula Borough)		
<b>Community Council:</b>	None		

<b>Mailing Address:</b>	PO Box 1435				
<b>City:</b>	Homer	<b>State:</b>	AK	<b>ZIP:</b>	99603

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

<b>Contact Licensee:</b>	Bjorn Larson	<b>Contact Phone:</b>	503 347 6218
<b>Contact Email:</b>	larsonbjorn@yahoo.com		

**Optional:** If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

<b>Name of Contact:</b>		<b>Contact Phone:</b>	
<b>Contact Email:</b>			



# Form AB-17a: 2020/2021 Restaurant Renewal License Application

## Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by vising the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	74088D
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.

This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

**Important Note:** The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Sasha Raupp				
Title(s):	Member	Phone:	503 347 2950	% Owned:	50
Mailing Address:	PO Box 1435				
City:	Homer	State:	AK	ZIP:	99603

Name of Official:	Bjorn Larson				
Title(s):	Member	Phone:	503 347 6218	% Owned:	50
Mailing Address:	PO Box 1435				
City:	Homer	State:	AK	ZIP:	99603

Name of Official:					
Title(s):		Phone:		% Owned:	
Mailing Address:					
City:		State:		ZIP:	





# Form AB-17a: 2020/2021 Restaurant Renewal License Application

## Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an:  applicant  affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an:  applicant  affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

## Section 4 – Alcohol Server Education

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.

SHR

## Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

2018 2019

The license was regularly operated continuously throughout each year.

The license was regularly operated during a specific season each year.

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years.

If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.



# Form AB-17a: 2020/2021 Restaurant Renewal License Application

## Section 6 – Violations and Convictions

**Applicant violations and convictions in calendar years 2018 and 2019:** Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

## Section 7 – Certifications

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

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control (ABC) Board.

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

I am submitting as part of this application a completed copy of Form AB-33: Restaurant Receipts Affidavit, to provide evidence to the ABC Board that this establishment met the food sales requirement set forth in AS 04.11.100(e).

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

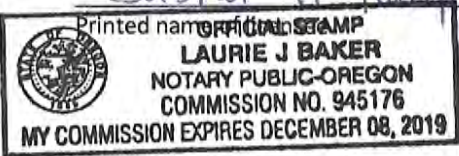
Sasha H Raupp  
Signature of licensee

Laurie J Baker  
Signature of Notary Public

Sasha H Raupp  
Printed name of licensee

Notary Public in and for the State of Oregon

My commission expires: 12/8/2019



Subscribed and sworn to before me this 18th day of November, 2019.

Seasonal License?  Yes  No

If "Yes", write your six-month operating period: April — September

License Fee:	\$ 300.00	Application Fee:	\$ 300.00	TOTAL:	\$ 600.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					



November 22, 2019

APS Investments, LLC

Via Email: [clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

**Re: Notice of 2020/2021 Liquor License Renewal Application**

<b>License Type:</b>	Beverage Dispensary	<b>License Number:</b>	1252
<b>Licensee:</b>	APS Investments, LLC		
<b>Doing Business As:</b>	AJ's Old Town Steakhouse & Tavern		

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

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

To protest the application referenced above, please submit your written protest within 60 days, and show proof of service upon the applicant and proof that the applicant has had a reasonable opportunity to defend the application before a meeting of the local governing body.

Sincerely,

Glen Klinkhart, Director

[amco.localgovernmentonly@alaska.gov](mailto:amco.localgovernmentonly@alaska.gov)



Alaska Alcoholic Beverage Control Board

**Form AB-17: 2020/2021 Renewal License Application**

**What is this form?**

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing liquor license that are is due to renew by December 31, 2019. All fields of this form must be complete and correct, or the application will be returned to you in the manner in which it was received, per AS 04.11.270 and 3 AAC 304.105. The Community Council field only should be verified/completed by licensees whose establishments are located within the Municipality of Anchorage or outside of city limits within the Matanuska-Susitna Borough.

**This form must be completed and submitted to AMCO's main office before any license renewal application will be reviewed. Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees that an application will be considered complete, or that a license will be renewed.**

**Section 1 – Establishment and Contact Information**

Enter information for the business seeking to have its license renewed. If any populated information is incorrect, please contact AMCO.

Licensee:	APS Investments, LLC	License #:	1252
License Type:	Beverage Dispensary		
Doing Business As:	AJ's Oldtown Steakhouse & Tavern		
Premises Address:	120 W Bunnell Avenue		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		
Mailing Address:	135 W. Bunnell Ave		
City:	Homer	State:	AK
		ZIP:	99603

Enter information for the individual who will be designated as the primary point of contact regarding this application. This individual **must be a licensee** who is required to be listed in and authorized to sign this application.

Contact Licensee:	Adrienne Sweeney	Contact Phone:	907-299-8019
Contact Email:	adriennewalli@hotmail.com		

**Optional:** If you wish for AMCO staff to communicate with an individual who is not a licensee named on this form (eg: legal counsel) about this application and other matters pertaining to the license, please provide that person's contact information in the fields below.

Name of Contact:		Contact Phone:	
Contact Email:			



# Form AB-17: 2020/2021 Renewal License Application

## Section 2 – Entity or Community Ownership Information

Licensees who directly hold a license as an individual or individuals should skip to Section 3. General partnerships and local governments should skip to the second half of this page. All licensees that are **corporations** or **LLCs** must complete this section. Corporations and LLCs are required to be in good standing with the Alaska Division of Corporations, Business & Professional Licensing (CBPL). The CBPL Entity # below is **neither** your EIN/tax ID number, **nor** your business license number. **You may view your entity's status or find your CBPL entity number by visiting the following site: <https://www.commerce.alaska.gov/cbp/main/search/entities>**

Alaska CBPL Entity #:	130372
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

I certify that this entity is in good standing with CBPL and that all current entity officials and stakeholders (listed below) are also currently and accurately listed with CBPL.



This subsection must be completed by any **community** or **entity**, including a corporation, limited liability company, partnership, or limited partnership, that is applying for renewal. If more space is needed, please attach additional completed copies of this page.

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

**Important Note:** The information provided in the below fields (including spelling of names, specific titles, and percentages held) must match that which is listed with CBPL. If one individual holds multiple titles mentioned in the bullets above, all titles must be listed for that individual on this application and with CBPL. Failure to list all required titles constitutes an incomplete application. **You must list ALL of your qualifying officials, additional copies of this page or a separate sheet of paper may be submitted if necessary.**

Name of Official:	Adrienne Sweeney			
Title(s):	Member, Manager	Phone:	907-299-8019	% Owned: 49%
Mailing Address:	135 W. Bunnell Ave			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Alexander Sweeney			
Title(s):	Member	Phone:	907-299-7570	% Owned: 51%
Mailing Address:	135 W. Bunnell Ave			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:				
Title(s):		Phone:		% Owned:
Mailing Address:				
City:		State:		ZIP:



# Form AB-17: 2020/2021 Renewal License Application

## Section 3 – Sole Proprietor Ownership Information

Entities, such as corporations or LLCs, should skip this section. This section must be completed by any licensee who directly holds the license as an **individual or multiple individuals** and is applying for license renewal. If more space is needed, please attach a separate sheet that includes all of the required information.

The following information must be completed for each licensee and each affiliate.

This individual is an:  applicant  affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

This individual is an:  applicant  affiliate

Name:				Contact Phone:	
Mailing Address:					
City:		State:		ZIP:	
Email:					

## Section 4 – Alcohol Server Education

This section must be completed only by the holder of a **beverage dispensary, club, or pub** license or **conditional contractor's permit**. The holders of all other license types should skip to Section 5.

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

Initials

I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of a patron have completed an alcohol server education course approved by the ABC Board and keep current, valid copies of their course completion cards on the licensed premises during all working hours, as set forth in AS 04.21.025 and 3 AAC 304.465.



## Section 5 – License Operation

Check a **single box** for each calendar year that best describes how this liquor license was operated:

	2018	2019
The license was regularly operated continuously throughout each year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
The license was regularly operated during a specific season each year.	<input type="checkbox"/>	<input type="checkbox"/>
The license was only operated to meet the minimum requirement of 240 total hours each calendar year. <i>If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.</i>	<input type="checkbox"/>	<input type="checkbox"/>
The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year, during one or both of the calendar years. <i>If this box is checked, a complete copy of Form AB-29: Waiver of Operation Application and corresponding fees must be submitted with this application for each calendar year during which the license was not operated for at least the minimum requirement, unless a complete copy of the form (including fees) has already been submitted for that year.</i>	<input type="checkbox"/>	<input type="checkbox"/>



# Form AB-17: 2020/2021 Renewal License Application

## Section 6 – Violations and Convictions

**Applicant violations and convictions in calendar years 2018 and 2019:** Yes No

Have any notices of violation (NOVs) been issued for this license in the calendar years 2018 or 2019?

Has any person or entity named in this application been convicted of a violation of Title 04, of 3 AAC 304, or a local ordinance adopted under AS 04.21.010 in the calendar years 2018 or 2019?

If "Yes" to either of the previous two questions, attach a separate page to this application listing all NOVs and/or convictions.

## Section 7 – Certifications

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

I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises, and I have not changed the business name or the ownership (including officers, managers, general partners, or stakeholders) from what is currently approved and on file with the Alcoholic Beverage Control Board.

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

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control Board or AMCO staff in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in this application being returned to me as incomplete.

*Adrienne Sweeney*  
Signature of licensee

*Rayce Johnson*  
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 9/6/2023



Subscribed and sworn to before me this 14<sup>th</sup> day of November, 2019.

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

License Fee:	\$ 2500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 2800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					\$2800.00

# Notice of Violation

(3AAC 304.525)

This form, all information provided and responses are public documents per Alaska Public Records ACT AS 40.25

Date: 1-4-18

License #/Type: Beverage Dispensary / 1252

Licensee: APS Investments, LLC

Address: 120 W. Bunnell Ave., Homer, AK

DBA: AJ's Oldtown Steakhouse & Tavern

AMCO Case #: AB18-0015

This is a notice to you as licensee that an alleged violation has occurred. If the Alcoholic Beverage Control Board decides to act against your license, under the provisions of AS 44.62.330 - AS 44.62.630 (Administrative Procedures Act) you will receive an Accusation and Notice of your right to an Administrative Hearing.

Note: This is not an accusation or a criminal complaint.

On 12-7-17, Investigator Hamilton contacted Licensee Adrienne Sweeney and discussed the proper use of a caterers permit. This verbal conversation was followed by an e-mail to Sweeney reiterating what they discussed. On 12-20-17, Hamilton contacted Sweeney and asked how she did the alcohol at the events held at the Homer Elks Lodge on December 10, 14, and 15, 2017. Sweeney advised Hamilton that she had sold her alcohol during the catered event. After talking with Officials at the Elks Lodge, it was learned that she had appointed an Elks employee as her representative and she sold the Elks Lodge alcohol. This is a violation of Title IV.

Your attention is directed to AS04.16.172: Restrictions on purchase and sale of alcoholic beverages, AS04.11.230: Caterer's permit, AS04.16.150: Licensee responsible for violations and AS04.21.030: Responsibility of licensees, agents, and employee's

**You are directed to respond in writing to this Notice of Violation within 10 days of receipt to explain what action you have taken to prevent a re-occurrence of this violation. FAILURE TO RESPOND TO THIS NOTICE OF VIOLATION WITHIN 10 DAYS WILL RESULT IN YOUR APPEARANCE, EITHER IN PERSON OR TELEPHONICALLY, BEFORE THE ABC BOARD AT THEIR NEXT REGULARLY SCHEDULED BOARD MEETING.**

**\*Please send your response to the address below and include your alcohol license number in your response.**

3 AAC 304.525 (B) provides that upon receipt of a Notice of Violation, a licensee may request to appear before the Director and be heard regarding the Notice of Violation. The request must be made within ten days after receipt of the Notice and the Director must grant an appearance within ten days after receipt of a request. A Licensee shall respond, either orally or in writing, to the Notice.

Alcohol & Marijuana Control Office  
ATTN: Enforcement  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, Alaska 99501  
[amco.enforcement@alaska.gov](mailto:amco.enforcement@alaska.gov)

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE: *FRHO*

SIGNATURE:

Delivered VIA: Mail

Date:



AJ's  
**OLDTOWN STEAKHOUSE**  
ELKS LODGE

January 12, 2018

Alcohol & Marijuana Control Office  
Attn: Enforcement & Licensing Board  
550 W. 7<sup>th</sup> Ave, Suite 1600  
Anchorage, AK 99501

License: 1252

I just arrived back to Homer last night from training out of state and found the Notice of Violation that was delivered on 1/08/18 regarding the Rotary, United States Coast Guard, and City of Homer Christmas parties that we catered at the Elks on December 10, 14, and 15<sup>th</sup>.

It is now my understanding from reviewing AS 04.16.172, AS 04.11.160, AS 04.11.150, AS 04.11.130, 04.11.140 and 04.11.170 that I may not purchase and then sell alcohol from a Club License; I may only do this with a Wholesale, Package Store, Brewery, Winery or Distillery License. It appears that I misunderstood an email between the Chairman Bob Klein and the Elks President Tom Stroozas (attached here) after I spoke with Mr. Hamilton; in that I believed I could purchase and sell the alcohol. I didn't realize that Mr. Klein had a different type of license. It was my understanding from this email that we could "go ahead".

**ACTION TAKEN TO PREVENT REOCCURRANCE:**

In the future, I will purchase alcohol from a wholesaler and transport to the Elks for events.

I do have two questions:

May I purchase the alcohol from a wholesaler and store in a secure locked storage at the Elks designated for catered events at the Elks by AJ's? *clarified, yes, we now have a storage area @ Elks @*  
May I continue to designate an Elks employee as my Agent in the event that I cannot be present? (I could not find clarification on this) It was my understanding that I could designate anyone as my Agent. Is that correct? *Clarified and yes this is correct @*

If the Board is willing and could identify a streamlined process that would enable Elks Lodges all over the state and Licensees like me to hold special events in order to support our communities; I think we would all greatly appreciate it. In these three instances; I donated all the proceeds back to the Elks. They do amazing things for Homer in their dedication to community service and I believe that communities all over Alaska would like to see them survive in this economic climate.

My apologies for the misunderstanding,  
Humbly,

Adrienne Sweeney



AJ's Oldtown Steakhouse  
135 W. Bunnell Ave  
Homer, AK 99603

# Fwd: Homer Elks Pending Catering Events

Tom Stroozas

Wed 12/13/2017 9:08 PM

To: Adrienne Sweeney <adriennewalli@hotmail.com>;

Tom Stroozas  
704-488-3779  
[tstroozas@americascuisine.com](mailto:tstroozas@americascuisine.com)

Begin forwarded message:

From: "Robert Klein" <[bobkleinak@gmail.com](mailto:bobkleinak@gmail.com)>  
Date: December 8, 2017 at 10:45:48 AM AKST  
To: "Tom Stroozas" <[tstroozas@americascuisine.com](mailto:tstroozas@americascuisine.com)>  
Cc: "Dale Fox" <[dfox@alaskacharr.com](mailto:dfox@alaskacharr.com)>  
Subject: RE: Homer Elks Pending Catering Events

Tom,

The ABC folks are tied up with marijuana issues today and couldn't talk to me.

I'd go ahead with the Sunday event as best you can.

If it helps, when I do a catered event using a local BDL at our Distillery, I sell the alcohol used during the event, to the catering license holder.

Bob

From: Tom Stroozas [<mailto:tstroozas@americascuisine.com>]  
Sent: Thursday, December 7, 2017 3:49 PM  
To: Bob Klein <[bobkleinak@gmail.com](mailto:bobkleinak@gmail.com)>  
Cc: Dale Fox <[dfox@alaskacharr.com](mailto:dfox@alaskacharr.com)>  
Subject: Homer Elks Pending Catering Events

Bob:

Thanks for taking my call to discuss an issue that centers around Homer Elks catering permits for non-member alcohol related activities. Adrienne Sweeney (AJ's Steakhouse) is a member of Homer Elks and has been our source for obtaining catering permits throughout the year as we very often rent out our lodge for various non member events that often include the sale and consumption of alcoholic beverages. Over the next week, we have three events that will be using our lodge and we have applied for a catering permit for all, to wit: Kachemak Bay Rotary Club (Dec. 10), US Coast Guard Christmas Dinner (Dec 14), City of Homer Christmas Party (Dec 15) and several others through the month of December. Thanks for looking into this.

-Tom



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 19-158

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: DECEMBER 2, 2019

SUBJECT: VACATION OF A 40-FOOT WIDE SECTION OF AN UNNAMED PUBLIC ACCESS EASEMENT IN HOMER DESCRIBED AS THE WESTERLY 280.6 FEET OF THE NORTH 20 FEET OF LOT 14, H.K. DAVIS SUBDIVISION AMENDED (HM 61-49) AND THE WESTERLY 280.6 FEET OF THE SOUTH 20 FEET OF LOT 1-L, H.K. DAVIS NO. 5 (HM 86-21). THE PUBLIC ACCESS EASEMENT RUNS EAST TO WEST FOR APPROX. 280.6 FEET AS GRANTED ON H.K. DAVIS SUBDIVISION AMENDED, PLAT HM 61-49. THE PUBLIC ACCESS EASEMENT BEING VACATED IS DEVELOPED AND LOCATED WITHIN THE NW ¼ SE ¼ OF SECTION 11, TOWNSHIP 6 RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2019-128V.

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At their November 25, 2019 meeting, the Kenai Peninsula Borough Planning Commission approved the referenced public access easement vacation. Per AS 29.40.140, no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from November 25, 2019 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Planning Commission has no objection to granting this vacation as reflected in the September 27, 2019 Notice of Action and minutes from the September 4, 2019 regular meeting.

### RECOMMENDATION:

Voice non objection and consent to vacation of a 40-foot wide section of an unnamed Public Access Easement described as the westerly 280.6 feet of the north 20 feet of lot 14, H.K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of lot 1-L, H.K. Davis No. 5 (HM 86-21). The public access easement runs east to west for approx. 280.6 feet as granted on H.K. Davis Subdivision Amended, Plat HM 61-49. The Public Access Easement being vacated is developed and located within the NW ¼ SE ¼ of Section 11, Township 6 Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB file 2019-128v.



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

November 26, 2019

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603-7645

RE: Vacate a 40 foot wide portion of an unnamed Public Access Easement. The vacation is described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21). The Public Access Easement runs east to west for approximately 280.6' as granted on H. K. Davis Subdivision Amended, Plat HM 61-49. The Public Access Easement being vacated is developed and located within the NW1/4 SE1/4 of Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-128V.

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced public access easement vacation during their regularly scheduled meeting of November 25, 2019. This petition is being sent to you for your consideration and action.

The City Council has 30 days from November 25, 2019 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best  
Planning Director

MJB:jah

Attachments

## **F. PUBLIC HEARINGS**

- 4. Vacation of a 40 foot wide portion of an unnamed Public Access Easement in the City of Homer.  
KPB File 2019-128V.  
Petitioner(s): Laura Demercurio of Decatur, GA and East End Properties LLC of Bellingham, WA.**

AGENDA ITEM F. PUBLIC HEARINGS

4. Vacate a 40 foot wide portion of an unnamed Public Access Easement. The vacation is described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21). The Public Access Easement runs east to west for approximately 280.6' as granted on H. K. Davis Subdivision Amended, Plat HM 61-49. The Public Access Easement being vacated is developed and located within the NW1/4 SE1/4 of Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-128V.

STAFF REPORT

PC Meeting: 11/25/19

Purpose as stated in petition: When this plat map was created in 1959, "Easement for a 40' Road" as it is noted, provided access to lot 1G. In 1986 lot 1G was combined with four neighboring lots to create a single lot (1L) that Kachemak Gear Shed now occupies, thereby providing alternate access.

The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.

Petitioners: Laura DeMercurio of Decatur, GA and East End Properties LLC of Bellingham, WA.

Notification: Public notice appeared in the November 14, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the November 21, 2019 issue of the Homer News as part of the Commission's tentative agenda.

11 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 11 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 11 owners within 600 feet of the proposed vacation.

20 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 5 KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No objections.

KPB Addressing: No comments.

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Not within habitat protection district.

State Parks: No comments.

KPB Roads Department: Out of KPB jurisdiction, no comments.

Homer Advisory Planning Commission: The HAPC recommended approval of the vacation on September 4, 2019.

Staff Discussion: HK Davis Subdivision Amended, Plat HM 61-49, granted an “easement for 40’ road” centered on the shared lot lines of Lots 1, 2, 1F, 1G, 1H, 1J, and 1K. HK Davis No. 5, Plat HM 86-21, replatted 5 lots, including Lots 1F, 1G, and 1H into one lot, Lot 1L. The only lots that front the portion of easement proposed to be vacated are Lot 14, HM 61-49 and Lot 1L, HM 86-21.

If approved, the vacation will be finalized by Planning Commission resolution.

**KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

*Platting Staff Comments:* The petition was prepared and signed by

- Grady Avant, who, per KPB records, is not an owner of Lot 14, HM 61-49.

The petition was also signed by the owner of

- Lot 14, HM 61-49, Laura DeMercurio
- Lot 1L, HM 86-21, East End Properties, LLC
- Tract BC, HM 2013-51, East End Mini Storage, LLC
- Lots 1K and 2, HM 61-49, Jerold Vantrease.

The petition was not signed by the owner of Lot 1J.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travel ways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

*Petitioner Comments:* When this plat map was created in 1959, "Easement for a 40' Road" as it is noted, provided access to lot 1G. In 1986 lot 1G was combined with four neighboring lots to create a single lot (1L) that Kachemak Gear Shed now occupies, thereby providing alternate access.

*The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.*

D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments: The Homer Advisory Planning Commission recommended approval of the proposed vacation on September 4, 2019.*

20.70.140. Vacation resolution—easement. Upon approval of an easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title or platting action, a vacation resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the vacation. The petitioner is responsible for the recording fees.

*Platting Staff Comments: This vacation is not associated with the vacation of a right-of-way and does not require transfer of title or a platting action.*

**Staff recommendation:**

- *If approved, adopt a resolution to vacate the easement.*
- *The petitioner must comply with KPB 20.70.140 and pay the recording fees.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*City of Homer Planning Staff Comments: Properties along the vacation do not require the ROW easement for access. The lot described as "D" in the application (AKA, 3705 East End Road or parcel 17420212) maintains access through the portion of the easement that is located east of the proposed vacation and connects to Kachemak Drive.*

*Platting Staff Comments: Per the petition, the easement is constructed and used for vehicular access. Per aerial imagery, the entire length of the 40' road easement is constructed. Four of the five lots affected by the easement also front dedicated constructed rights-of-way.*

- *Lot 14, HM 61-49 fronts constructed Davis Street right of way (66' width)*
- *Lot 1L, HM 86-21 fronts constructed Davis Street right of way (66' width) and DOT maintained East End Road*
- *Lots 1K and 2, HM 61-49 fronts constructed Kachemak Drive.*

*Lot 1J, HM 61-49 does not front a dedicate right of way and is accessed via the 40-foot roadway easement from Davis Street and Kachemak Drive.*

*Per KPB four foot contours, the easement traverses a hill that slopes down from East End Road to Kachemak Drive. The west half of the proposed vacation appears to be affected by steep slopes. The easement extending from Kachemak Drive to Lot 1J is affected by a gentler slope. Per Kenai Watershed Forum Wetland mapping, the easement is not affected by low wet areas.*

*Per the HAPC September 4, 2019 minutes, the City has no plans to develop the easement and the easement is not included in the City's Transportation Plan.*

*Two or more points of access are not necessary because the surrounding parcels are 0.5 to 3.6 acres in size, developed for commercial and residential uses, and, excluding one parcel, accessed by developed rights-of-way.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the remaining 40' road easement provide equal vehicular access.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless



it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation. *Platting Staff Comments: Per the petition, the easement is currently in use by vehicles, pedestrians, or other uses. The easement is constructed, but may not be suited for general road use because, per the HAPC September 4, 2019 minutes, the 40' width is less than the standard 60'. As discussed above equal alternate access is provided by the east portion of the 40' road easement extending west from Kachemak Drive. Pedestrian access is also provided by East End Road, Davis Street, and Kachemak Drive.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the remaining 40' road easement provide equal access for other lawful uses.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*City of Homer Planning Staff Comments: Lots have access to utilities outside of the ROW easement to be vacated and it will not interrupt city services.*

*Platting Staff Comments: ACS, ENSTAR, and HEA submitted comments of no objection.*

*Per the petition, the easement is not in use by utility companies.*

*The easement depicted on HM 61-49 is not clear whether it would permit use by utilities. Each lot within HM 61-49 either fronts a dedicated right-of-way or is provided access to utilities via a utility easement. The three lots within HM 61-49 that front the road easement and do not front a dedicated right-of-way granted a 10' utility line easement on their rear lot line, which suggests the road easement could not be used for utilities. The utility easement was vacated by HM 86-21 within a portion of Lot 1L, but it still extends east to Kachemak Drive.*

*Regardless, as discussed above, each of the surrounding parcels fronts a dedicated right-of-way that could provide access to utilities, except for Lot 1J, HM 61-49, which granted a 5' utility easement on its rear lot line that extends though the parcel to the east to Kachemak Drive. If the road easement could be used by utilities, it would also access for utilities to Lot 1J from Kachemak Drive to the east over a shorter distance to the Davis Street right-of-way from the west.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the 10' utility line easement granted by HM 61-49 provide equal access for utilities.*

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Sketch of the proposed vacation clearly showing the road easement being vacated to be attached to Planning Commission Resolution 2019-37 becoming Page 2 of 2.
2. Filing the PC Resolution in the appropriate recording district within 90 days of the Planning Commission's approval.
3. The Planning Department is responsible for filing the Planning Commission resolution.
4. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2019-37  
HOMER RECORDING DISTRICT**

Vacate a 40 foot wide portion of an unnamed Public Access Easement. The vacation is described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21). The Public Access Easement runs east to west for approximately 280.6' as granted on H. K. Davis Subdivision Amended, Plat HM 61-49. The Public Access Easement being vacated is developed and located within the NW1/4 SE1/4 of Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-128V.

WHEREAS, Laura DeMercurio of Decatur, GA and East End Properties LLC of Bellingham, WA requested the vacation of a portion of a 40 foot wide road easement, described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21), as granted on H. K. Davis Subdivision Amended, Plat HM 61-49, and

WHEREAS, the Homer Advisory Planning Commission recommended approval of the vacation on September 4, 2019; and

WHEREAS, KPB 20.70 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, no surrounding properties will be denied access; and

WHEREAS, on November 25, 2019, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the easement was granted by plat, without the underlying transfer of ownership as with a platted right-of-way dedication; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the vacation of a portion of a 40 foot wide road easement, described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21), is hereby vacated.

Section 2. That a sketch showing the location of the portion of the public access easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

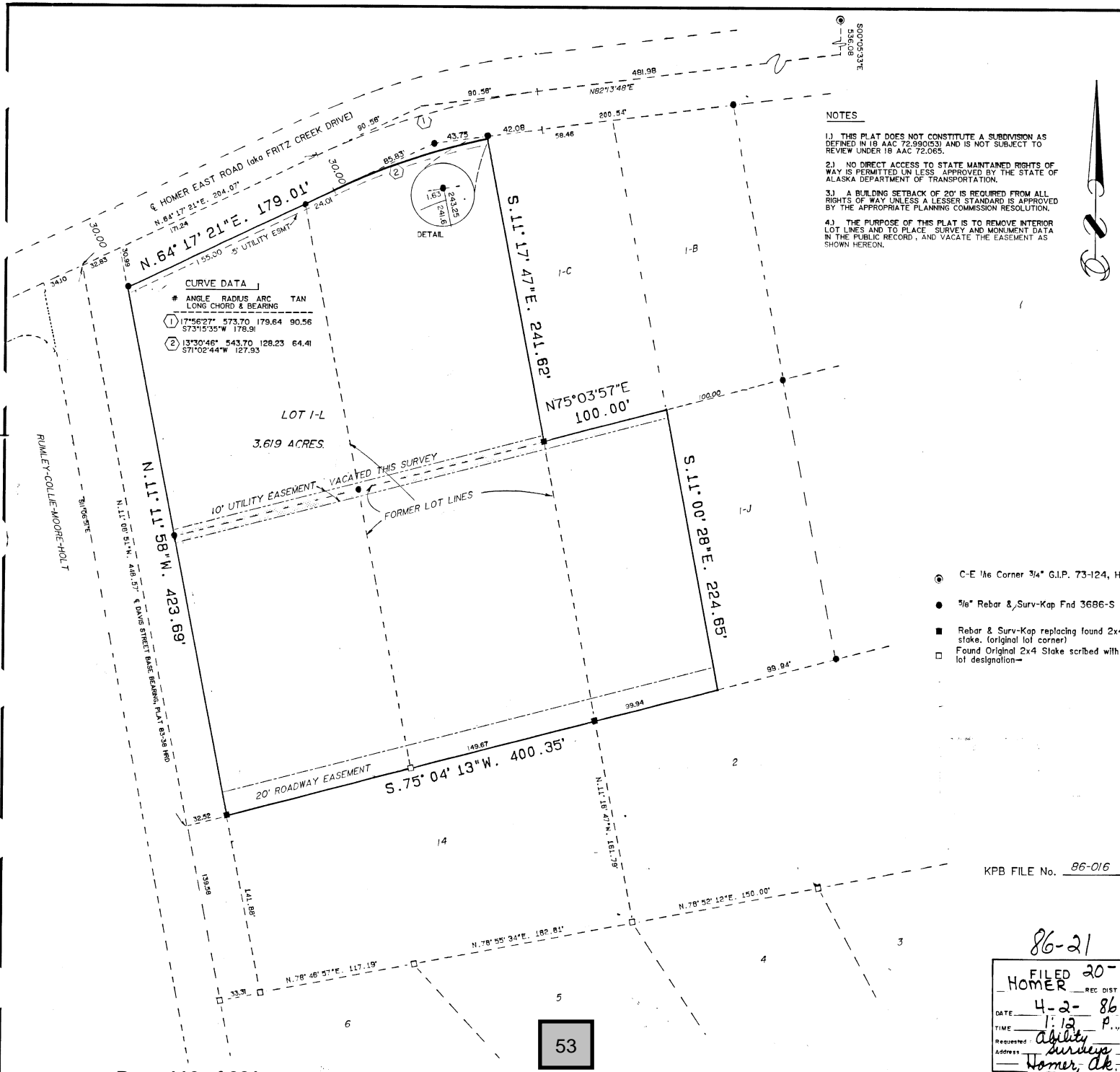
\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Julie Hindman  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 North Binkley Street  
Soldotna, Alaska 99669





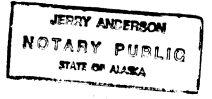
**CURVE DATA**

#	ANGLE	RADIUS	ARC	TAN
1	17°56'27"	573.70	179.64	90.56
2	13°30'48"	543.70	128.23	64.41

- NOTES**
- THIS PLAT DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED IN 18 AAC 72.9901(3) AND IS NOT SUBJECT TO REVIEW UNDER 18 AAC 72.065.
  - NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
  - A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION RESOLUTION.
  - THE PURPOSE OF THIS PLAT IS TO REMOVE INTERIOR LOT LINES AND TO PLACE SURVEY AND MONUMENT DATA IN THE PUBLIC RECORD, AND VACATE THE EASEMENT AS SHOWN HEREON.

**CERTIFICATE OF OWNERSHIP**  
 I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use or to the use shown. I further certify that I am owner of the waste water disposal regulations contained in 18 AAC 72, amended, and hereby request approval of this plat in accordance with AS 29.40.110.

*Kevin J. Wells* \_\_\_\_\_ DATE 2/18/86  
 KENAI SUPPLY INC.  
 BY KEVIN J. WELLS, VICE PRES.  
 P.O. BOX 1729  
 KENAI, ALASKA 99611

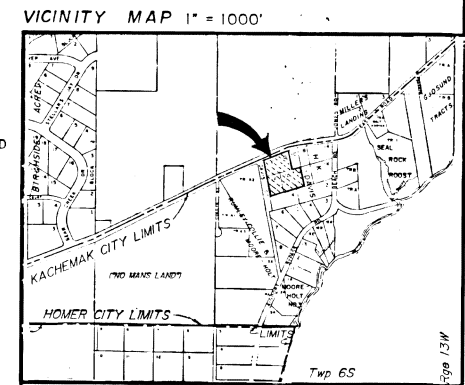


**NOTARY'S ACKNOWLEDGEMENT FOR KEVIN J. WELLS**  
 Subscribed and sworn to before me this 18<sup>th</sup> day of FEB, 1986  
*Jerry Anderson* \_\_\_\_\_ 11-7-87  
 Notary Public for Alaska My Commission Expires

**SURVEYOR'S CERTIFICATE**  
 I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that dimensions shown hereon are true and correct.

*Jerry Anderson* \_\_\_\_\_ 2-18-86 DATE  
 Jerry Anderson, R.L.S. No. 3686-S

**PLAT APPROVAL**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of JAN 6, 1986  
 Kenai Peninsula Borough  
 By *Richard P. Toney* \_\_\_\_\_  
 Authorized Official

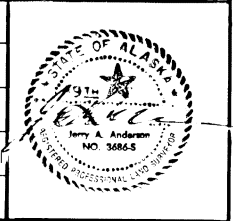


- C-E 1/8" Corner 3/4" G.I.P. 73-124, HRD
- 5/8" Rebar & Surv-Kap Fnd 3686-S
- Rebar & Surv-Kap replacing found 2x4 stakes. (original lot corner)
- Found Original 2x4 Stake scribed with lot designation

KPB FILE No. 86-016

86-21  
**FILED 20-**  
**HOMER** REC DIST  
 DATE 4-2- 86  
 TIME 1:12 P.M.  
 Requested Ability  
 Address Surveys  
Homer, Ak

DATE: DEC. 1985  
 SCALE: 1" = 50'  
 DISK: D10, J2  
 GRID NO.: AR-70  
 FLD. BK. NO.: 130,133,171  
 JOB NO.: 1792



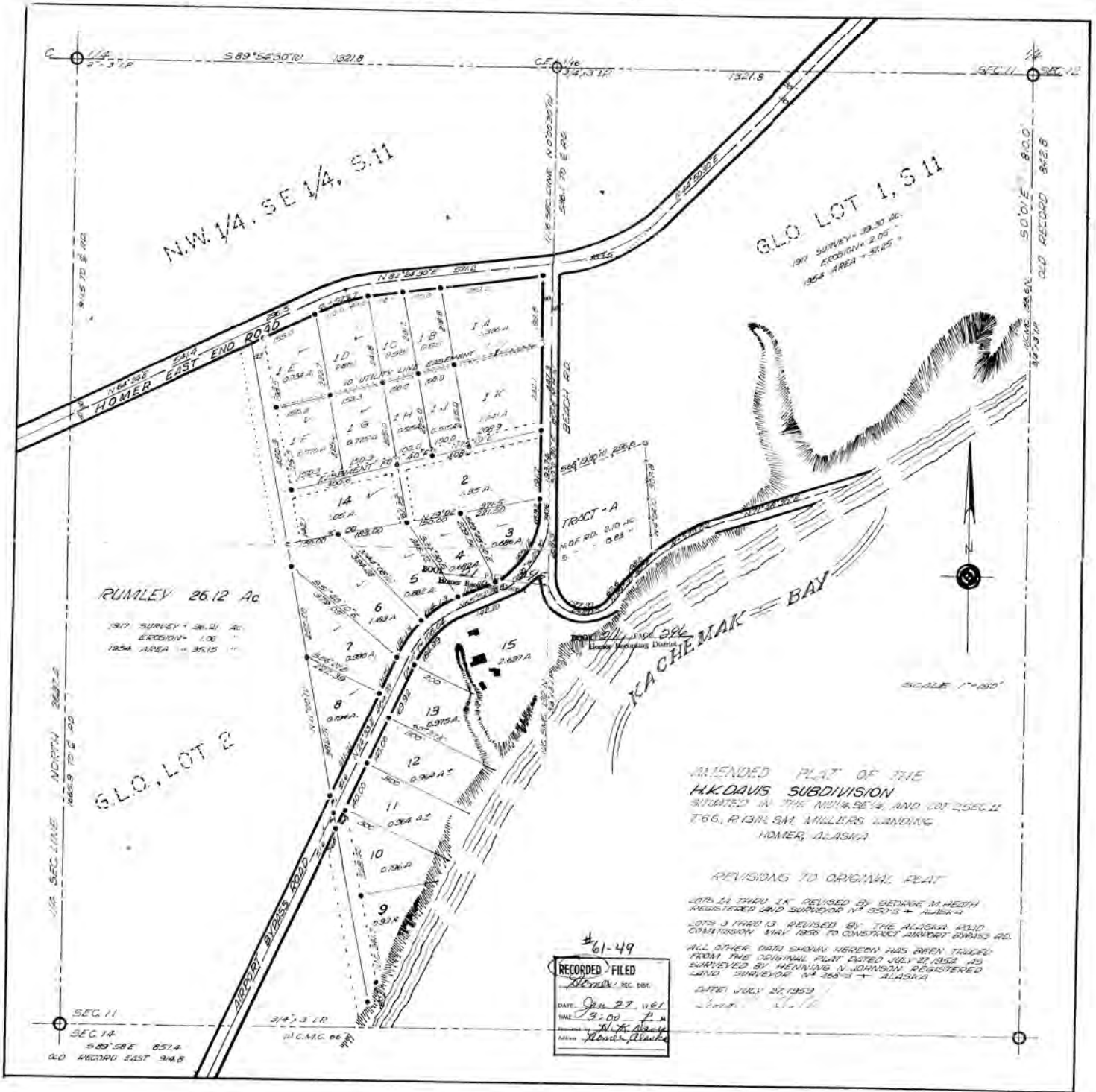
**H.K. DAVIS # 5**  
 UTILITY EASEMENT VACATION  
 A REPLAT OF LOTS 10, 1E, 1F, 1G, & 1H  
 ACCORDING TO THE AMENDED PLAT, 61-49, HRD.  
 WITHIN THE NW1/4 SE1/4 SECTION 11  
 TOWNSHIP 6 SOUTH, RANGE 13 WEST,  
 SEWARD MERIDIAN, ALASKA  
 CONTAINING 3.619 ACRES

**ABILITY SURVEYS**  
 JERRY ANDERSON, R.L.S. BOX 378 HOMER, ALASKA

HOMER  
Serial No. 61-49

BOOK 21 PAGE 283  
Homer Recording District

BOOK 21 PAGE 284  
Homer Recording District

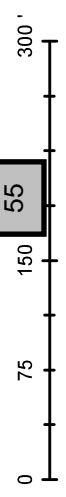




Right of Way Vacation

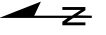


Aerial View





Right of Way Vacation

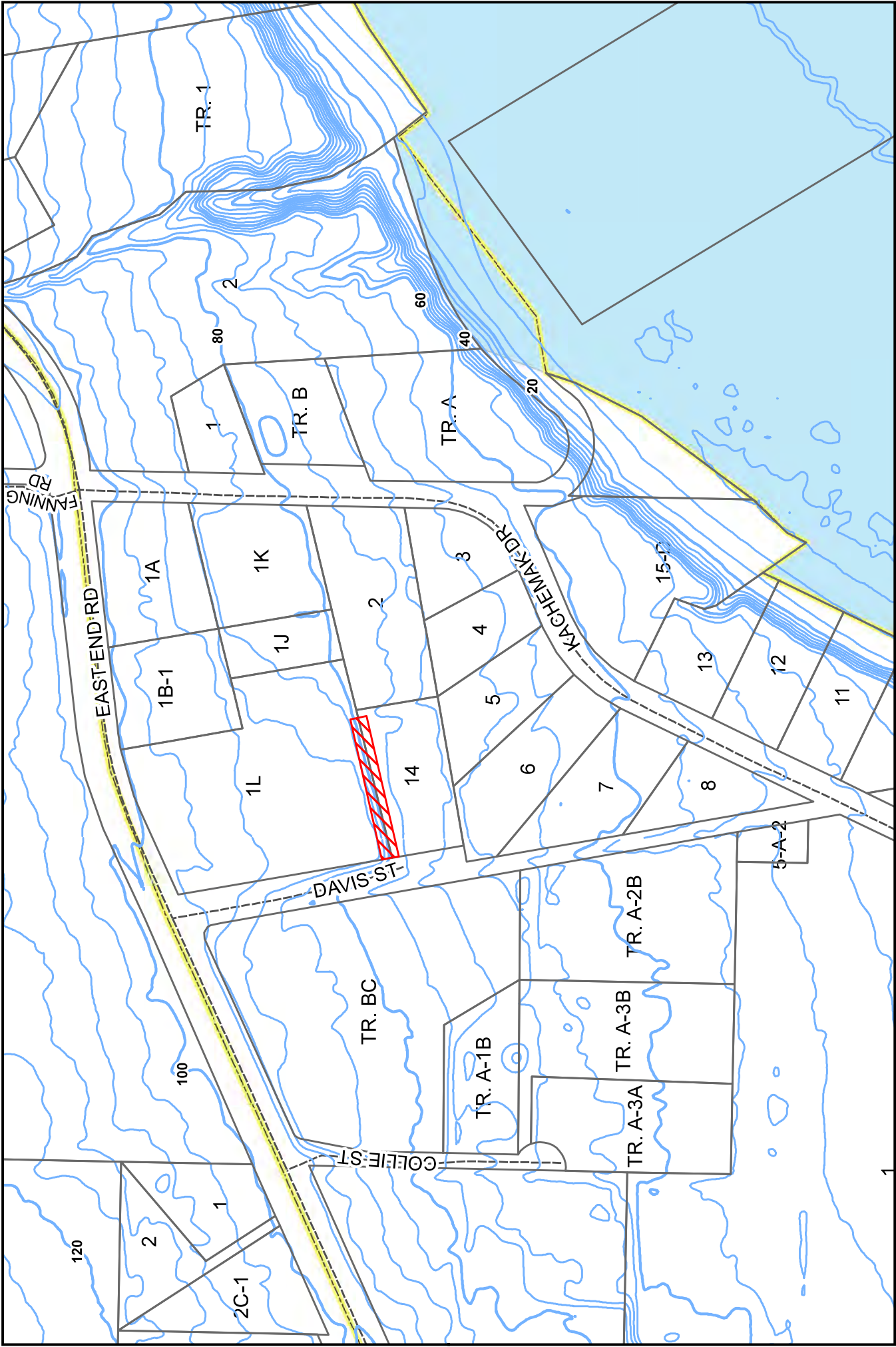


AerialView

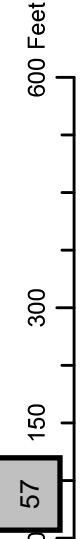




# Four Foot Contours



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

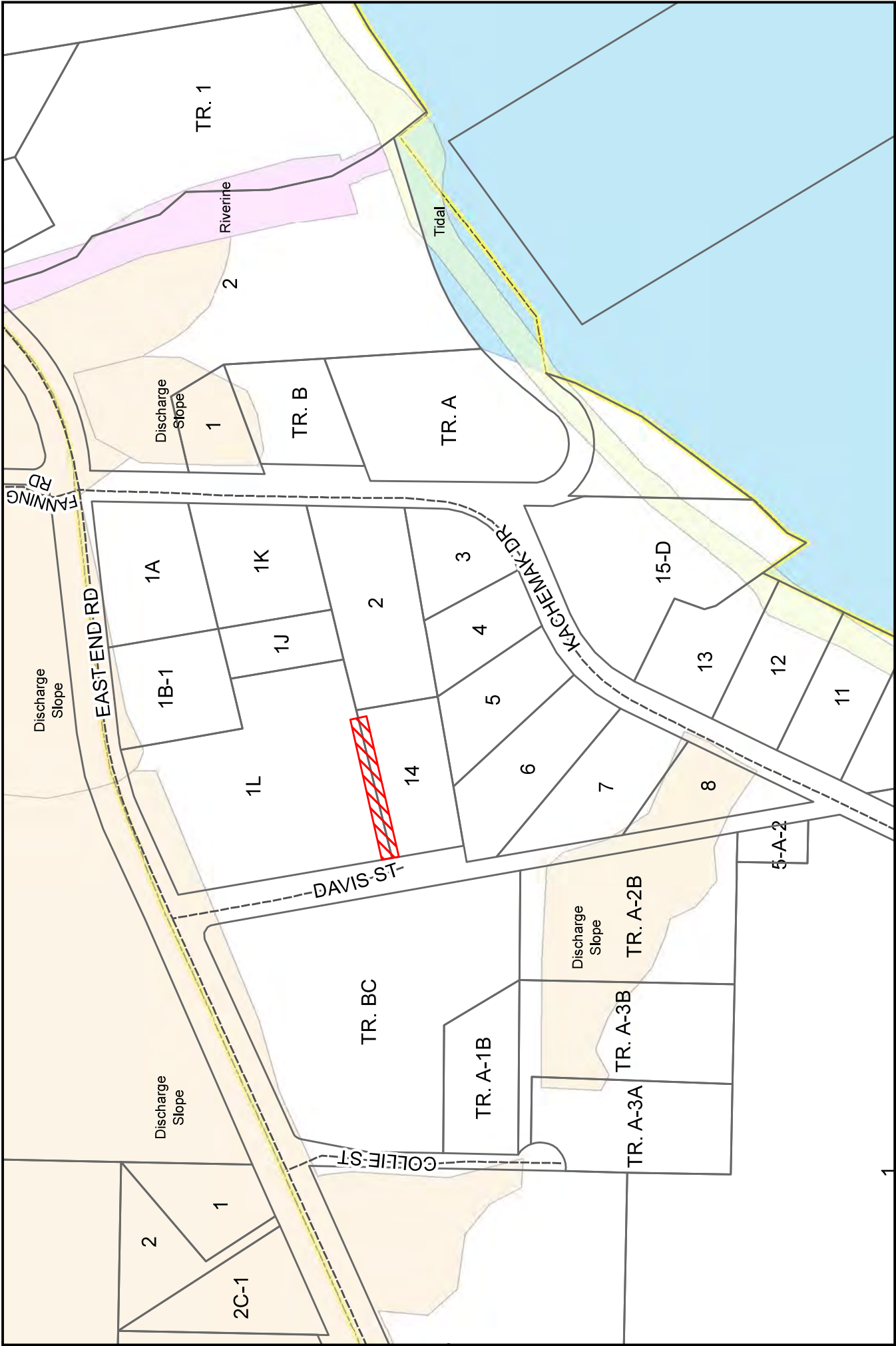


JReif

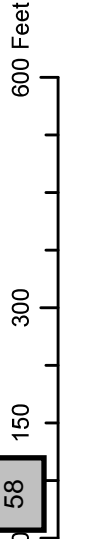


Date: 11/12/2019

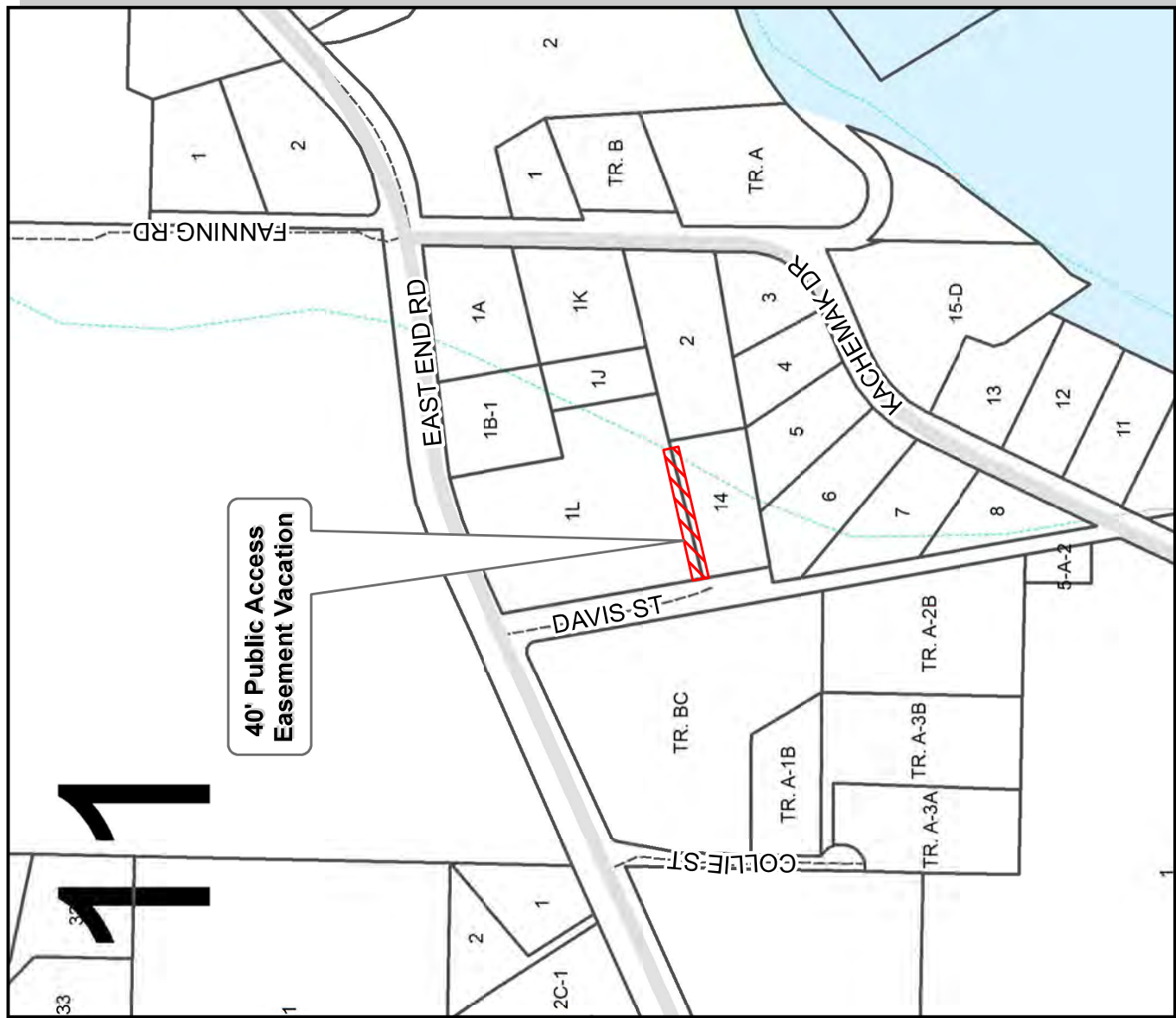
# Kenai Watershed Forum Wetlands



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Board assumes no responsibility for any errors on this map.

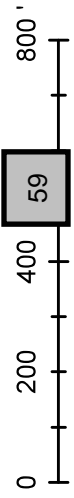


JReif

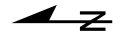
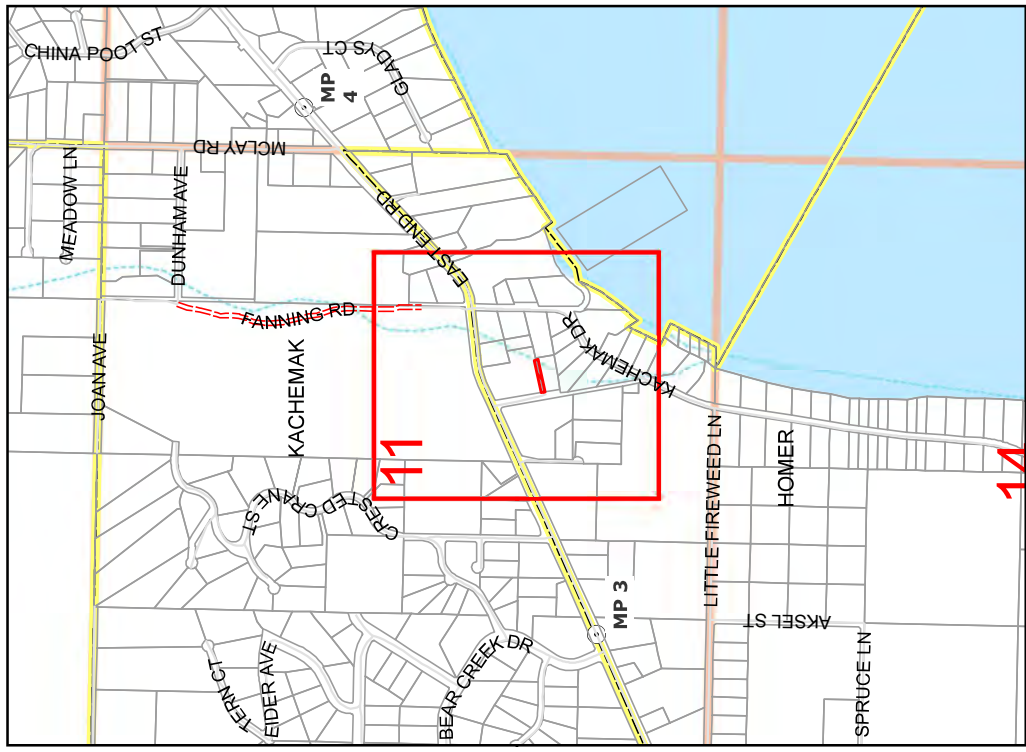


**40' Public Access Easement Vacation**

**11**



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility



**KPB 2019-128V  
T06S R13W S11  
HOMER**



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

September 27, 2019

## Homer Advisory Planning Commission

### Notice of Action

**Request:** Recommend approval of 40' wide roadway easement within H.K. Davis Subdivision Amended, NW ¼, SE 1/4 , T. 6 S., R. 13 W., S.M.

Petitioners:

Grady Avant  
PO Box 3601  
Homer, AK 99603

Jerold Vantrease  
PO Box 1730  
Homer, AK 99603

Randy Chiabai  
East End Properties LLC  
1411 Roder Ave.  
Bellingham, WA 98225

Laura DeMercurio  
PO Box 3601  
Homer, AK 99603

Douglas Fraiman  
East End Mini Storage, LLC  
PO Box 2622  
Homer, AK 99603

At the regular meeting of September 4, 2019 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the vacation with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

Chair Venuti opened the Public Hearing seeing no one from the audience coming forward to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

Commission requested information from the City Planner on the following:

- Standard protocol when someone builds a structure in an easement
- If the Commission did not approve the vacation would it affect the future sale of the property in question
- This vacation does not address the setback encroachment

Chair Venuti requested a motion hearing no further questions from the Commission.

SMITH/HIGHLAND MOVED TO ADOPT STAFF REPORT 19-77 AND FORWARD A RECOMMENDATION APPROVING THE VACATION WITH THE FOLLOWING COMMENT: PUBLIC ACCESS TO THE BEACH IS PRESERVED BY THE EXISTING 30 FOOT DEDICATED RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPOSED SECTION LINE EASEMENT VACATION.

Discussion was briefly held on the lack of clarity on the vacation since the house had been built into the easement since the 1950's.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-78, H.K. Davis Subdivision Road Easement Vacation Petition

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

City Planner Abboud provided a review of Staff Report 19-78 for the Commission noting the following:

- Vehicular use
- Other access
- Lots have access to utilities outside the right of way to be vacated

Applicant was present, they indicated that they were available for questions.

Chair Venuti opened the Public Hearing seeing no one from the audience coming forward to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

City Planner Abboud responded to questions from the Commission on the following:

- Vacation of this right of way does not impact vehicular access
- The City has no plans to develop the access
- This Right of Way is not included in the Transportation Plan

- There is no reason to place a moratorium on vacating this easement since the sole reason it was created was to provide access to a landlocked parcel and that is no longer true.
- Easements can be vacated or granted as needed

Commissioners entertained discussion that included the following points:

- There is Davis Street which could be used as a through street to Kachemak Drive
- Evaluating the intent there was no applicable reason to keep the easement other than convenience since it is not a maintained road and it is questionable as to the possible liability that there may be in leaving the easement

City Planner Abboud restated that it is not a road but an easement that the public uses

Chair Venuti requested a motion hearing no further comments or questions from the Commission.

SMITH/HIGHLAND MOVED TO ADOPT STAFF REPORT 19-78 AND FORWARD A RECOMMENDATION APPROVING THE VACATION OF A 40 FOOT ROAD EASEMENT.

A brief discussion ensued on the easement and including it in the Transportation Plan rewrite after further review of the Plan by Commissioner Highland and City Planner Abboud who stated that this area was annexed after the Plan was written and that this easement was only 40 feet and 60 feet was required for a road.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-79, Bakke Subdivision Vacation Plat

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

City Planner Abboud provided a summary of Staff Report 19-79 for the Commission noting the following:

- The authority of the Commission on this action is based on the property being in the Bridge Creek Watershed District
- This area is not eligible for city services or road maintenance
- The City does not plan to provide services in this area in the future

Mr. Leif Monnett and Mrs. Rotterman, applicants, made a presentation on the request to vacate the temporary easement for public access based on the installation and construction of permanent dedicated public access via Steinhauer Street and Ginny Avenue as was required



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

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

## Staff Report 19-78

TO: Homer Advisory Planning Commission  
 FROM: Rick Abboud, City Planner AICP  
 DATE: August 3, 2016  
 SUBJECT: 40-foot road easement vacation request  
**Requested Action:** Conduct a public hearing and make a recommendation on the vacation of a 40-foot road easement.

### General Information:

Applicants:	Grady Avant & Laura DeMercurio PO Box 3601 Homer, AK 99603
Location:	5290 Davis Street
Parcel ID:	17420207
Zoning Designation:	East End Mixed Use District
Existing Land Use:	commercial
Surrounding Land Use:	North: Gear Shed South: Commercial East: Commercial West: Storage units
Comprehensive Plan:	Support the development of a variety of well-defined commercial/business districts for a range of commercial purposes.
Wetland Status:	The 2005 wetland mapping shows no wetland areas.
Flood Plain Status:	Zone D, flood hazards undetermined.
BCWPD:	Not within the Bridge Creek Watershed Protection District.
Utilities:	City water and sewer are available
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.

**Analysis:** This vacation is within the East End Mixed Use District. This action proposes to vacate approximately 300.6 feet of a 40' roadway easement. This easement was beneficial to the area in question prior to the creation of a larger lot to the north which now supports the Gear Shed.

20.30.170. - Blocks—Length requirements.

Blocks shall not be less than 330 feet or more than 1,320 feet in length. Along arterial streets and state maintained roads, block lengths shall not be less than 800 feet. Block lengths shall be measured from centerline intersections.

**Staff comment:** This action does not contribute to a block length of less than 330 feet or greater than 1,320 feet.

20.70.170. - Vehicular access.

The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

**Staff Comment:** Properties along the vacation do not require the ROW easement for access. The lot described as “D” in the application (AKA, 3705 East End Road or parcel 17420212) maintains access through the portion of the easement that is located east of the proposed vacation and connects to Kachemak Drive.

20.70.180. - Other access.

Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

**Staff Comment:** No other alternate uses noted.

20.70.190. - Utility provisions.

All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

**Staff comment:** Lots have access to utilities outside of the ROW easement to be vacated and it will not interrupt city services.

**Public Works Comments:** No comment



**Fire Department Comments:** no comments received

**Staff Recommendation:**

Planning Commission recommend approval of the vacation.

**Attachments:**

1. Vacation petition
2. Public Notice
3. Aerial Map

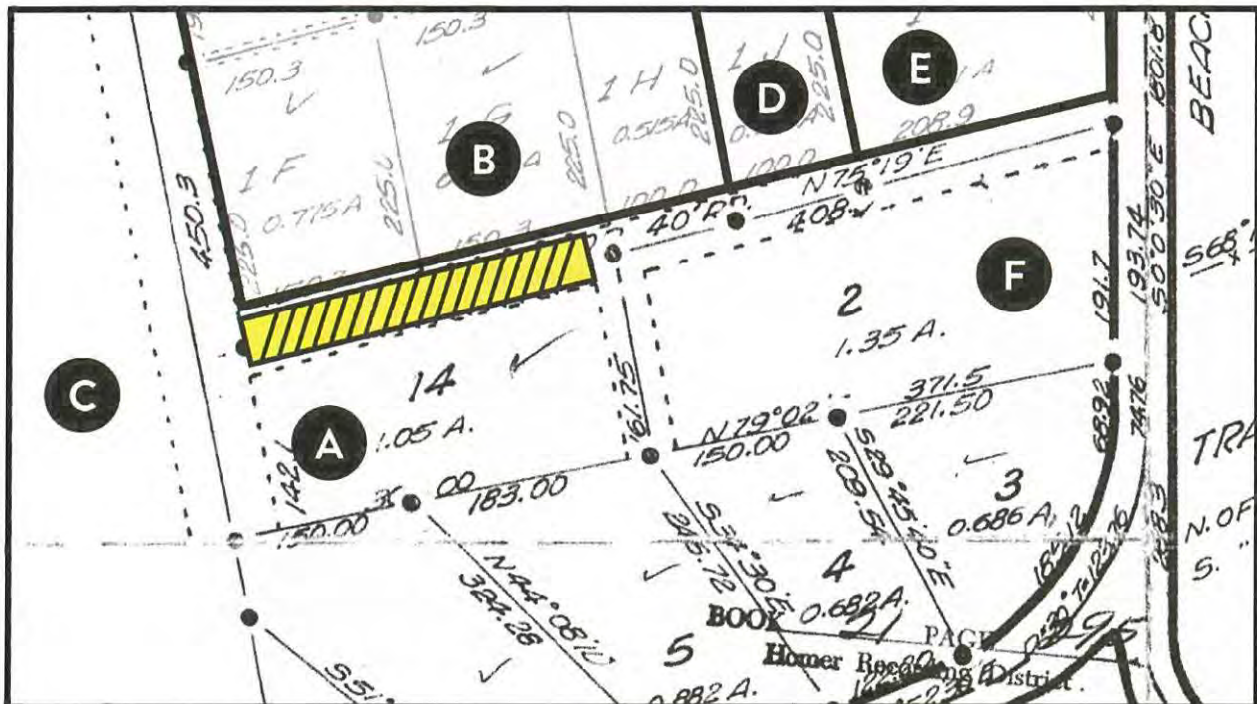
GRADY AVANT  
PO BOX 3601  
HOMER, AK 99603

August 14, 2019

Homer Advisory Planning Commission  
491 East Pioneer Ave  
Homer, AK 99603

Commissioners,

We, the undersigned, petition to vacate the section of easement located north of parcel id 17420207 (A) owned by myself and Laura DeMercurio, and south of parcel id 17420219 (B) owned by Randy Chiabai.



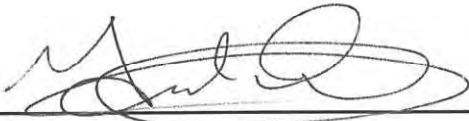
When this plat map was created in 1959, "Easement for 40' Road" as it is noted, provided access to lot 1G. In 1987 lot 1G was combined with four neighboring lots to create a single lot (1L) that the Kachemak Gear Shed now occupies, thereby providing alternate access.

The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.

Thank you for your consideration.

Yours,

Grady Avant



Signed

8/5/2019

Date

A PARCEL ID: 17420207  
Grady Avant  
5290 Davis Street  
PO Box 3601  
Homer, AK 99603



Signed

8/5/2019

Date

A PARCEL ID: 17420207  
Laura DeMercurio  
5290 Davis Street  
PO Box 3601  
Homer, AK 99603



Signed

8/15/19

Date

B PARCEL ID: 17420219  
Randy Chiabai  
East End Properties LLC  
1411 Roeder Ave  
Bellingham, WA 98225



Signed

8/5/2019

Date

C PARCEL ID: 17420318  
Douglas Fraiman  
East End Mini Storage, LLC  
3585 East End Road  
PO Box 2622  
Homer, AK 99603

*Dan McLean cannot be reached for signature at this time. Dan McLean's access is not affected by this change and Jerold Vantrease has offered to provide a permanent easement to ensure Dan will have future continued access to his property.*



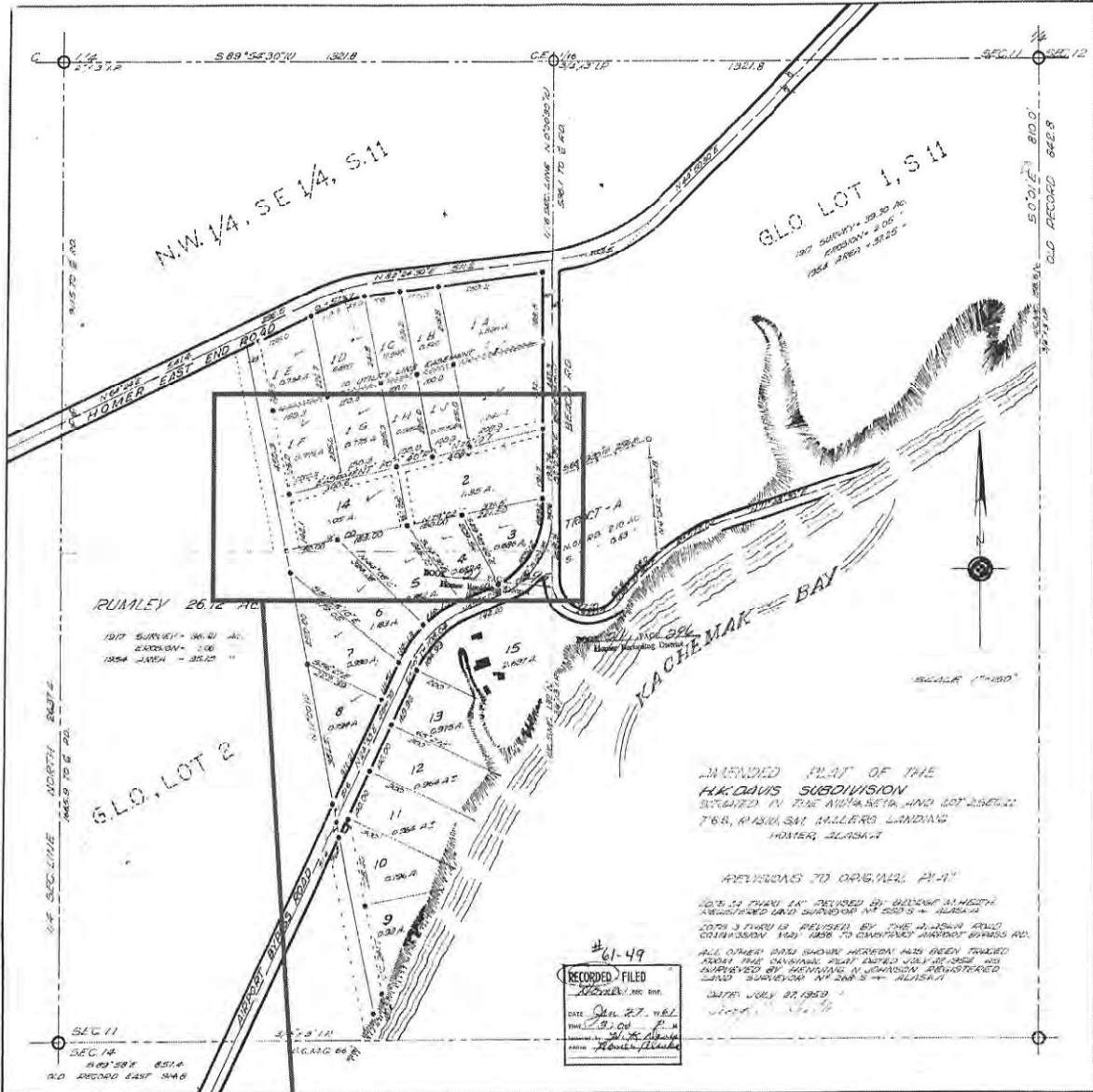
Signed

8/5/19

Date

D PARCEL ID: 17420212  
Dan McLean  
3705 East End Road  
PO Box 351  
Homer, AK 99603

E PARCEL ID: 17420213  
F PARCEL ID: 17420208  
Jerold Vantrease  
5317 Kachemak Drive  
PO Box 1730  
Homer, AK 99603

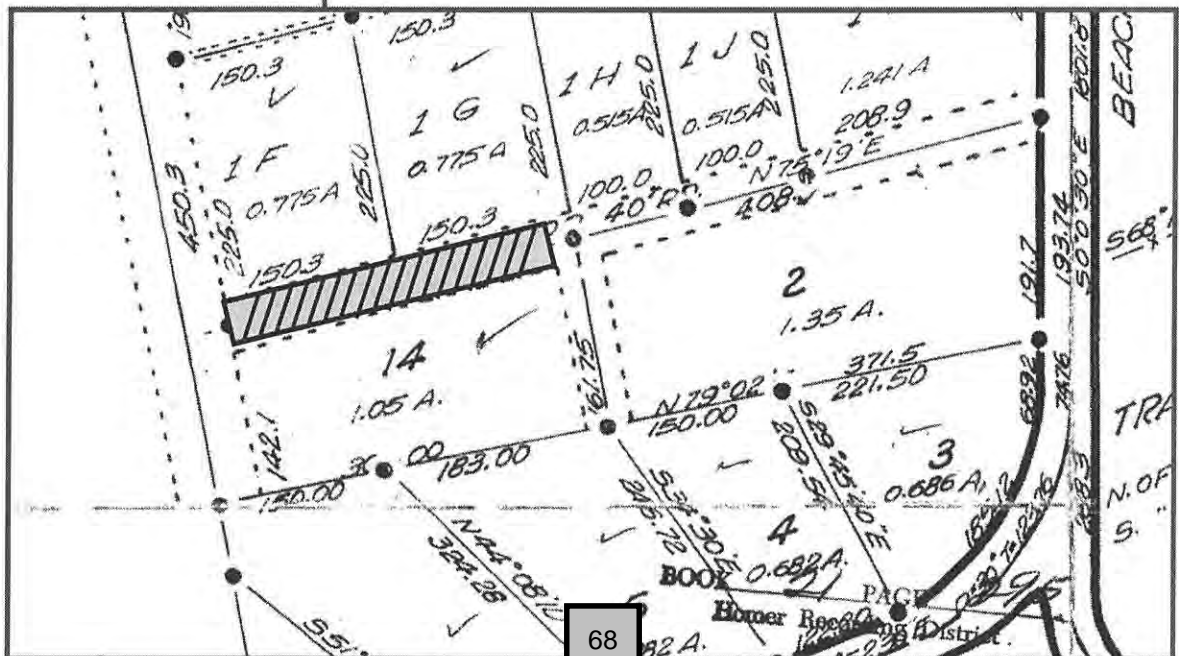


AMENDED PLAT OF THE  
HICKDAVIS SUBDIVISION  
SITUATED IN THE KACHEMAK BAY AND LOT 26.12 AC  
768, KACHEMAK HILLERS LANDING  
HOMER, ALASKA

REVISIONS TO ORIGINAL PLAT

- LOT 14 THERE IN DELETED BY BEING IN NORTH ADJACENT LAND SURVEYED BY 600-3 - ALASKA
- LOT 3 PART IS DELETED BY THE 1/2 ACRA ROAD CONVERSION AND BEG TO CENTERLINE ADJACENT ROAD.
- ALL OTHER DATA SHOWN HEREON HAS BEEN TAKEN FROM THE ORIGINAL PLAT DATED JULY 28 1958 AND CORRECTED BY BEING IN CORRECTION REGISTERED UNDER SURVEYOR 171 AND 3 - ALASKA
- DATED JULY 28 1959

#61-49  
RECORDED FILED  
DATE JUL 27 1962  
BY [Signature]  
Homer Recording District





Kenai Peninsula Borough Planning Department  
 144 North Binkley  
 Soldotna, Alaska 99669-7599  
 Toll free within the Borough 1-800-478-4441, extension 2200  
 (907) 714-2200

**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area**  
**Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- <sup>300</sup> \$500 non-refundable fee to help defray costs of advertising public hearing.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is dedicated by the plat of H.K. DAVIS Subdivision, filed as Plat No. 61-49 in HOME Recording District.
- Are there associated utility easements to be vacated?  Yes  No
- Are easements in use by any utility company? If so, which company N/A
- Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book 21 Page 293 of the HOME Recording District. (Copy of recorded document must be submitted with petition.)
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
  - Has right-of-way been fully or partially constructed?  Yes  No
  - Is right-of-way used by vehicles / pedestrians / other?  Yes  No
  - Is alternative right-of-way being provided?  Yes  No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

SEE ATTACHED

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: GRADY AVANT Signature as:  Petitioner  Representative  
 Address: PO BOX 3601  
HOME AK  
99603  
 Phone: 305 607 5935

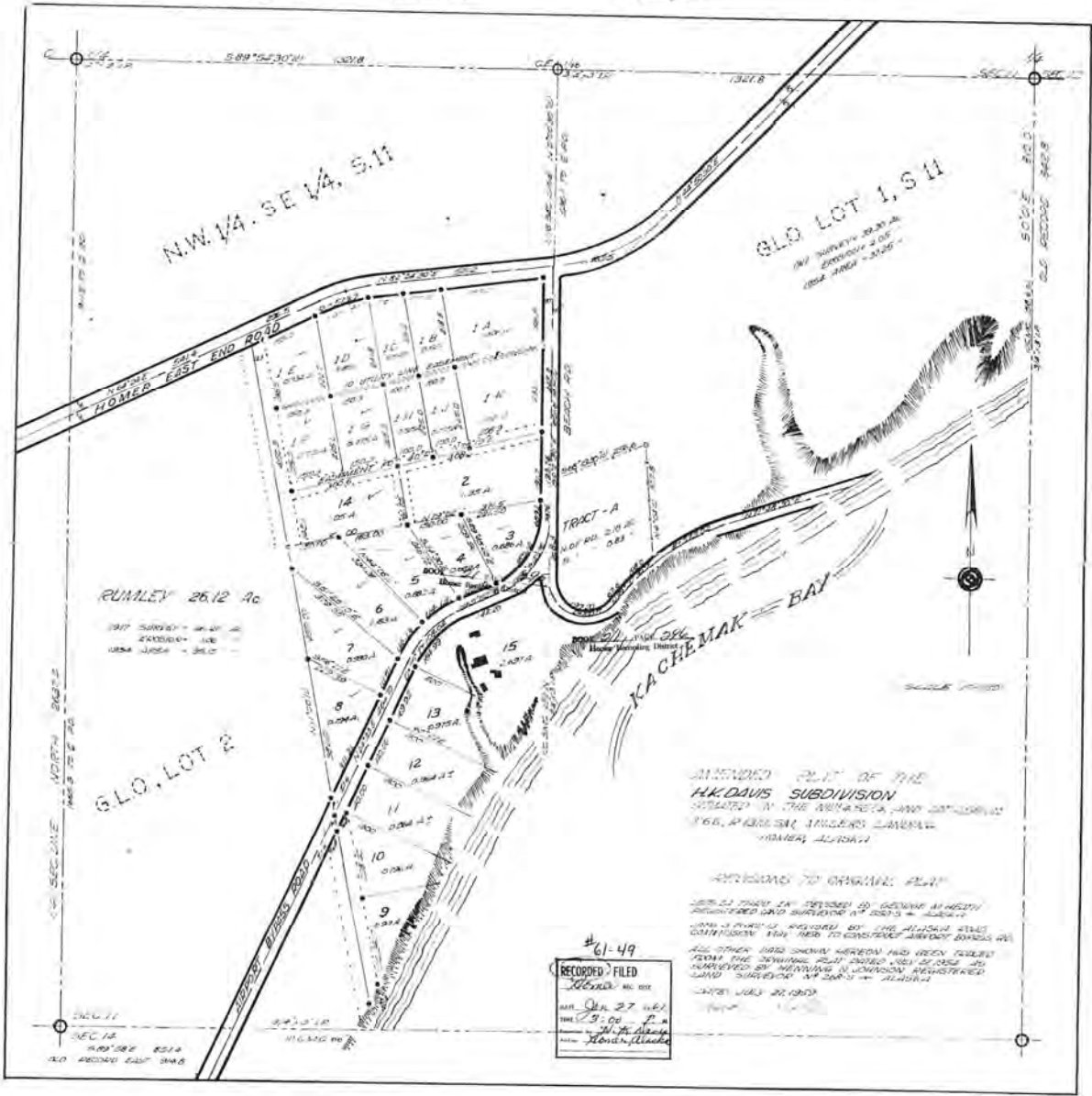
Petitioners:

Signature SEE ATTACHED 69 Name \_\_\_\_\_  
 Name **Page 132 of 221** Address \_\_\_\_\_  
 Address Address \_\_\_\_\_

INDEX  
Serial No. 61-49

BOOK 21 PAGE 283  
Base Recording District

BOOK 21 PAGE 284  
Base Recording District



ATTENDED PLAT OF THE  
**H.K. DAVIS SUBDIVISION**  
 SITUATED IN THE MUNICIPALITY AND TERRITORY OF  
 THE STATE OF ALASKA, IN THE COUNTY OF  
 KACHEMAK, JUNEAU, ALASKA

APPROVED TO ORIGINAL PLAT  
 THE PLAT HEREIN IS APPROVED AS BEING A CORRECT  
 REPRESENTATION OF THE ORIGINAL PLAT AS  
 REGISTERED AND SURVEYED AT 2833 & 2834  
 THE PLAT HEREIN IS APPROVED BY THE ALASKA STATE  
 COMMISSION FOR THE CONSTRUCTION OF HIGHWAY BONDS AND  
 ALL OTHER BOND OWNERS HERETO AND BEEN OBTAINED  
 FROM THE ORIGINAL PLAT AS BEFORE AND TO BE  
 SURVEYED BY MEANS OF A CHAIN SURVEY REGISTERED  
 AND SURVEYED AT 2833 & 2834  
 WITNESSED AND APPROVED  
 JAMES W. WILSON

61-49  
 RECORDED FILED  
 REC'D REC'D  
 JAN 27 1961  
 9:00 P.M.  
 JUNEAU, ALASKA

# Aerial Map



2017 COH photo  
Property lines not exact;  
use with care..

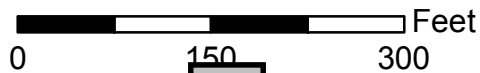
East-west 40 foot road  
easement to be vacated



City of Homer  
Planning and Zoning Department

March 7, 2019

## Request for vacation of a roadway easement



*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

## **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, September 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**A petition to vacate a 40 foot-wide roadway easement affecting 3625 East End Road and 5290 Davis Street also known as Lot 1-L H.K. Davis #5 and Lot 14 H.K. Davis Subdivision Amended, located within Sec. 11, T. 6 S., R. 13 W., S.M.**

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.

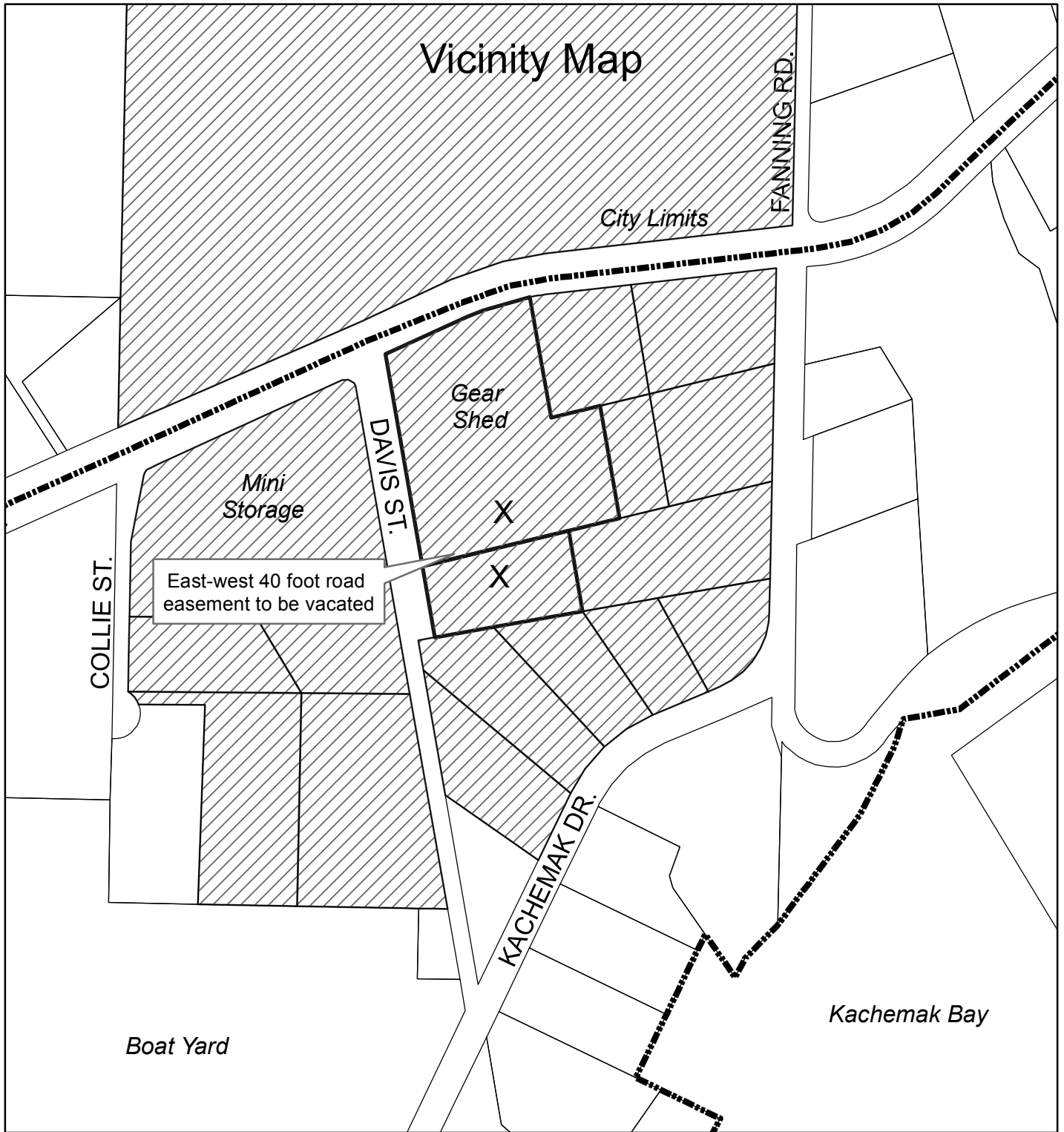
**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**



# Vicinity Map



City of Homer  
Planning and Zoning Department

March 7, 2019

## Request for vacation of a roadway easement

Marked Lots are w/in 300 feet and property owners notified.

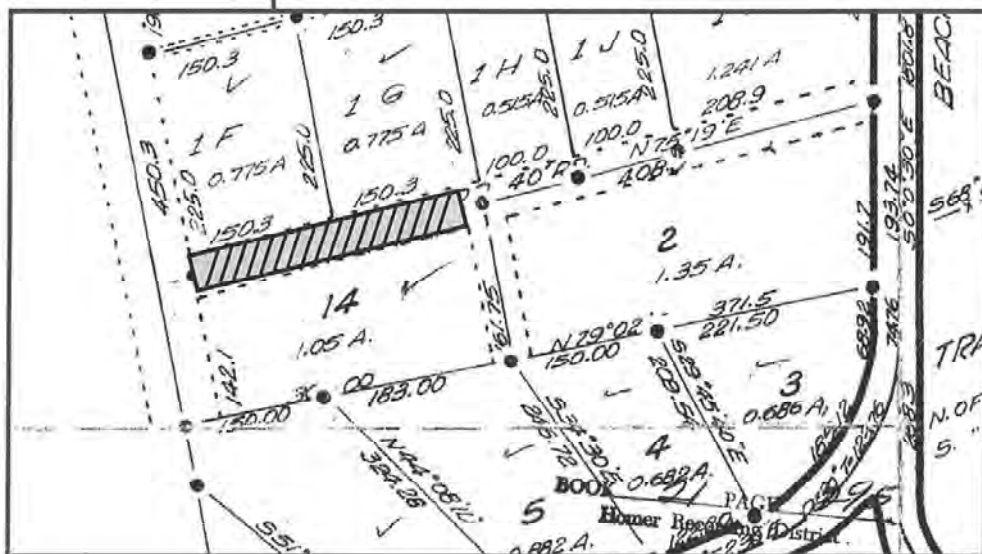
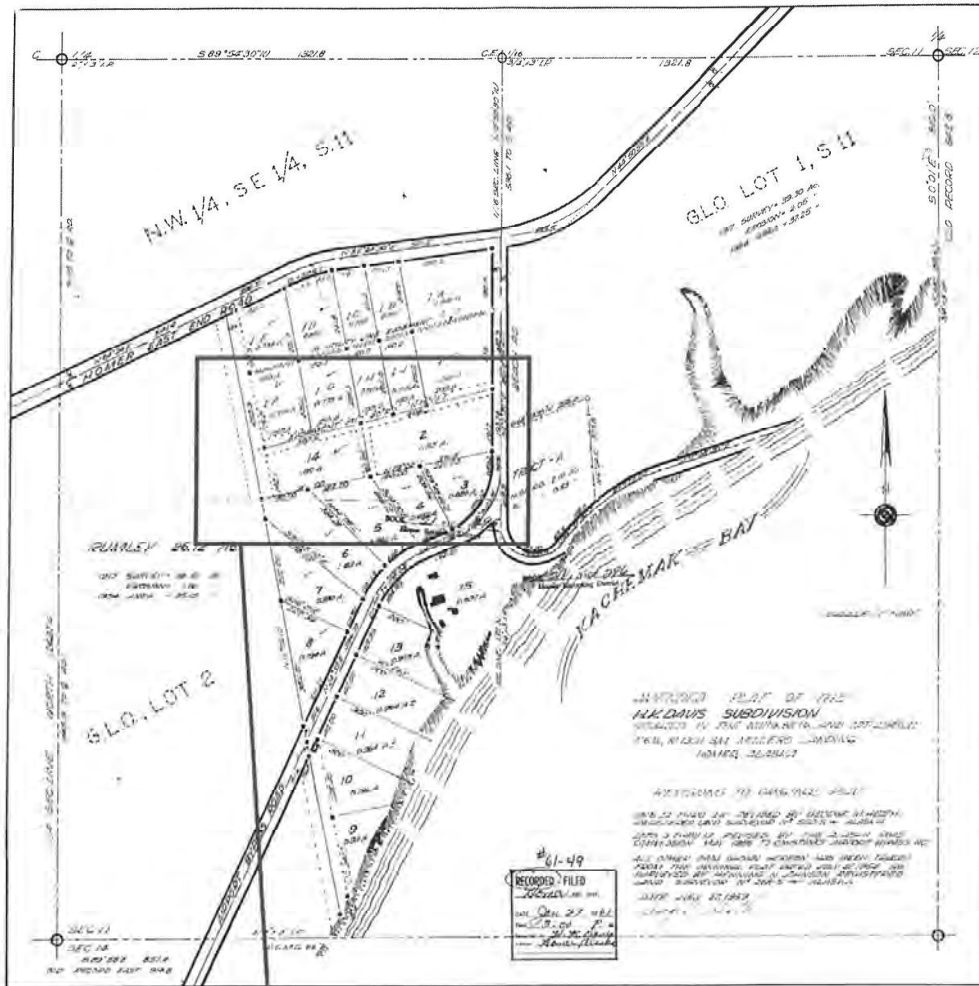


*Disclaimer:*  
It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

BOOK 61-99  
Said No. 61-99

BOOK 21 PAGE 222  
Homer Recording District

BOOK 21 PAGE 222  
Homer Recording District



AGENDA ITEM F. PUBLIC HEARINGS

4. Vacate a 40 foot wide portion of an unnamed Public Access Easement. The vacation is described as the westerly 280.6 feet of the north 20 feet of Lot 14, H. K. Davis Subdivision Amended (HM 61-49) and the westerly 280.6 feet of the south 20 feet of Lot 1-L, H. K. Davis No 5 (HM 86-21). The Public Access Easement runs east to west for approximately 280.6' as granted on H. K. Davis Subdivision Amended, Plat HM 61-49. The Public Access Easement being vacated is developed and located within the NW1/4 SE1/4 of Section 11, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-128V.

Staff Report given by Scott Huff

PC Meeting: 11/25/19

Purpose as stated in petition: When this plat map was created in 1959, "Easement for a 40' Road" as it is noted, provided access to lot 1G. In 1986 lot 1G was combined with four neighboring lots to create a single lot (1L) that Kachemak Gear Shed now occupies, thereby providing alternate access.

The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.

Petitioners: Laura DeMercurio of Decatur, GA and East End Properties LLC of Bellingham, WA.

Notification: Public notice appeared in the November 14, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the November 21, 2019 issue of the Homer News as part of the Commission's tentative agenda.

11 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 11 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 11 owners within 600 feet of the proposed vacation.

20 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 5 KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No objections.

KPB Addressing: No comments.

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Not within habitat protection district.

State Parks: No comments.

KPB Roads Department: Out of KPB jurisdiction, no comments.

Homer Advisory Planning Commission: The HAPC recommended approval of the vacation on September 4, 2019.

Staff Discussion: HK Davis Subdivision Amended, Plat HM 61-49, granted an "easement for 40' road" centered on the shared lot lines of Lots 1, 2, 1F, 1G, 1H, 1J, and 1K. HK Davis No. 5, Plat HM 86-21, replatted 5 lots, including Lots 1F, 1G, and 1H into one lot, Lot 1L. The only lots that front the portion of easement proposed to be vacated are Lot 14, HM 61-49 and Lot 1L, HM 86-21.

If approved, the vacation will be finalized by Planning Commission resolution.

### **KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

*Platting Staff Comments:* The petition was prepared and signed by

- Grady Avant, who, per KPB records, is not an owner of Lot 14, HM 61-49.

The petition was also signed by the owner of

- Lot 14, HM 61-49, Laura DeMercurio
- Lot 1L, HM 86-21, East End Properties, LLC
- Tract BC, HM 2013-51, East End Mini Storage, LLC
- Lots 1K and 2, HM 61-49, Jerold Vantrease.

The petition was not signed by the owner of Lot 1J.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travel ways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

*Petitioner Comments:* When this plat map was created in 1959, "Easement for a 40' Road" as it is noted, provided access to lot 1G. In 1986 lot 1G was combined with four neighboring lots to create a single lot (1L) that Kachemak Gear Shed now occupies, thereby providing alternate access.

*The unmaintained gravel road that extends across this easement serves no useful purpose, has resulted in personal injuries, and is used for unwanted parking, dumping, drug use, and to facilitate theft. Removing this section of easement will allow the installation of a gated fence along strategic portions of my property and will improve the safety and security of all surrounding parcels.*

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments:* The Homer Advisory Planning Commission recommended approval of the

*proposed vacation on September 4, 2019.*

20.70.140. Vacation resolution—easement. Upon approval of an easement vacation not associated with the vacation of a right-of-way or not requiring transfer of title or platting action, a vacation resolution may be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to finalize the vacation. The petitioner is responsible for the recording fees.

*Platting Staff Comments: This vacation is not associated with the vacation of a right-of-way and does not require transfer of title or a platting action.*

**Staff recommendation:**

- *If approved, adopt a resolution to vacate the easement.*
- *The petitioner must comply with KPB 20.70.140 and pay the recording fees.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*City of Homer Planning Staff Comments: Properties along the vacation do not require the ROW easement for access. The lot described as "D" in the application (AKA, 3705 East End Road or parcel 17420212) maintains access through the portion of the easement that is located east of the proposed vacation and connects to Kachemak Drive.*

*Platting Staff Comments: Per the petition, the easement is constructed and used for vehicular access. Per aerial imagery, the entire length of the 40' road easement is constructed. Four of the five lots affected by the easement also front dedicated constructed rights-of-way.*

- *Lot 14, HM 61-49 fronts constructed Davis Street right of way (66' width)*
- *Lot 1L, HM 86-21 fronts constructed Davis Street right of way (66' width) and DOT maintained East End Road*
- *Lots 1K and 2, HM 61-49 fronts constructed Kachemak Drive.*

*Lot 1J, HM 61-49 does not front a dedicate right of way and is accessed via the 40-foot roadway easement from Davis Street and Kachemak Drive.*

*Per KPB four foot contours, the easement traverses a hill that slopes down from East End Road to Kachemak Drive. The west half of the proposed vacation appears to be affected by steep slopes. The easement extending from Kachemak Drive to Lot 1J is affected by a gentler slope. Per Kenai Watershed Forum Wetland mapping, the easement is not affected by low wet areas.*

*Per the HAPC September 4, 2019 minutes, the City has no plans to develop the easement and the easement is not included in the City's Transportation Plan.*

*Two or more points of access are not necessary because the surrounding parcels are 0.5 to 3.6 acres in size, developed for commercial and residential uses, and, excluding one parcel, accessed by developed rights-of-way.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the remaining 40' road easement provide equal vehicular access.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

*Platting Staff Comments: Per the petition, the easement is currently in use by vehicles, pedestrians, or other uses. The easement is constructed, but may not be suited for general road use because, per the HAPC September 4, 2019 minutes, the 40' width is less than the standard 60'. As discussed above equal*

*alternate access is provided by the east portion of the 40' road easement extending west from Kachemak Drive. Pedestrian access is also provided by East End Road, Davis Street, and Kachemak Drive.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the remaining 40' road easement provide equal access for other lawful uses.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*City of Homer Planning Staff Comments: Lots have access to utilities outside of the ROW easement to be vacated and it will not interrupt city services.*

*Platting Staff Comments: ACS, ENSTAR, and HEA submitted comments of no objection.*

*Per the petition, the easement is not in use by utility companies.*

*The easement depicted on HM 61-49 is not clear whether it would permit use by utilities. Each lot within HM 61-49 either fronts a dedicated right-of-way or is provided access to utilities via a utility easement. The three lots within HM 61-49 that front the road easement and do not front a dedicated right-of-way granted a 10' utility line easement on their rear lot line, which suggests the road easement could not be used for utilities. The utility easement was vacated by HM 86-21 within a portion of Lot 1L, but it still extends east to Kachemak Drive.*

*Regardless, as discussed above, each of the surrounding parcels fronts a dedicated right-of-way that could provide access to utilities, except for Lot 1J, HM 61-49, which granted a 5' utility easement on its rear lot line that extends through the parcel to the east to Kachemak Drive. If the road easement could be used by utilities, it would also access for utilities to Lot 1J from Kachemak Drive to the east over a shorter distance to the Davis Street right-of-way from the west.*

**Staff recommendation:** *Concur that the Davis Street right-of-way, the Kachemak Drive right-of-way, and the 10' utility line easement granted by HM 61-49 provide equal access for utilities.*

**STAFF RECOMMENDATION:** Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Sketch of the proposed vacation clearly showing the road easement being vacated to be attached to Planning Commission Resolution 2019-37 becoming Page 2 of 2.
2. Filing the PC Resolution in the appropriate recording district within 90 days of the Planning Commission's approval.
3. The Planning Department is responsible for filing the Planning Commission resolution.
4. The petitioner will provide the recording fee for the resolution and its attachment to the Planning Department.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

**A. Denial of a vacation petition is a final act for which no further consideration shall be given**

- by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item.

Petitioner let the Commission know he was present if they had any questions.

Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Foster moved, seconded by Commissioner Venuti, to approve the vacation of the unnamed public access easement in the City of Homer as petitioned by adoption of Resolution 2019-37, subject to staff recommendations and compliance with borough code.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 19-159

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: DECEMBER 2, 2019

SUBJECT: VACATION OF A 33 FOOT SECTION LINE EASEMENT LOCATED ON THE SOUTH LOT LINES OF LOT 18-A OSCAR MUNSON NO. 23 (PLAT HM 2006-66) AND THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVT LOT 1, SECTION 20, TOWNSHIP 6 SOUTH, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH, KPB FILE 2019-025V.

---

At their November 25, 2019 meeting, the Kenai Peninsula Borough Planning Commission approved the referenced Section Line easement vacation. Per AS 29.40.140, no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from November 25, 2019 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Planning Commission has no objection to granting this vacation as reflected in the September 27, 2019 Notice of Action and minutes from the September 4, 2019 regular meeting.

### RECOMMENDATION:

Voice non objection and consent to vacation of a vacation of a 33 foot Section Line Easement located on the south lot lines of Lot 18-A Oscar Munson No. 23 (Plat HM 2006-66) and the south 400 feet of the east 400 feet of Government Lot 1, Section 20, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough, KPB File 2019-025v.





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce  
Borough Mayor

November 26, 2019

Homer City Council  
491 East Pioneer Avenue  
Homer, AK 99603-7645

RE: Vacate a 33' Section Line Easement located on the south lot lines of Lot 18-A Oscar Munson No 23 (Plat HM 2006-66) and the south 400' of the east 400' of Government Lot 1, Section 20, Township 6 South, Range 13 West, Seward Meridian. The section line easement being vacated is unconstructed and located within the SW1/4 SE1/4 & SE1/4 SW1/4 of Section 20, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-025V.

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced section line easement vacation during their regularly scheduled meeting of November 25, 2019. This petition is being sent to you for your consideration and action.

The City Council has 30 days from November 25, 2019 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Max J. Best  
Planning Director

MJB;jah

Attachments

## **F. PUBLIC HEARINGS**

- 3. 33-foot Section Line Easement  
Vacation in the City of Homer.  
KPB File 2019-025V  
Petitioners: Bell-Kelsey Joint  
Revocable Trust and Raven Trust of  
Homer, AK.**

AGENDA ITEM F. PUBLIC HEARINGS

3. Vacate a 33' Section Line Easement located on the south lot lines of Lot 18-A Oscar Munson No 23 (Plat HM 2006-66) and the south 400' of the east 400' of Government Lot 1, Section 20, Township 6 South, Range 13 West, Seward Meridian. The section line easement being vacated is unconstructed and located within the SW1/4 SE1/4 & SE1/4 SW1/4 of Section 20, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-025V.

STAFF REPORT

PC Meeting: 11/25/19

Purpose as stated in petition: An existing building was constructed within the Section Line Easement in the early 1970's. The Section Line Easement is not currently constructed or in use by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the tidelands. The alternate route to the tidelands to the west is through the existing 33- foot-wide Section Line Easement adjoining the section line to the south. In addition, an existing 30 foot wide unnamed right of way adjoins the section line to the south.

Petitioners: Bell-Kelsey Joint Revocable Trust and Raven Trust of Homer, AK.

Notification: Public notice appeared in the Thursday, November 14, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the November 21, 2019 issue of the Homer News as part of the Commission's tentative agenda.

16 certified mailings were sent to owners of property within 600 feet of the proposed vacation. 15 receipts had been returned when the staff report was prepared.

20 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: ENSTAR currently operates an existing natural gas facility within the Section Line Easement, which crosses Lot 18-A to serve Government Lot 1, as shown in the attached ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met:

1. Add a note, which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing natural gas service line."
2. Draw in the approximate location of the natural gas service line on the map and add, "Approximate location of natural gas service line and centerline often foot (10FT) wide natural gas easement".
3. Grant a ten foot (10FT) wide natural gas easement, centered on the existing natural gas service line.

Homer Electric Association: HEA requested a 10' utility easement for the existing underground electric service to Mary Lou Kelsey.

KPB Addressing: 598 Ocean Dr Loop and 592 Ocean Drive Loop - will need to be updated by the City of Homer

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Within the City of Homer, not within the habitat protection district.

KPB Roads Department: Out of KPB jurisdiction, no comments.

Homer Advisory Planning Commission: On September 4, 2019, the HAPC recommended approval of the vacation with the following comment, "public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement."

State Parks: No comments.

Staff Discussion: A preliminary plat (Oscar Munson No. 25 KPB 2019-025) proposing to reconfigure the lot line between the south 400' of the east 400' of Government Lot 1 and Lot 18-A Oscar Munson No. 23, HM 2006-66 received preliminary approval from the KPB Plat Committee on April 8, 2019. An existing structure encroaches into the 33' section line easement within the portion of Government Lot 1. Preliminary approval of KPB 2019-025 was subject to the resolution of the encroachment of the structure into the section line easement, as well as the resolution of any building encroachments in Ocean Drive Loop right of way. Vacation of this section line easement will resolve the encroachment within the section line easement.

If approved, a preliminary plat will be required to finalize the vacation. No preliminary plat proposing to finalize this vacation has been submitted at this time.

#### **KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

*Petitioner Comments:* An existing building was constructed within the Section Line Easement in the early 1970's. The Section Line Easement is not currently constructed or in use by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the tidelands. The alternate route to the tidelands to the west is through the existing 33-foot-wide Section Line Easement adjoining the section line to the south. In addition, an existing 30 foot wide unnamed right of way adjoins the section line to the south.

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments:* On September 4, 2019, the HAPC recommended approval of the vacation with the following comment, "public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement."

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments: No preliminary plat has been submitted at this time.*

**Staff recommendation:** *Comply with KPB 20.70.130.*

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The proposed section line easement vacation will vacate an approximately 485' portion of the 33' section line easement. A 33' section line easement will remain immediately to the south. A 66' section line easement will remain to the east and west of the proposed vacation. The remaining 33 foot section line easement can provide pedestrian access.*

**Staff recommendation:** *The planning commission concur that in this situation a partial vacation is allowed based on the use of the beach area allowed by the City of Homer and the remaining 33 foot section line easement to the south.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*City of Homer Planning Staff Comments: Vehicular access down to the beach is not practical in this location. There is at least a 10 foot drop in elevation at the beach bluff, and the beach and bluff area regularly experience erosion. The mouth of Beluga Slough continually moves toward that area. Some of the beach bluff has been stabilized with large concrete block to protect the existing home. Vehicle access down to the beach, or to travel by vehicle beyond the immediate area is not practical.*

*Platting Staff Comments: The proposed vacation adjoins a 33' section line easement and an unnamed 30' dedicated right-of-way to the south. The section line easements and right-of-way are not constructed and per, the petition, are not in use for public vehicular access.*

*Per KPB four foot contours, the proposed vacation is affected by steep grades of approximately 20% down to the beach. Per KPB Watershed Forum Wetland mapping, the proposed vacation is affected by tidal and riverine wetlands.*

*The section line easement provides access from dedicated and constructed Ocean Drive Loop west to the mouth of the Beluga Slough and Kachemak Bay. The only parcels the section line easement provides access to west of the proposed vacation are a 4.43 acre tract located on the mouth of the Beluga Slough and beach owned by one of the petitioners, a 35 acre tract located on the Beluga Slough owned by US Fish and Wildlife, and a 500 acre parcel located in Kachemak Bay owned by the City of Homer. All three parcels front on Bishop's Beach and public access to the beach is provided via Beluga Place. Beluga Place is a constructed right of way with a public parking area.*

*Equal access will exist after the vacation because the location of the existing structure within the section line easement prohibits vehicular access within the area proposed to be vacated. While the vacation will reduce a 66' section line easement to 33', the usable area for vehicular access will remain an equal 33'.*

**Staff recommendation:** *Concur that equal vehicular access exists in the remaining 33' section line easement and 30' right-of-way to adjoin the proposed vacation to the south.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation. *City of Homer Planning Staff Comments: The adjacent right of way will remain in place. This will allow for future public access if pedestrian access is developed.*

*Platting Staff Comments: Per the petition, the section line easement is not used for other lawful uses. Due to the steep slopes and wetlands affecting the section line easement, the section line is not suited for general road use. As discussed above, the location of the structure within the section line easement results in an easement that could not be used for other uses because the structure blocks access. Regardless, even if the easement could be used for other uses, the vacation of the proposed portion of the section line easement would leave an equal access area in the remaining section line easement and dedicated right-of-way adjoining to the south. A 66' section line easement with 33' blocked provides equal access to a 33' section line easement.*

**Staff recommendation:** *Concur that equal access for other uses exists in the remaining 33' section line easement and 30' right-of-way adjoining the proposed vacation to the south.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: HEA requested a 10' utility easement for the existing underground electric service to Mary Lou Kelsey within the proposed vacation. ENSTAR noted that it currently operates an existing natural gas facility within the Section Line Easement, which crosses Lot 18-A to serve Government Lot 1. ENSTAR required a 10' wide natural gas easement centered on the existing natural gas service line.*

*Per the comments from the utility companies, specifically HEA and ENSTAR, while the section line easement is utilized by public utilities, the grant of a 10' utility easement will satisfactorily serve the utility interests.*

*In addition, as discussed above, the remaining 33' section line easement and 30' dedicated right-of-way provides equal access to the obstructed 33' section line easement proposed to be vacated to the parcels to the west of the proposed vacation.*

**Staff recommendation:** *Subject to the grant of a 10' utility easement per the requests of HEA and ENSTAR, concur that public utility easements may be granted in place of the section line easement that satisfactorily serve the utility interests and that equal utility access exists in the remaining 33' section line easement and 30' right-of-way adjoining the vacation to the south.*

20.70.200. Waterfront access provisions. A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

*Platting Staff Comments: This section line easement provides access to the mouth of the Beluga Slough and Kachemak Bay. However, the 33' section line easement blocked by the existing structure is wholly impractical to all modes of transport including pedestrian.*

Per the City of Homer staff report, "Pedestrian access will remain possible south of the property line if future access is constructed (possibly stairs)." Waterfront access will remain in the 33' section line easement and 30' right-of-way adjoining to the south.

**Staff recommendation:** Concur that the 33' section line easement blocked by the existing structure is wholly impractical to all modes of transport including pedestrian and access to the waterfront of the Beluga Slough and Kachemak Bay will remain in the 33' section line easement and 30' right-of-way adjoining to the south.

20.30.220. Section line easement vacations. Section line easement vacation petitions must comply with the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

**Staff recommendation:** Comply with KPB 20.30.220.

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by Homer City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by HEA, ENSTAR, the Homer City Council and, other utility providers.
4. Submittal of a final plat.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

END OF STAFF REPORT

**NOTES**

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 20, T. 6 S., R. 13 W., S.M., AK. APPROVED JULY 15, 1918.
2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF OSCAR MUNSON No. 23 ON FILE A THE HOMER RECORDING DISTRICT AS PLAT NO. 2006-66.
3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-## APPROVED ##.
4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.10 AND/OR 19.40.05 IS WITH THE UNWARRANTED RIGHT-OF-WAY AND 33 FOOT WIDE SECTION-LINE EASEMENT ADJOINING THE SECTION-LINE BETWEEN SECTIONS 20 AND 29.

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 AUTHORIZED OFFICIAL  
 KENAI PENINSULA BOROUGH

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BY: WILLIAM H. BELL AND MARY LOU KELSEY  
 (PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BY: ALEXANDER PETERSEN  
 (PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: \_\_\_\_\_ REGISTRATION NO. AELL 7538  
 STEPHEN G. SMITH  
 REGISTERED LAND SURVEYOR

**LEGEND:**



2-1/2" BRASS GAP ON A 1" IRON PIPE AS APPROVED IN GLO FIELD NOTES FOR T. 6 S., R. 13 W., S.M., AK. APPROVED JULY 15, 1918.

SECTION-LINE EASEMENT VACATED BY THIS PLAT

SE 400 FEET OF GOVERNMENT LOT 1

SECTION-LINE EASEMENT VACATED BY THIS PLAT SEE DETAIL A



2018 MEAN HIGH TIDE LINE

1/4 COR.

LOT 22 HW 57-3415

LOT 70-A HW 2006-66

LOT 15-A HW 2006-66

LOT 15-2 HW 2006-66

LOT 15-1 HW 2006-66

LOT 15-3 HW 2006-66

LOT 15-4 HW 2006-66

LOT 15-5 HW 2006-66

LOT 15-6 HW 2006-66

LOT 15-7 HW 2006-66

LOT 15-8 HW 2006-66

LOT 15-9 HW 2006-66

LOT 15-10 HW 2006-66

LOT 15-11 HW 2006-66

LOT 15-12 HW 2006-66

LOT 15-13 HW 2006-66

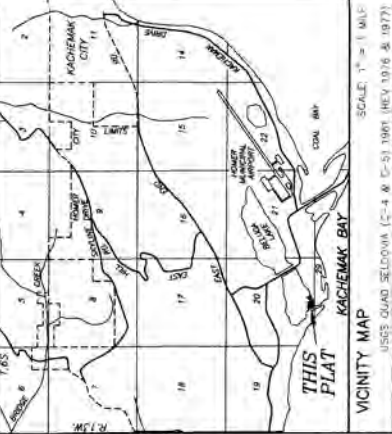
LOT 15-14 HW 2006-66

LOT 15-15 HW 2006-66

LOT 15-16 HW 2006-66

LOT 15-17 HW 2006-66

LOT 15-18 HW 2006-66



SCALE: 1" = 1 MILE  
 USGS QUAD SEEDOVNA (C-4 & C-5) 1961 (REV. 10/16 & 1977)

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF OSCAR MUNSON NO. 23 AND THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1, AS SHOWN ON THIS PLAT. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

WILLIAM H. BELL  
 CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
 PO BOX 894  
 HOMER, ALASKA 99603  
 SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

MARY LOU KELSEY  
 CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
 PO BOX 894  
 HOMER, ALASKA 99603  
 SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

ALEXANDER PETERSEN  
 TRUSTEE, RAVEN TRUST  
 PO BOX 894  
 HOMER, ALASKA 99603  
 LOT 18-A

DETAIL A

**SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER  
 THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

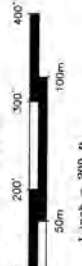
RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_  
 TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA ACCEPTS, RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 COMMISSIONER  
 DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 COMMISSIONER  
 DEPARTMENT OF NATURAL RESOURCES

**GRAPHIC SCALE**



1 INCH = 200 FT.  
 1 METER = 3,280.83 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: \_\_\_\_\_  
 SURVEYOR: \_\_\_\_\_ COA# 933  
 Beginning: 99 FIELD SUBJECT  
 Ending: \_\_\_\_\_  
 Honoree: Oscar Munson  
 (507) 399-4345 www.governor-uk.com

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF MINING, LAND, AND WATER  
 ANCHORAGE, ALASKA

**SECTION-LINE EASEMENT VACATION PLAT**

Associated with  
 OSCAR MUNSON No. 23 and  
 THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1

Located Within Surveyed  
 Sec. 20, T. 6 S., R. 13 W., S.M., Alaska  
 HOMER RECORDING DISTRICT

DRAWN BY: SCS  
 DATE: AUG. 2019  
 SCALE: N/A  
 APPROVAL RECOMMENDED  
 STATEWIDE PLATTING SUPERVISOR  
 CHECKED: \_\_\_\_\_  
 DMR FILE NO. EV-3-##



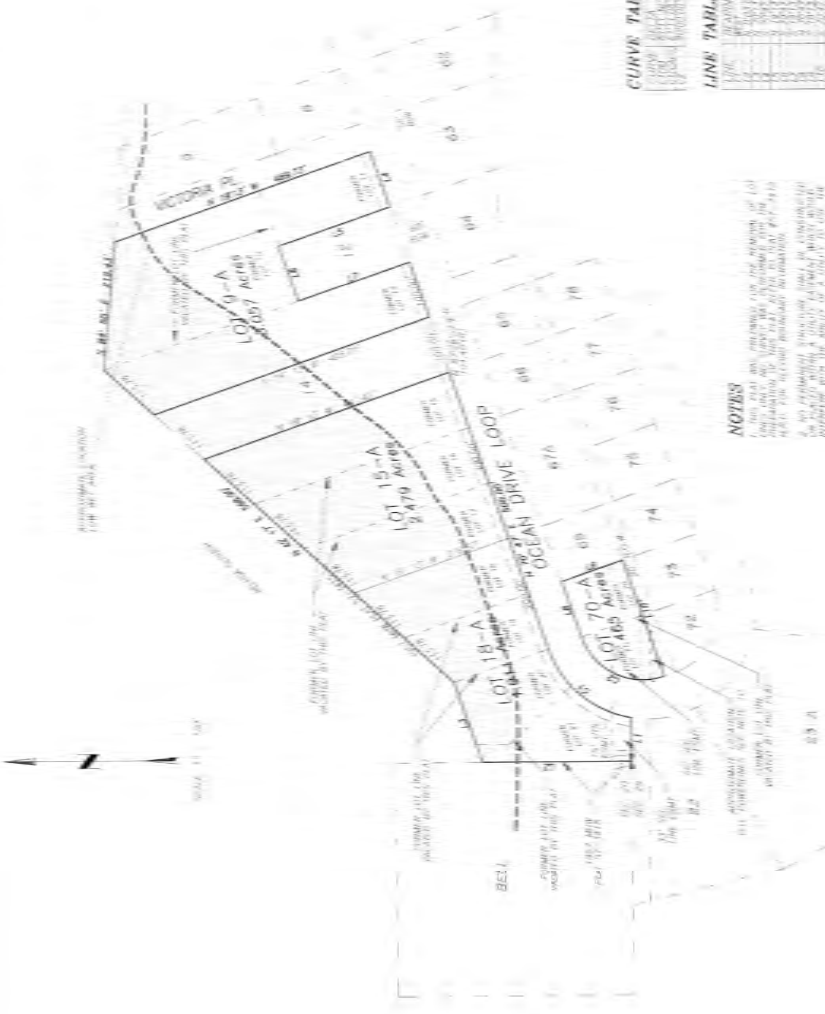
88



**PLAT APPROVAL**

PLAT APPROVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF BREVARD, FLORIDA, ON 10/12/11.

*Signature*



**CURVE TABLE**

STATIONING	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1+00.00	N 89° 58' 18" W	100.00	89° 58' 18"	100.00
1+100.00	N 89° 58' 18" W	100.00	89° 58' 18"	100.00
1+200.00	N 89° 58' 18" W	100.00	89° 58' 18"	100.00

**LINE TABLE**

LINE NO.	START STATION	END STATION	BEARING	DISTANCE
1	1+00.00	1+100.00	N 89° 58' 18" W	100.00
2	1+100.00	1+200.00	N 89° 58' 18" W	100.00
3	1+200.00	1+300.00	N 89° 58' 18" W	100.00

**LEGEND**

- 1/4" = 100' CURVE
- 1/4" = 100' POINT

**NOTES**

1. THIS PLAT AND RECORDING AND THE NUMBER OF LOTS ARE SUBJECT TO THE APPROVAL AND RECORDATION OF THE COUNTY OF BREVARD, FLORIDA.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
4. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
5. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
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16. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
17. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
18. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
19. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.
20. ALL DISTANCES ARE TO BE MEASURED ALONG THE CENTERLINE OF THE ROAD OR DRIVE.

**WASTEWATER DISPOSAL:**

PLANS FOR WASTEWATER DISPOSAL ARE TO BE SUBMITTED TO THE BREVARD COUNTY HEALTH DEPARTMENT FOR REVIEW AND APPROVAL.



**CERTIFICATE OF OWNERSHIP**

I, the undersigned, being duly sworn, depose and say that the foregoing is a true and correct copy of the plat as recorded in the public records of the County of Brevard, Florida, and that the same is a true and correct copy of the original plat as recorded in the public records of the County of Brevard, Florida.

**NOTARY'S ACKNOWLEDGMENT**

I, the undersigned, being duly sworn, depose and say that I am a Notary Public in and for the State of Florida, and that I am duly qualified to perform the duties of a Notary Public in and for the State of Florida.



**NOTARY'S ACKNOWLEDGMENT**

I, the undersigned, being duly sworn, depose and say that I am a Notary Public in and for the State of Florida, and that I am duly qualified to perform the duties of a Notary Public in and for the State of Florida.



OSCAR MUNSON NO. 23

OSCAR MUNSON, LLC  
STEPHEN C. SMITH, P.L.S.

OSCAR MUNSON, LLC  
STEPHEN C. SMITH, P.L.S.

OSCAR MUNSON, LLC  
STEPHEN C. SMITH, P.L.S.

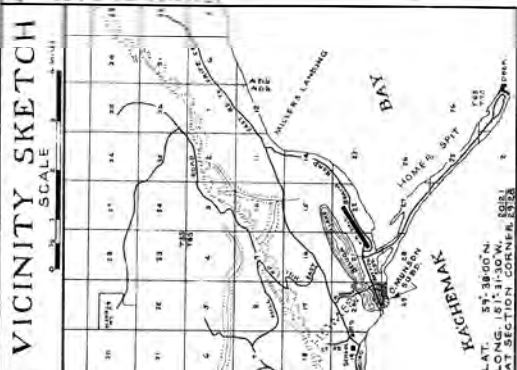


KPB File No. 2005-203

# OSCAR MUNSON SUBDIVISION

LOCATED IN S 1/4 SE 1/4 SEC. 20; LOTS 1 & 2 SEC. 29, T 6 S - R 13 W S. M., HOMER, ALASKA

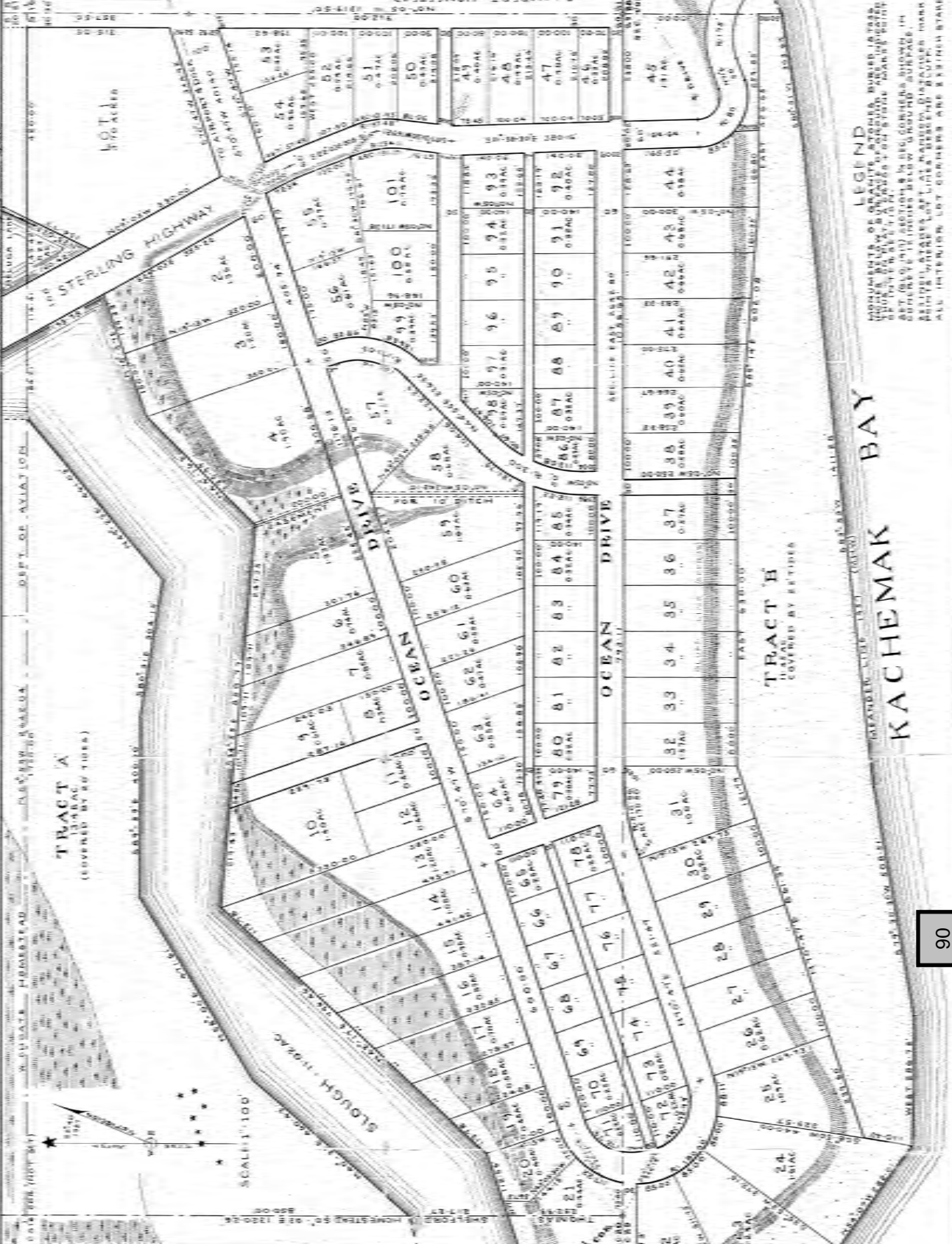
NO. 231/S  
 FILED FOR RECORDING  
 January 14, 1957, 1:07 P.M. 22.2 A.  
 Volume 10 Page 231/S  
 State of Alaska  
 Attest: Secretary of the State



**AREAS**

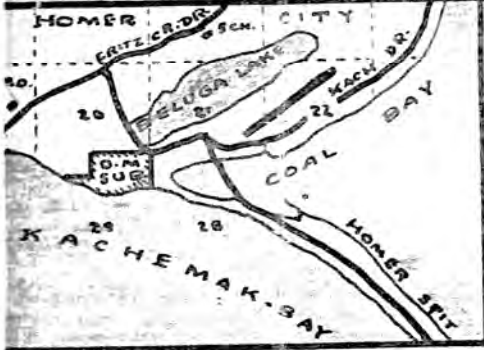
TRACTS A, B, C	29.76 ACRES
SLOUGH LAKE	0.02 "
ROADS & ALLEYS	15.23 "
TOTAL	45.01 ACRES (1957)

LAT. 57° 38' 00" N  
 LONG. 151° 06' 00" W  
 1/4 SECTION CORNER 5851



# OSCAR MUNSON SUBDIVISION

VACATION & REPLAT, LOTS 46 & 47  
 LOCATED IN S 1/2 SE 1/4 SEC. 20, T 65. R 13 W. S. M.  
 HOMER, ALASKA.  
 AREA OF REPLAT: 1029 AC.



VICINITY MAP  
 1" = 0.8 MILE

RECORDED - FILED *2-4*  
*Homer* REC. DIST.  
 DATE 11-6- 1972  
 TIME 1:36 P.M.  
 Requested *Kenai Pen. Bars*  
 By *George F. ...*  
 JAN. 10. 1972

HOMER  
 Serial No. 72-1325  
 OCT 26 1971

SCALE  
 1" = 100'

### CERTIFICATE OF OWNERSHIP AND DEDICATION

We certify we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all streets to public use and to the use of public utilities.

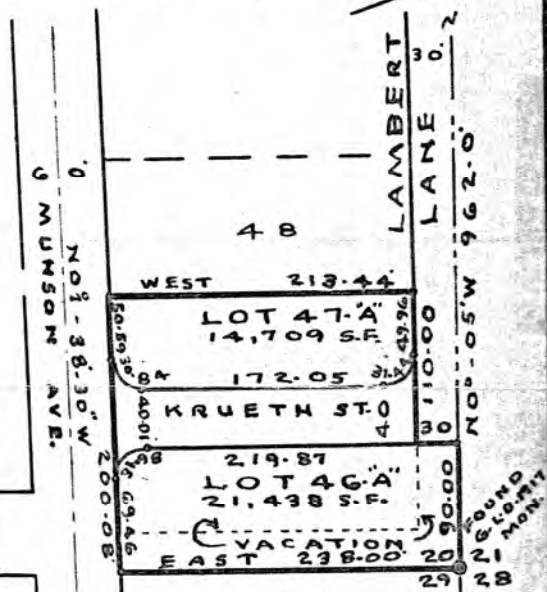
Owner *Conice M. Berglund*  
 Owner \_\_\_\_\_  
 Owner \_\_\_\_\_  
 Owner \_\_\_\_\_

STATE OF ALASKA THIRD JUDICIAL DISTRICT

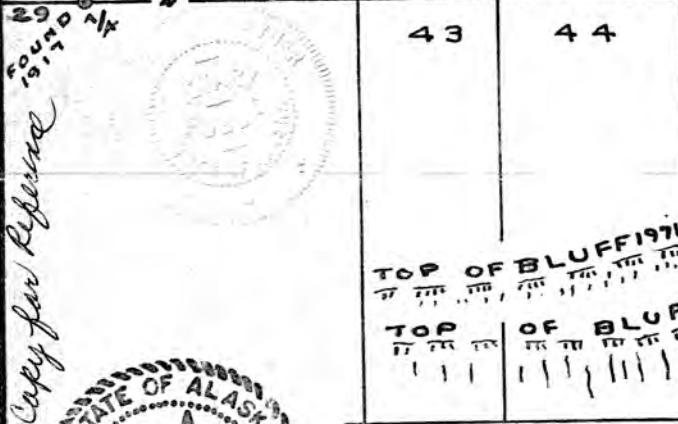
Subscribed and sworn before me this 22 day of June 1972.

*Francis R. Bupner*  
 Notary for Alaska  
 My commission expires: 7-22-72

1/2" x 24" REBARS SHOWN THUS



OCEAN DRIVE  
 G. L. O. EAST BASE BRG.



Copy for Reference



TRACT "B"

*file card*  
# 7-3415

GRANT OF EASEMENT WITH CONDITIONS

THIS AGREEMENT, made his 23rd day of July, 1982, by and between LANCE AND BARBARA PETERSEN of Homer Alaska, hereinafter referred to as Grantors, and WILLIAM H. BELL of Homer, Alaska hereinafter referred to as Grantees,

W I T N E S S E T H

WHEREAS, Grantors are the owners of real property in the State of Alaska described as:

Lot twenty one (21), of Oscar Munson Subdivision according to plat #3415 filed 6/27/57, <sup>13W</sup> located in the S $\frac{1}{2}$ , SE $\frac{1}{4}$ , Section 20, T6S, R13W.

AND WHEREAS, Grantees are the owners of real property in the State of Alaska described as:

"Kenai Peninsula Borough parcel #177-140-1800, all and the whole of the square of ground measuring four hundred feet (400 ft.) on each side in the extreme southwest corner of Lot #1, in Section 20, T6S, R13W of SM."

AND WHEREAS, Grantee require an easement across Grantor's property for the purpose of installing a water line to serve only Grantee's property as described above.

AND WHEREAS, Grantors have agreed to furnish such an easement upon certain conditions as hereinafter set forth.

NOW, THEREFORE, Grantors, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration the receipt of which is hereby acknowledged and subject to the conditions set forth in this instrument, do hereby grant, sell, and convey to Grantees an easement for the use and purpose of conveying and using water described as follows:

*Bell  
Legal 77*

A strip of land ten feet (10 ft.) in width, the center line of which shall be five feet (5 ft.) northerly from and parallel to the lot line on the southerly boundary of Lot 21 of Oscar Munson Subdivision, according to the plat on file in the Homer Recording District, Third Judicial District, State of Alaska.

This conveyance is made on the condition that Grantees, their heirs and assigns, all do the following:

1. Grantees shall install, keep, maintain and repair the water line within the above described easement to Grantor's property line at their sole expense.
2. Grantees, at their sole expense, shall restore the land within the described easement

to its original condition after installation of the service line and remove or stub off the water line therein at the time water service becomes available down the easement from Ocean Drive.

TO HAVE AND TO HOLD such right and easement to install a water service line through and across the above described land to Grantors, their heirs, assigns and successors in interest until such time as water service becomes available down the easement from Ocean Drive, at which time, Grantees shall hook up to such service and remove or stub off any pipeline located within the above described easement.

This easement and all conditions set forth herein shall be binding upon and inure to the benefit of the heirs, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the parties have hereunto set their hands on the date first above written.

GRANTORS:

Lance Peterson  
Lance Peterson

Barbara Peterson  
Barbara Peterson

GRANTEE:

William H. Bell  
William H. Bell

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss.

THIS IS TO CERTIFY that on this 23rd day of July, 1982, before me the undersigned, a Notary Public in and for the State of Alaska, duly qualified, commissioned and sworn as such, personally appeared LANCE PETERSON and BARBARA PETERSON, each to me known and known to me to be the identical individuals named in and who executed the above and foregoing instrument in my presence; and they acknowledged to me, each for himself and herself and not one for the other, that they did so freely and voluntarily for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first herein above written.



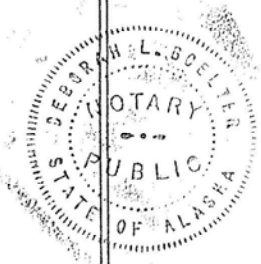
Deborah L. Boe  
Notary Public in and for Alaska  
My Commission expires: 12/18/82

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss.

THIS IS TO CERTIFY that on this 23rd day of July, 1982,

before me the undersigned, Notary Public in and for the State of Alaska, duly qualified, commissioned and sworn as such, personally appeared WILLIAM H. BELL, known to me to be the identical individual named in and who executed the above and foregoing instrument in my presence; and he acknowledged to me that he did so freely and voluntarily for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal the day and year first herein above written.



Sebastian L. Boelter  
Notary Public in and for Alaska  
My Commission expires: 12/18/82

8 3-3 7 4 5

*14-8j*

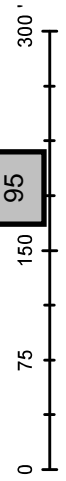
RECORDED - ~~FILED~~  
HOMER RECORDING  
DISTRICT

AUG 11 3 34 PM '83

REQUESTED BY Mary Pallard  
ADDRESS for City of Homer  
Box 335  
Homer, Ak



**AerialView**

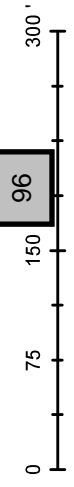


 Section Line Easement Vacation



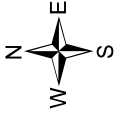
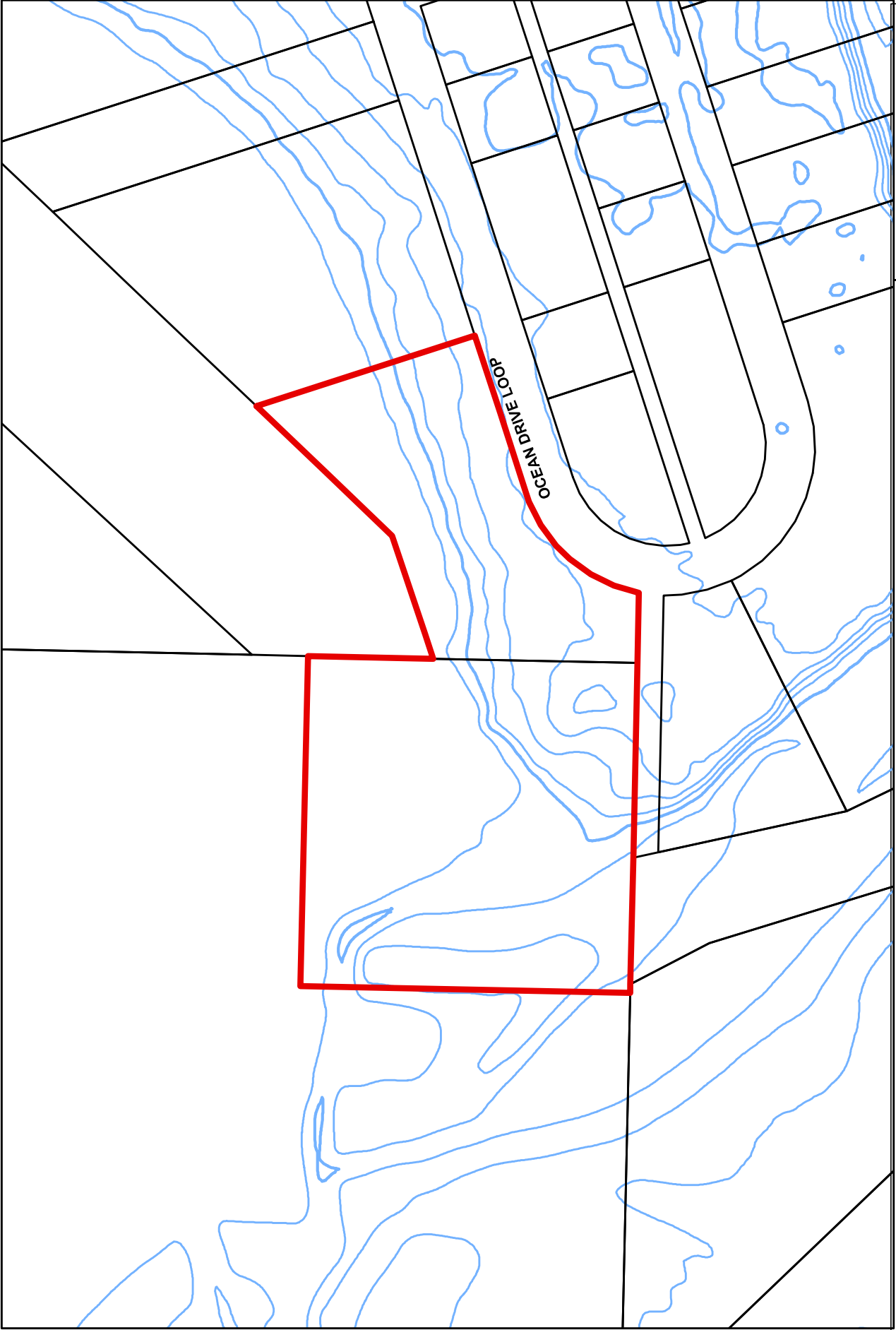
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

AerialView



 Section Line Easement Vacation





Kenai Peninsula Borough Planning Department

4-foot contours

0 100 200 Feet

97

The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Date: 3/21/2019

Page 87 of 221

# National Wetlands Inventory

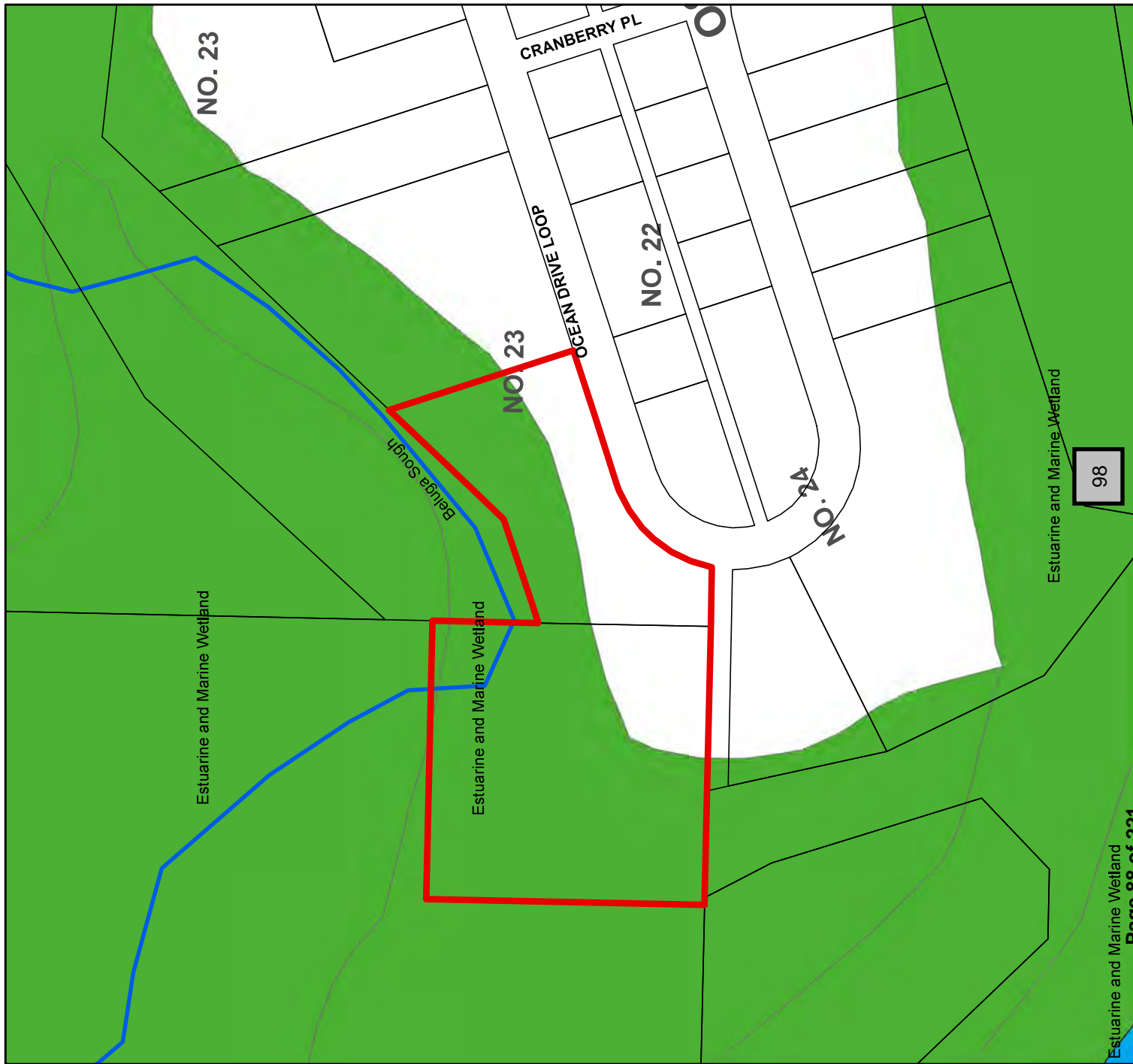
## WETLAND\_TYPE

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

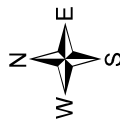
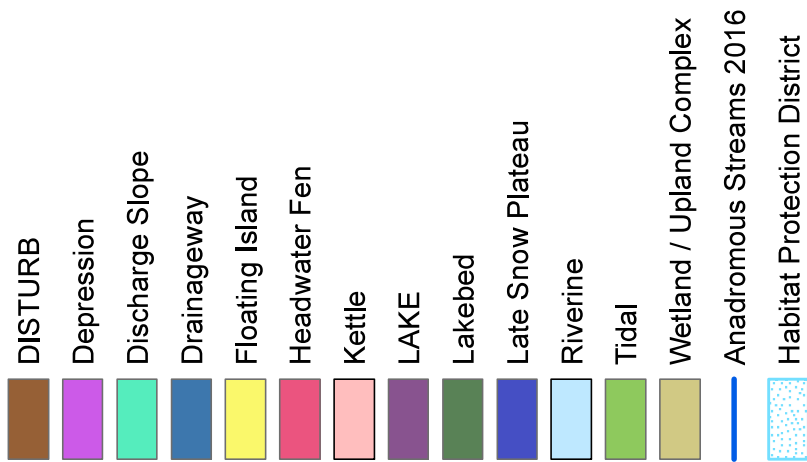


Date: 3/21/2019

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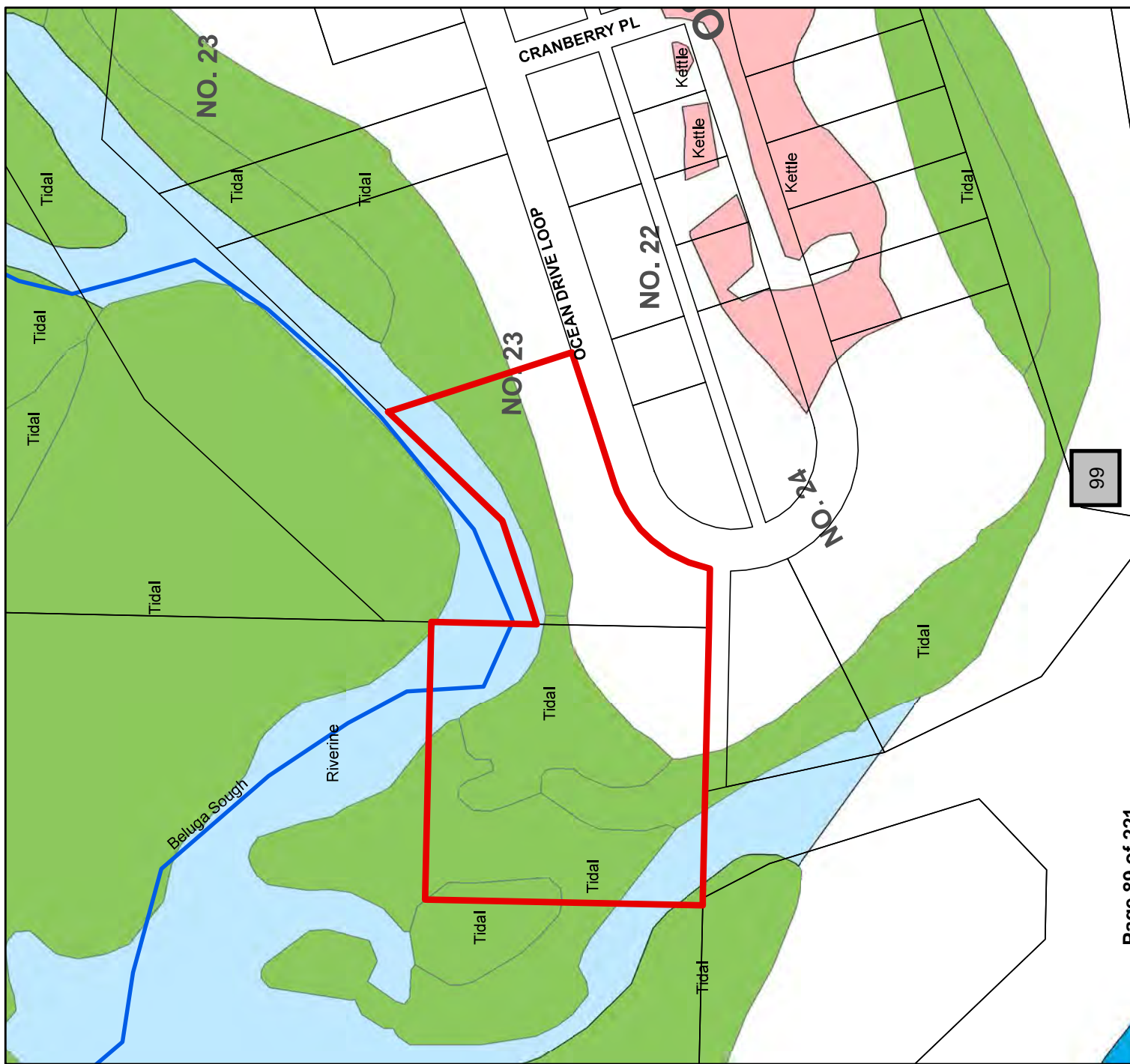


### Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping



Date: 3/21/2019

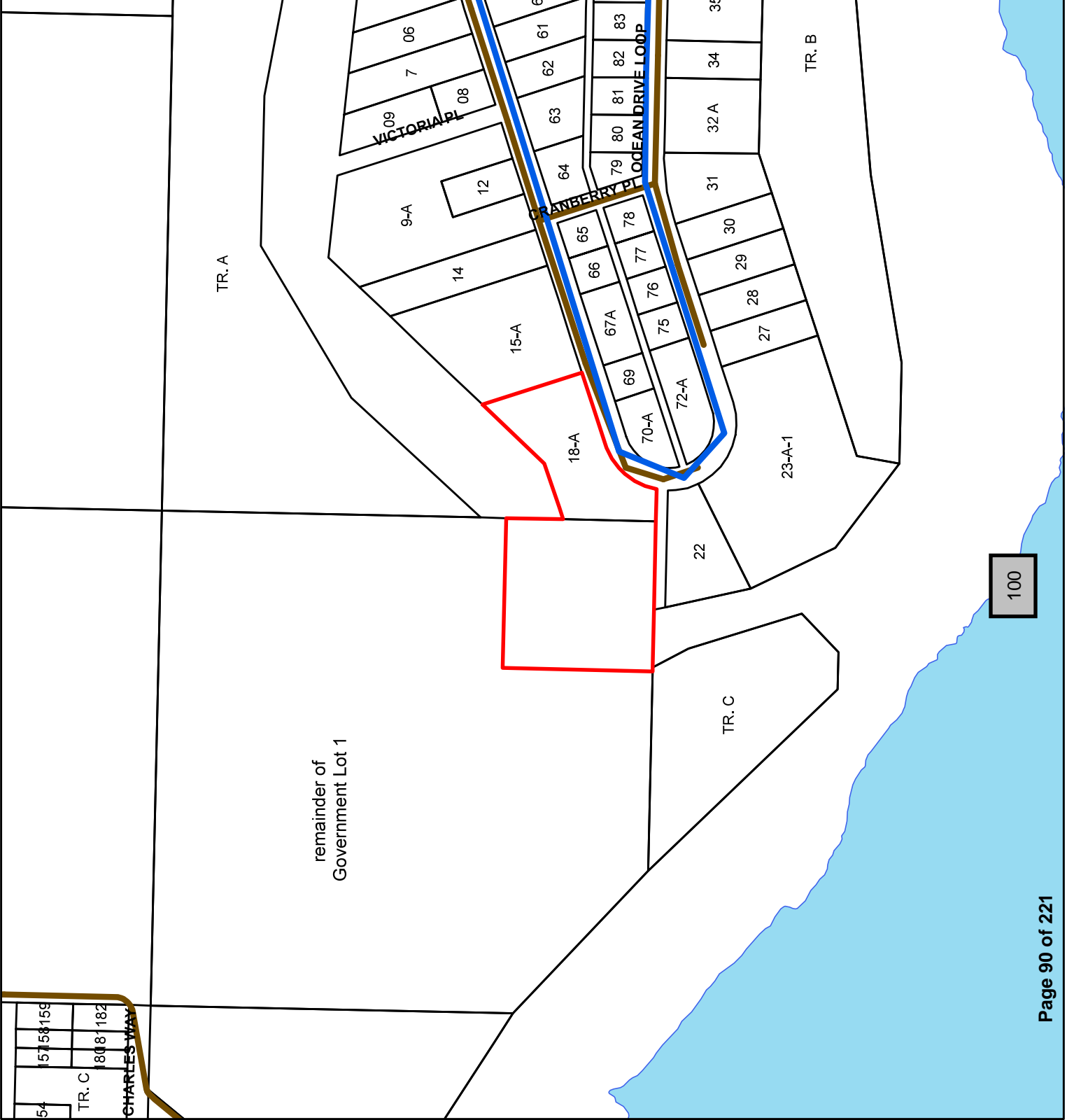
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



— HOMER WATERLINES  
— HOMER SEWER



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## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

March 8, 2019

## Homer Advisory Planning Commission

### Notice of Action

**Request:** Approval of Oscar Munson No. 25 Preliminary Plat

Applicants:

William Bell  
Mary Lou Kelsey  
PO Box 794  
Homer, AK 99603

Steve Smith  
Geovera, LLC  
PO Box 3235  
Homer, AK 99603

At the regular meeting of February 20, 2019 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the preliminary plat with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.

City Planner Abboud responded that it complied with City Code so it was familiar.

Chair Venuti requested a motion seeing no further questions from the Commission.

HIGHLAND BENTZ - MOVED TO ADOPT STAFF REPORT 19-14 AND RECOMMEND APPROVAL OF A.A. MATTOX SUBDIVISION, GWEN'S 2019 ADDITION PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. INCLUDE A PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN CURRENT WETLAND DESIGNATION (IF ANY) PROPERTY OWNERS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS.
2. PROVIDE A 15 FOOT UTILITY EASEMENT FRONTING NELSON AVENUE PER HCC 22.10.051(a)
3. INCLUDE A PLAT NOTE STATING DEVELOPMENT ON THESE LOTS IS SUBJECT TO HOMER CITY CODE

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

**B. Staff Report 19-15, Oscar Munson No. 25 Preliminary Plat**

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

City Planner Abboud review Staff report 19-15 for the Commission. He noted that it was very standard and met all requirements in city code. He noted the required plat notes on the flood plain and section line easement.

The applicant did not have a presentation.

Chair Venuti opened the public comment period seeing no audience members coming forward to provide comment he closed the public comment period and opened the floor to questions from the commission.

There were no questions from the commission on the application.

BENTZ/BANKS MOVED TO ADOPT STAFF REPORT 19-15 AND RECOMMEND APPROVAL OF OSCAR MUNSON NO. 25 PRELIMINARY PLAT WITH THE FOLLOWING COMMENTS:

1. ADD A PLAT NOTE ABOUT THE FLOOD PLAIN: "KACHEMAK BAY AND BELUGA SLOUGH ARE SUBJECT TO A 1PERCENT-ANNUAL-CHANCE FLOODPLAIN AS IDENTIFIED BY THE FEMA FLOOD INSURANCE STUDY DATED OCTOBER 20, 2016, 02122CV001B. PROPERTY OWNER SHOULD CONTACT THE CITY OF HOMER PRIOR TO ANY DEVELOPMENT ACTIVITY."

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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## Planning

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Homer, Alaska 99603

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(p) 907-235-3106

(f) 907-235-3118

September 27, 2019

## Homer Advisory Planning Commission

### Notice of Action

**Request:** Approval of Section-Line Easement Vacation Plat Associated with Oscar Munson No. 23 and The South 400 Feet of the East 400 Feet of Government Lot 1 located within Sec. 20, T. 6 S., R. 13 W., S.M.

Applicants:

Mary Lou Kelsey & William Bell  
PO Box 894  
Homer, AK 99603

Alexander Petersen  
PO Box 894  
Homer, AK 99603

Stephen Smith  
Geovera, LLC  
PO Box 3235  
Homer, AK 99603

At the regular meeting of September 4, 2019 the Homer Advisory Planning Commission forwarded a **recommendation for approval** of the vacation with staff recommendations and the attached minutes to the Kenai Peninsula Borough Planning Commission.

Should you have any questions, please contact the planning office at 235-3106.



## **VISITORS/PRESENTATIONS**

### **REPORTS**

- A. Staff Report 19-76, City Planner's Report

Chair Venuti invited the City Planner Abboud to review his report for the commission.

City Planner Abboud reviewed Staff Report 19-76 and commented on the following:

- New Marijuana Manufacturing Facility in Old Town
- Amended Ordinance 19-19(S) at the last Council meeting and will be back for the upcoming Council meeting
- Council decision to demolish the HERC building and what was needed in the interim
- Participated in the vacation of an easement just prior to this meeting with City Council. The issue was forwarded to Council from the Borough Assembly. Council was silent on the issue. The Borough has indicated that they will be working on the regulations for easements as there is no requirement to notice neighboring properties for utility easements.
- Medical district is awaiting the decision on the Appeal.
- Staff Absences and Training
- Proposed Worklist scheduling for future meetings

Commissioner Highland volunteered for the October 28, 2019 Council meeting.

A brief discussion ensued on attendance at Council meetings.

Commissioner Smith requested to trade meetings with Commissioner Rubalcava since he was going to be out of state September 21<sup>st</sup> through November 7<sup>th</sup> and it was determined that attending the September 23, 2019 Council meeting was not necessary since the Planning Commission would not be meeting on September 18, 2019 and would have no new information to pass along to Council. Commissioner Rubalcava stated she can still attend the meeting on Monday.

### **PUBLIC HEARING(S)**

- A. Staff Report 19-77, Oscar Munson No. 23 Section-Line Easement Vacation Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-77 for the Commission noting there were some wetlands in the area even though the wetlands mapping indicated otherwise.

There was no applicant present.

Chair Venuti opened the Public Hearing seeing no one from the audience coming forward to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

Commission requested information from the City Planner on the following:

- Standard protocol when someone builds a structure in an easement
- If the Commission did not approve the vacation would it affect the future sale of the property in question
- This vacation does not address the setback encroachment

Chair Venuti requested a motion hearing no further questions from the Commission.

SMITH/HIGHLAND MOVED TO ADOPT STAFF REPORT 19-77 AND FORWARD A RECOMMENDATION APPROVING THE VACATION WITH THE FOLLOWING COMMENT: PUBLIC ACCESS TO THE BEACH IS PRESERVED BY THE EXISTING 30 FOOT DEDICATED RIGHT OF WAY IMMEDIATELY ADJACENT TO THE PROPOSED SECTION LINE EASEMENT VACATION.

Discussion was briefly held on the lack of clarity on the vacation since the house had been built into the easement since the 1950's.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-78, H.K. Davis Subdivision Road Easement Vacation Petition

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

City Planner Abboud provided a review of Staff Report 19-78 for the Commission noting the following:

- Vehicular use
- Other access
- Lots have access to utilities outside the right of way to be vacated

Applicant was present, they indicated that they were available for questions.

Chair Venuti opened the Public Hearing seeing no one from the audience coming forward to provide testimony he closed the Public Hearing and opened the floor to questions from the Commission.

City Planner Abboud responded to questions from the Commission on the following:

- Vacation of this right of way does not impact vehicular access
- The City has no plans to develop the access
- This Right of Way is not included in the Transportation Plan



# City of Homer

www.cityofhomer-ak.gov

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603

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

## Staff Report 19-77

TO: Homer Advisory Planning Commission  
 THROUGH: Rick Abboud, City Planner  
 FROM: Julie Engebretsen, Deputy City Planner  
 DATE: September 4, 2019  
 SUBJECT: Vacation of a Section Line Easement

**Requested Action:** Conduct a public hearing and make a recommendation on the vacation of a section line easement.

### General Information:

Applicants:	William Bell and Mary Kelsey PO Box 894 Homer AK 99603  Geovera LLC PO Box 3235 Homer, AK 99603	Alexander Petersen PO Box 894 Homer AK 99603
Location:	West end of Ocean Drive Loop	
Parcel ID:	17714018, 17717325	
Zoning Designation:	Rural Residential District	
Existing Land Use:	Residential	
Surrounding Land Use:	North: Vacant/Beluga Slough South: Residential East: Residential West: Beluga Slough/Bishop's beach	
Comprehensive Plan:	Discourage right of way and public access easement vacations to the beach (Chapter 6, implementation item 1-E-15)	
Wetland Status:	The 2005 wetland mapping shows no wetland areas.	
Flood Plain Status:	The land portion of the section line is Zone X, outside the 500 year flood plain, and the beach portion is a VE 24.	
BCWPD:	Not within the Bridge Creek Watershed Protection District.	
Utilities:	City water and sewer are available	
Public Notice:	Notice was sent to 15 property owners of 17 parcels as shown on the KPB tax assessor rolls.	

**Analysis:** This vacation is within the Rural Residential District. This action would vacate the northern 33 foot wide portion of a section line easement between the west of end of Ocean Drive Loop, and the Beluga Slough/Bishop's beach area. A home has existed within the section line easement since at least 1982 and the property owner would like to resolve the encroachment. There is 30 foot right of way dedication to the south, with an additional 3 foot remainder of the section line easement. If the vacation is approved, there would still be a total of 33 feet of public access to the beach.

Select KPB Code guidance

20.70.170. - Vehicular access.

The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

**Staff comment:** Vehicular access down to the beach is not practical in this location. There is at least a 10 foot drop in elevation at the beach bluff, and the beach and bluff area regularly experience erosion. The mouth of Beluga Slough continually moves toward that area. Some of the beach bluff has been stabilized with large concrete block to protect the existing home. Vehicle access down to the beach, or to travel by vehicle beyond the immediate area is not practical.

20.70.180. - Other access.

Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

**Staff comment:** The adjacent right of way will remain in place. This will allow for future public access if pedestrian access is developed.

20.70.200. - Waterfront access provisions.

A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

**Staff comment:** See surveyor letter. The existing home is located within the section line easement. Pedestrian access will remain possible south of the property line if future access is constructed. (Possibly stairs). This section line easement provides access to private lands, and public lands (USFW).

**Public Works Comments:** No comments on the proposed action.

**Fire Department Comments:** None received.

**Staff Recommendation:**

Planning Commission recommend approval of the vacation with the following comments:

1. Public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement vacation.

**Attachments:**

1. Vacation petition
2. Surveyor Letter
3. Public Notice
4. Aerial Map

**LEGEND:**

- 2-1/2" BRASS CAP ON A 1" IRON PIPE AS APPROVED IN GLO FIELD NOTES FOR T. 6 S., R. 13 W., S.M., A.K. APPROVED JULY 15, 1918.
- SECTION-LINE EASEMENT VACATED BY THIS PLAT

**NOTES**

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 20, T. 6 S., R. 13 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF OSCAR MUNSON No. 23 ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT No. 2086-66.
- THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-### APPROVED ###
- THE ALTERNATE ROUTE IN ACCORDANCE WITH AS SHOWN ON THIS PLAT IS THE 33'-FOOT WIDE UNIMPROVED RIGHT-OF-WAY AND THE 31'-FOOT WIDE SECTION-LINE EASEMENT ADJOINING THE SECTION-LINE BETWEEN SECTIONS 2C AND 2B.

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_ DATE \_\_\_\_\_

BY: \_\_\_\_\_ AUTHORIZED OFFICIAL \_\_\_\_\_  
KENAI PENINSULA BOROUGH

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BY: WILLIAM H. BELL AND MARY LOU KELSEY  
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN TO BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

BY: ALEXANDER PETERSEN  
(PERSONALLY APPEARED)

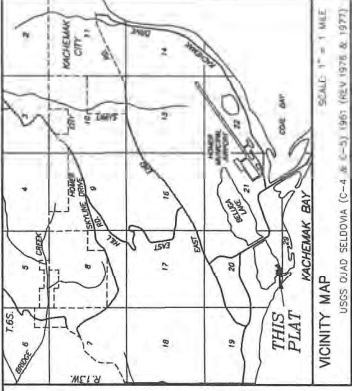
NOTARY PUBLIC FOR ALASKA \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: \_\_\_\_\_ REGISTRATION No. \_\_\_\_\_ AELL 7538

STEPHEN C. SMITH  
REGISTERED LAND SURVEYOR



SCALE: 1" = 1 MILE  
USS OJAO SELDONIA (C-4 & C-5) 1987 (REV. 1972 & 1977)

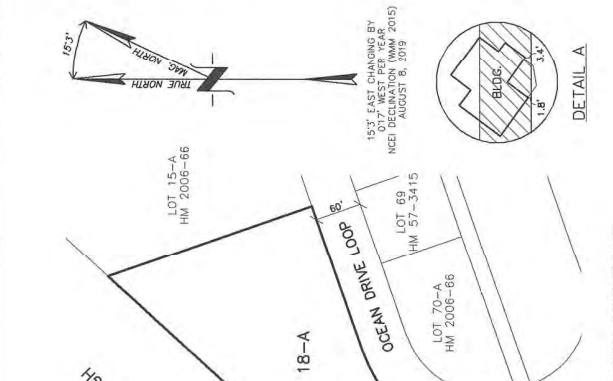
**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE THE UNDERSIGNED CERTIFY THAT WE ARE THE OWNERS OF OSCAR MUNSON No. 23 AND THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1, AS SHOWN ON THIS PLAT. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

WILLIAM H. BELL  
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
PO BOX 899  
HOMER ALASKA 99603  
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

MARY LOU KELSEY  
CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
HOMER ALASKA 99603  
SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

ALEXANDER PETERSEN  
TRUSTEE, RAVEN TRUST  
PO BOX 699  
HOMER ALASKA 99603  
LOT 18-A



**SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_

TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: \_\_\_\_\_ DATE \_\_\_\_\_

TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 18.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
COMMISSIONER DEPARTMENT OF NATURAL RESOURCES

**SECTION-LINE EASEMENT VACATION PLAT**

Associated with  
OSCAR MUNSON No. 23 and  
THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1

Located Within Surveyed  
HOMER RECORDING DISTRICT  
Sec. 20, T. 6 S., R. 13 W., S.M., Alaska

DRAWN BY: SCS  
DATE: AUG. 2019  
SCALE: N/A

CHECKED: SCS  
STATEWIDE PLATING SUPERVISOR DATE: EV-3-###

APPROVAL RECOMMENDED

APPROVED

APPROVED

APPROVED

APPROVED

APPROVED

APPROVED

APPROVED

APPROVED

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APPROVED

APPROVED

APPROVED

RECEIVED  
AUG 12 2019  
CITY OF HOMER  
PLANNING/ZONING

AUG 12 2019

Toll free within the Borough 1-800-478-4441, extension 2200 (907) 714-2200

**Petition to Vacate Section Line Easement  
Public Hearing Required**  
CITY OF HOMER  
PLANNING/ZONING

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Section Line Easement Vacation Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Are there associated utility easements to be vacated?  Yes  No
- Are easements in use by any utility company? If so, which company \_\_\_\_\_
- Width of easement proposed to be vacated must be shown on the sketch.
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has the section line easement been fully or partially constructed?  Yes  No
- Is the section line easement used by vehicles / pedestrians / other?  Yes  No
- Is alternative right-of-way being provided?  Yes  No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:  
An existing building was constructed within the section-line easement in the early 1970's. The easement is not currently constructed or in use  
by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the  
tidelands. The alternate route to the tidelands to the west is through the existing 33-foot wide section-line easement adjoining the  
section-line to the south. In addition, an existing 30-foot wide unnamed right-of-way adjoins the section-line to the south.

The petition must be signed (written signature) by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Signature \_\_\_\_\_ As:  Petitioner  Representative  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 \_\_\_\_\_  
 Phone \_\_\_\_\_

Petitioners:

Signature William H. Bell  
 Name William H. Bell  
 Address Box 894  
HOMER, AK 99603

Signature Alexander Peterson  
 Name ALEXANDER PETERSEN  
 Address P.O. Box 894  
HOMER, AK 99603

Owner of \_\_\_\_\_

Owner of LOT 18-A

Signature Mary Jo Kelsey  
 Name Mary Jo Kelsey  
 Address Box 894  
HOMER, AK 99603

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_

Owner of \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_

Geovera, LLC

PO Box 3235 • Homer, Alaska 99603 • (907) 399-4345 • scsmith@gci.net

August 7, 2019

City of Homer  
Planning Department  
Julie Engebretsen, Deputy City Planner  
491 E. Pioneer Ave.  
Homer, Alaska 99603

RECEIVED

AUG 12 2019

CITY OF HOMER  
PLANNING/ZONING

RE: Oscar Munson No. 23 and SE400 Feet of Govt. Lot 1 Section-Line Easement Vacation

Julie,

Please find enclosed (1) full size copy and (2) 11X17 copies of the preliminary plat of the Section-Line Easement Vacation within Lot 18-A, Oscar Munson No. 23 and the SE400 Feet of Government Lot 1, Section 20, T. 6 S., R. 13 W., S.M., Alaska, and a \$300.00 check for the submittal fee.

As you are aware, the plat of Oscar Munson No. 25, which rearranges the lot lines between these two parcels so that both have frontage on Ocean Drive Loop, has been approved by both the City of Homer and the Kenai Peninsula Borough. The borough approval is contingent upon resolving the encroachment of Bill Bell and Mary Lou Kelsey's house into the 33-foot wide section-line easement.

The approval by the City of Homer of the vacation of the section-line easement is step one of the required three step process. If the City of Homer concurs, the petition and plat will be submitted to the borough. If the borough concurs, the petition and plat will be submitted to the State of Alaska Department of Natural Resources. Both the Alaska Department of Transportation and Public Facilities and the Department of Natural Resources would have to concur before the easement can be vacated.

This plat will vacate only the 33-foot wide section-line easement within Section 20. The existing 33-foot section-line adjoining to the south (in Section 29) will remain, as will the existing 30-foot unnamed right-of-way adjoining to the south. This existing access adjoining to the south is the alternate route to the tidelands to the west in accordance with as 19.30.410 and/or 11 AAC 51.065. The alternate access route will be for pedestrian access only. By City of Homer ordinance, no motorized vehicles are allowed on the beach adjacent to the subject properties.

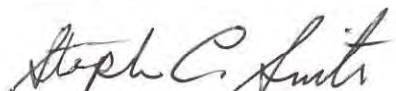
Background:

The house that is the subject of the encroachment into the section line easement was originally constructed in its current location prior to the 1964 earthquake. The original house was partially destroyed during the earthquake. William Bell purchased the land and rebuilt the house in its original location in 1982.



Please let me know if you have any questions. You can reach me at any time at (907) 399-4345.  
Thanks!

Sincerely,

  
Stephen C. Smith P.L.S.

## **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, September 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

**A petition to vacate a 33 foot-wide section line easement along the southern property lines at 592 Ocean Drive Loop and 598 Ocean Drive Loop also known as " lot 18-A of Oscar Munson No. 23" and " The South 400 Feet of the East 400 Feet of Government Lot 1" , located within Sec. 20, T. 6 S., R. 13 W., S.M.**

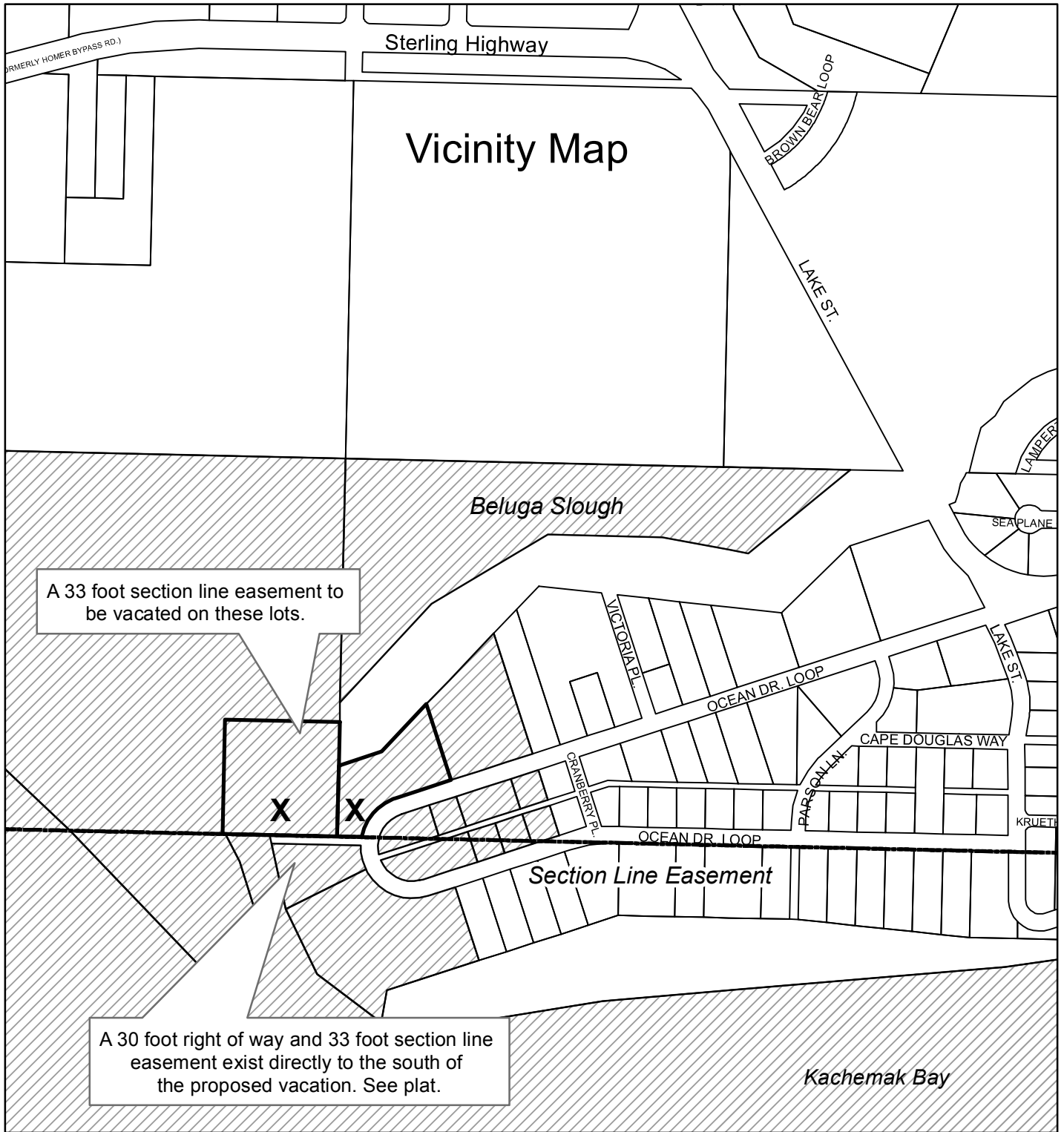
Anyone wishing to present testimony concerning this matter may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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.

**NOTICE TO BE SENT TO PROPERTY OWNERS WITHIN 300 FEET OF PROPERTY.**

.....

**VICINITY MAP ON REVERSE**



City of Homer  
 Planning and Zoning Department

August 20, 2019

## Request for vacation of a section line easement

Marked Lots are w/in 300  
 and property owners notified.

Feet  
 0 250 500

115



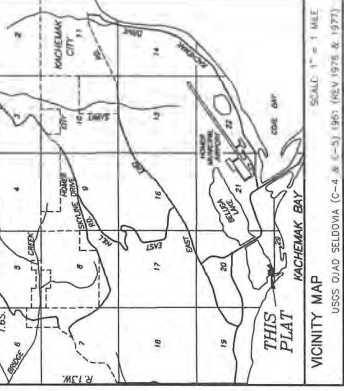
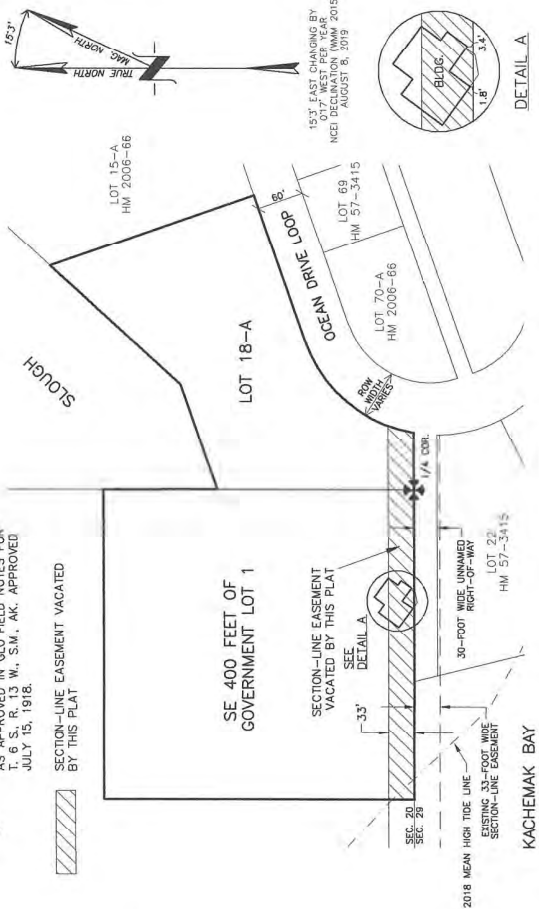
*Disclaimer:  
 It is expressly understood the City of  
 Homer, its council, board,  
 departments, employees and agents are  
 not responsible for any errors or omissions  
 contained herein, or deductions, interpretations  
 or conclusions drawn therefrom.*

**NOTES**

- DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 20, T. 6 S., R. 13 W., S.M., IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.
- NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF OSCAR MUNSON No. 23 ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT No. 2086-66.
- THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-### APPROVED ###
- THE ALTERNATE ROUTE IN ACCORDANCE WITH AS SHOWN ON THIS PLAT IS THE 33'-FOOT WIDE UNIMPROVED RIGHT-OF-WAY AND THE 31'-FOOT WIDE SECTION-LINE EASEMENT ADJOINING THE SECTION-LINE BETWEEN SECTIONS 2C AND 2B.

**LEGEND:**

- 2-1/2" BRASS CAP ON A 1" IRON PIPE AS APPROVED IN GLO FIELD NOTES FOR T. 6 S., R. 13 W., S.M., AK. APPROVED JULY 15, 1918.
- SECTION-LINE EASEMENT VACATED BY THIS PLAT



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE THE UNDERSIGNED CERTIFY THAT WE ARE THE OWNERS OF OSCAR MUNSON No. 23 AND THE SOUTH 400 FEET OF THIS PLAT. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

WILLIAM H. BELL  
 CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
 PO BOX 999  
 HOMER ALASKA 99603  
 SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

MARY LOU KELSEY  
 CO-TRUSTEE, BELL-KELSEY JOINT REVOCABLE TRUST  
 PO BOX 999  
 HOMER ALASKA 99603  
 SE 400 FEET OF GOVERNMENT LOT 1, SECTION 20

ALEXANDER PETERSEN  
 TRUSTEE, RAVEN TRUST  
 PO BOX 699  
 HOMER ALASKA 99603  
 LOT 18-A

**SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION**

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES THE VACATION STATEMENT AS SHOWN HEREON HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER THE VACATION STATEMENT AS SHOWN HEREON HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 18.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 COMMISSIONER  
 DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
 COMMISSIONER  
 DEPARTMENT OF NATURAL RESOURCES



**SURVEYOR'S CERTIFICATE**  
 I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT I AM A MEMBER OF THE ALASKA SURVEYORS ASSOCIATION AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.  
 DATE: \_\_\_\_\_ REGISTRATION No. \_\_\_\_\_ AELL 7538  
 STEPHEN C. SMITH  
 REGISTERED LAND SURVEYOR

29

116

SHEET 1 OF 1

RECEIVED

AUG 12 2019

CITY OF HOMER  
 GRAPHIC SCALE PLANNING/ZONING



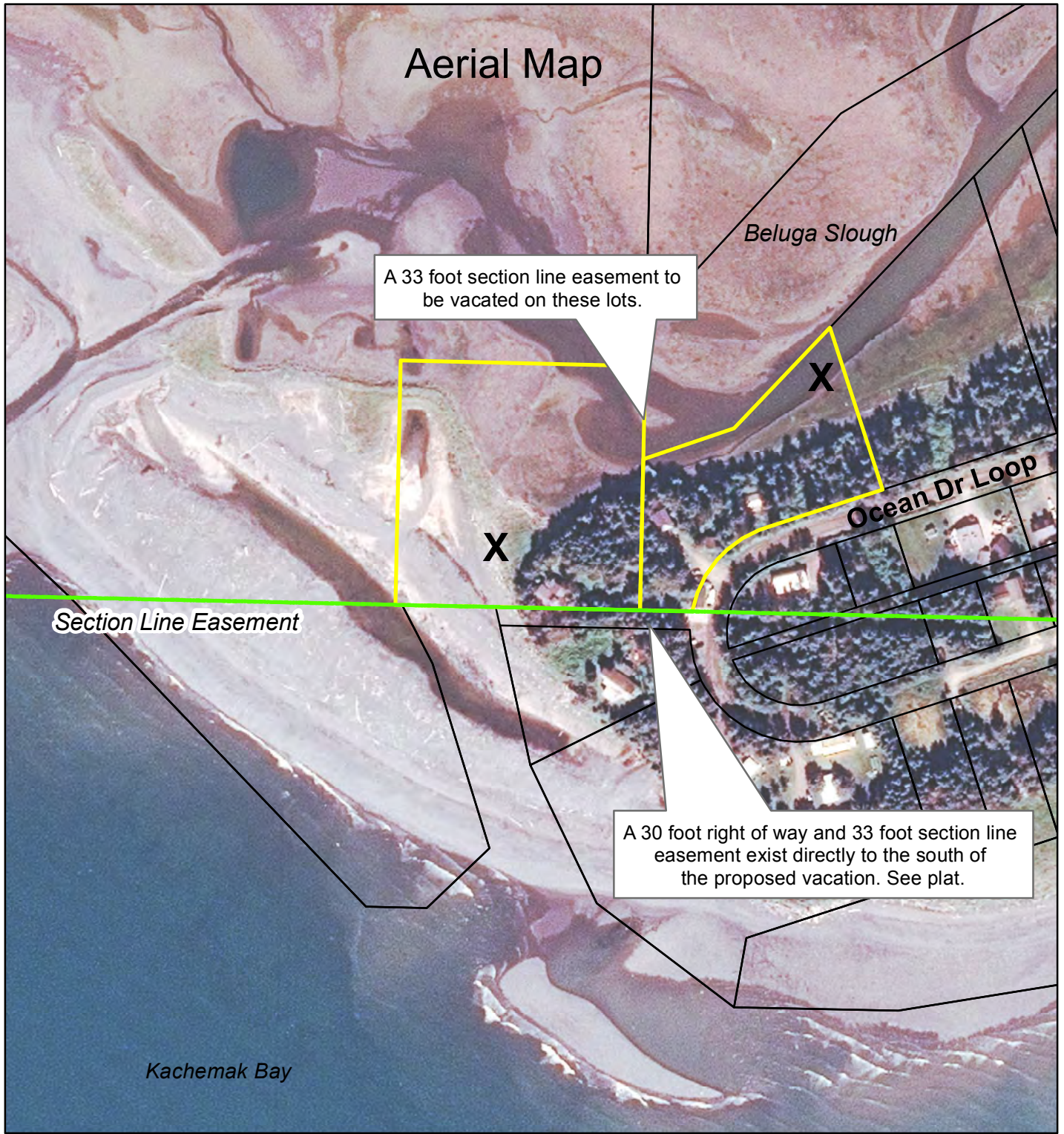
1 METER = 3.280838 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE  
 DATE OF SURVEY: \_\_\_\_\_  
 SURVEYOR: \_\_\_\_\_  
 Beginning: JO. EBD. SURVEY \_\_\_\_\_  
 Ending: \_\_\_\_\_

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF MINING, LAND, AND WATER  
 ANCHORAGE, ALASKA

**SECTION-LINE EASEMENT VACATION PLAT**  
 Associated with  
 OSCAR MUNSON No. 23 and  
 THE SOUTH 400 FEET OF THE EAST 400 FEET OF GOVERNMENT LOT 1

Located With Surveyed  
 HOMER RECORDING DISTRICT  
 Sec. 20, T. 6 S., R. 13 W., S.M., Alaska

APPROVAL RECOMMENDED  
 DRAWN BY: SCS  
 DATE: AUG. 2019  
 SCALE: N/A  
 CHECKED: SCS  
 STATEWIDE PLATTING SUPERVISOR: DATE: \_\_\_\_\_  
 DARK FILE NO.: EV-3-###

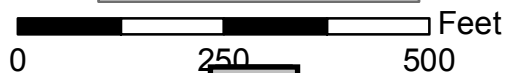


*City of Homer*  
**Planning and Zoning Department**

August 20, 2019

## Request for vacation of a section line easement

2017 COH Photo.  
 Property lines not exact;  
 use with care.



*Disclaimer:*  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.

AGENDA ITEM F. PUBLIC HEARINGS

3. Vacate a 33' Section Line Easement located on the south lot lines of Lot 18-A Oscar Munson No 23 (Plat HM 2006-66) and the south 400' of the east 400' of Government Lot 1, Section 20, Township 6 South, Range 13 West, Seward Meridian. The section line easement being vacated is unconstructed and located within the SW1/4 SE1/4 & SE1/4 SW1/4 of Section 20, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-025V.

Staff Report given by Scott Huff

PC Meeting: 11/25/19

Purpose as stated in petition: An existing building was constructed within the Section Line Easement in the early 1970's. The Section Line Easement is not currently constructed or in use by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the tidelands. The alternate route to the tidelands to the west is through the existing 33-foot-wide Section Line Easement adjoining the section line to the south. In addition, an existing 30 foot wide unnamed right of way adjoins the section line to the south.

Petitioners: Bell-Kelsey Joint Revocable Trust and Raven Trust of Homer, AK.

Notification: Public notice appeared in the Thursday, November 14, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the November 21, 2019 issue of the Homer News as part of the Commission's tentative agenda.

16 certified mailings were sent to owners of property within 600 feet of the proposed vacation. 15 receipts had been returned when the staff report was prepared.

20 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: ENSTAR currently operates an existing natural gas facility within the Section Line Easement, which crosses Lot 18-A to serve Government Lot 1, as shown in the attached ENSTAR as-built for your reference. ENSTAR objects to this plat unless one of the following scenarios is met:

1. Add a note, which says, "There is a ten foot (10 FT) wide natural gas easement centered on the existing natural gas service line."
2. Draw in the approximate location of the natural gas service line on the map and add, "Approximate location of natural gas service line and centerline of ten foot (10FT) wide natural gas easement".
3. Grant a ten foot (10FT) wide natural gas easement, centered on the existing natural gas service line.

Homer Electric Association: HEA requested a 10' utility easement for the existing underground electric service to Mary Lou Kelsey.

KPB Addressing: 598 Ocean Dr Loop and 592 Ocean Drive Loop - will need to be updated by the City of Homer

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: Within the City of Homer, not within the habitat protection district.

KPB Roads Department: Out of KPB jurisdiction, no comments.

Homer Advisory Planning Commission: On September 4, 2019, the HAPC recommended approval of the vacation with the following comment, “public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement.”

State Parks: No comments.

Staff Discussion: A preliminary plat (Oscar Munson No. 25 KPB 2019-025) proposing to reconfigure the lot line between the south 400' of the east 400' of Government Lot 1 and Lot 18-A Oscar Munson No. 23, HM 2006-66 received preliminary approval from the KPB Plat Committee on April 8, 2019. An existing structure encroaches into the 33' section line easement within the portion of Government Lot 1. Preliminary approval of KPB 2019-025 was subject to the resolution of the encroachment of the structure into the section line easement, as well as the resolution of any building encroachments in Ocean Drive Loop right of way. Vacation of this section line easement will resolve the encroachment within the section line easement.

If approved, a preliminary plat will be required to finalize the vacation. No preliminary plat proposing to finalize this vacation has been submitted at this time.

#### **KPB 20.70 – Vacation Requirements.**

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

*Petitioner Comments:* An existing building was constructed within the Section Line Easement in the early 1970's. The Section Line Easement is not currently constructed or in use by vehicles or pedestrians. The uplands terminate approximately 260-feet west of the Ocean Drive Loop at which point there is a steep bluff down to the tidelands. The alternate route to the tidelands to the west is through the existing 33-foot-wide Section Line Easement adjoining the section line to the south. In addition, an existing 30 foot wide unnamed right of way adjoins the section line to the south.

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

*Platting Staff Comments:* On September 4, 2019, the HAPC recommended approval of the vacation with the following comment, “public access to the beach is preserved by the existing 30 foot dedicated right of way immediately adjacent to the proposed section line easement.”

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat.

The final plat must be recorded within one year of the vacation consent in KPB 20.70.110.

*Platting Staff Comments: No preliminary plat has been submitted at this time.*

**Staff recommendation:** *Comply with KPB 20.70.130.*

20.70.160. Partial vacation allowed. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.

*Platting Staff Comments: The proposed section line easement vacation will vacate an approximately 485' portion of the 33' section line easement. A 33' section line easement will remain immediately to the south. A 66' section line easement will remain to the east and west of the proposed vacation. The remaining 33 foot section line easement can provide pedestrian access.*

**Staff recommendation:** *The planning commission concur that in this situation a partial vacation is allowed based on the use of the beach area allowed by the City of Homer and the remaining 33 foot section line easement to the south.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

*City of Homer Planning Staff Comments: Vehicular access down to the beach is not practical in this location. There is at least a 10 foot drop in elevation at the beach bluff, and the beach and bluff area regularly experience erosion. The mouth of Beluga Slough continually moves toward that area. Some of the beach bluff has been stabilized with large concrete block to protect the existing home. Vehicle access down to the beach, or to travel by vehicle beyond the immediate area is not practical.*

*Platting Staff Comments: The proposed vacation adjoins a 33' section line easement and an unnamed 30' dedicated right-of-way to the south. The section line easements and right-of-way are not constructed and per, the petition, are not in use for public vehicular access.*

*Per KPB four foot contours, the proposed vacation is affected by steep grades of approximately 20% down to the beach. Per KPB Watershed Forum Wetland mapping, the proposed vacation is affected by tidal and riverine wetlands.*

*The section line easement provides access from dedicated and constructed Ocean Drive Loop west to the mouth of the Beluga Slough and Kachemak Bay. The only parcels the section line easement provides access to west of the proposed vacation are a 4.43 acre tract located on the mouth of the Beluga Slough and beach owned by one of the petitioners, a 35 acre tract located on the Beluga Slough owned by US Fish and Wildlife, and a 500 acre parcel located in Kachemak Bay owned by the City of Homer. All three parcels front on Bishop's Beach and public access to the beach is provided via Beluga Place. Beluga Place is a constructed right of way with a public parking area.*

*Equal access will exist after the vacation because the location of the existing structure within the section line easement prohibits vehicular access within the area proposed to be vacated. While the vacation will reduce a 66' section line easement to 33', the usable area for vehicular access will remain an equal 33'.*

**Staff recommendation:** *Concur that equal vehicular access exists in the remaining 33' section line easement and 30' right-of-way to adjoin the proposed vacation to the south.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.



*City of Homer Planning Staff Comments: The adjacent right of way will remain in place. This will allow for future public access if pedestrian access is developed.*

*Platting Staff Comments: Per the petition, the section line easement is not used for other lawful uses. Due to the steep slopes and wetlands affecting the section line easement, the section line is not suited for general road use. As discussed above, the location of the structure within the section line easement results in an easement that could not be used for other uses because the structure blocks access. Regardless, even if the easement could be used for other uses, the vacation of the proposed portion of the section line easement would leave an equal access area in the remaining section line easement and dedicated right-of-way adjoining to the south. A 66' section line easement with 33' blocked provides equal access to a 33' section line easement.*

**Staff recommendation:** *Concur that equal access for other uses exists in the remaining 33' section line easement and 30' right-of-way adjoining the proposed vacation to the south.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public utility shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a public utility easement be granted in place of the right-of-way.

*Platting Staff Comments: HEA requested a 10' utility easement for the existing underground electric service to Mary Lou Kelsey within the proposed vacation. ENSTAR noted that it currently operates an existing natural gas facility within the Section Line Easement, which crosses Lot 18-A to serve Government Lot 1. ENSTAR required a 10' wide natural gas easement centered on the existing natural gas service line.*

*Per the comments from the utility companies, specifically HEA and ENSTAR, while the section line easement is utilized by public utilities, the grant of a 10' utility easement will satisfactorily serve the utility interests.*

*In addition, as discussed above, the remaining 33' section line easement and 30' dedicated right-of-way provides equal access to the obstructed 33' section line easement proposed to be vacated to the parcels to the west of the proposed vacation.*

**Staff recommendation:** *Subject to the grant of a 10' utility easement per the requests of HEA and ENSTAR, concur that public utility easements may be granted in place of the section line easement that satisfactorily serve the utility interests and that equal utility access exists in the remaining 33' section line easement and 30' right-of-way adjoining the vacation to the south.*

20.70.200. Waterfront access provisions. A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

*Platting Staff Comments: This section line easement provides access to the mouth of the Beluga Slough and Kachemak Bay. However, the 33' section line easement blocked by the existing structure is wholly impractical to all modes of transport including pedestrian.*

*Per the City of Homer staff report, "Pedestrian access will remain possible south of the property line if future access is constructed (possibly stairs)." Waterfront access will remain in the 33' section line easement and 30' right-of-way adjoining to the south.*

**Staff recommendation:** *Concur that the 33' section line easement blocked by the existing structure is wholly impractical to all modes of transport including pedestrian and access to the waterfront of the Beluga Slough and Kachemak Bay will remain in the 33' section line easement and 30' right-of-way adjoining to the south.*

20.30.220. Section line easement vacations. Section line easement vacation petitions must comply with

the requirements of KPB 20.70.040, 20.70.050 and 20.70.060. A fee is required in compliance with KPB 20.70.060. Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120. The mail notice required in KPB 20.70.090 may be by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements. The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.

**Staff recommendation:** *Comply with KPB 20.30.220.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by Homer City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by HEA, ENSTAR, the Homer City Council and, other utility providers.
4. Submittal of a final plat.

**KPB 20.70.110:**

**A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.**

**The Homer City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

**KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

END OF STAFF REPORT

Chairman Martin asked if anyone from the public wished to comment on this item.

Petitioner let the Commission know they were present if there were any questions.

Seeing and hearing no one wishing to comment, Chairman Martin closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Whitney, to approve the vacation of a section line easement in the City of Homer as petitioned.

**MOTION PASSED:** Seeing and hearing no discussion or objection, the motion passed by unanimous consent.

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-55**

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Amending Homer City Code 2.08.040, Bylaws for Council Procedures to Establish that Newly Elected Members will be Seated at a Special Meeting Following the Canvass of the Election; and 4.35.404 Certification of Election to Clarify the Time for Certification of a Regular and Special Election.

Sponsor: Evensen/Hansen-Cavasos

1. City Council Regular Meeting November 25, 2019 Introduction
2. City Council Regular Meeting December 9, 2019 Introduction (postponed from November 25, 2019)

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

3 Evensen/  
4 Hansen-Cavasos

5 **ORDINANCE 19-55**

6  
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
8 AMENDING HOMER CITY CODE 2.08.040, BYLAWS FOR COUNCIL  
9 PROCEDURES TO ESTABLISH THAT NEWLY ELECTED MEMBERS  
10 WILL BE SEATED AT A SPECIAL MEETING FOLLOWING THE  
11 CANVASS OF THE ELECTION; AND 4.35.040 CERTIFICATION OF  
12 ELECTION TO CLARIFY THE TIME FOR CERTIFICATION OF A  
13 REGULAR AND SPECIAL ELECTION.  
14

15 WHEREAS, Holding a special meeting to certify an election and swear in newly elected  
16 members designates a time to celebrate the service of outgoing members and welcome new  
17 members; and  
18

19 WHEREAS, Certifying an election as soon as possible after the canvass board has  
20 completed its work allows City business to proceed with as little disruption as possible ; and  
21

22 WHEREAS, Holding a special meeting to certify election results and swear in newly  
23 elected members on the same day of the regular meeting is a convenient and efficient use of  
24 meeting time; and  
25

26 WHEREAS, This ordinance also clarifies that special elections will be certified by special  
27 meeting.  
28

29 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

30  
31 Section 1. Homer City Code 2.08.040, Bylaws for Council Procedure is hereby amended  
32 to read as follows:  
33

34 2.08.040 Bylaws for Council procedure.  
35

36 The following bylaws shall govern the procedures of the City Council of the City:  
37

38 a. To abide by existing Alaska State laws pertaining to cities of the first class.  
39

40 b. To abide by the current edition of Robert's Rules of Order insofar as this treatise is  
41 consistent with these bylaws, other provisions of the Homer City Code, or unwritten

42 standing rules adopted by the City Council. In all other cases, bylaws, the code or the  
43 standing rule shall prevail.

44  
45 c. The Council's agenda format specified in the City of Homer City Council Operating  
46 Manual, as the same may be amended from time to time, is incorporated herein by  
47 reference.

- 48 1. The manual may be revised with Council approval;  
49 2. A copy of the manual shall be available to the public during regular business  
50 hours at the Homer City Hall and be available during City Council meetings.

51  
52 d. Regular Meetings.

- 53 1. Second and fourth Mondays of each month at 6:00 p.m., unless otherwise  
54 provided by two-thirds vote of the City Council;  
55 2. The agenda shall be provided to each Council member 36 hours prior to  
56 meeting, by City Clerk;  
57 3. Adding items to or removing items from the agenda will be by unanimous  
58 consent of the Council;  
59 4. Public notice of a regular meeting shall be made as provided in Chapter 1.14  
60 HCC.

61  
62 e. Special Meetings.

- 63 1. Called by Mayor or majority of the Council;  
64 **2. Held for certification of regular election results and swearing in newly**  
65 **elected members following the completion of the canvass by the Election**  
66 **Board, prior to convening Committee of the Whole.**  
67 **3. Held for certification of a special election, when necessary, following the**  
68 **completion of the canvass by the Election Board.**  
69 ~~2~~ **3.** If a majority of members are given at least 36 hours' oral or written notice  
70 and reasonable efforts are made to notify all members, a special meeting may  
71 be held at the call of the presiding officer or at least one-third of the members;  
72 ~~3~~ **4.** Agenda shall be as per subsection (c) of this section;  
73 ~~4~~ **5.** Public notice of a special meeting shall be made as provided in Chapter 1.14  
74 HCC.

75  
76 f. Emergency Meetings.

- 77 1. By unanimous consent of quorum;  
78 2. Required justifiable reason;  
79 3. Informal agenda – limited to emergency;  
80 4. Public notice shall be made as provided in Chapter 1.14 HCC.

81  
82 g. Teleconference participation in meetings may be authorized pursuant to HCC  
83 2.08.100 through 2.08.120.

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h. Quorum – Voting. Four Council members shall constitute a quorum. Four affirmative votes are required for the passage of an ordinance, resolution, or motion. A member of the Council acting as Mayor Pro Tem shall not lose his vote as the result of serving in such office. The Mayor is not a Council member and may vote only in the case of a tie. The final vote on each ordinance, resolution, or substantive motion may be a roll call vote or may be done in accordance with subsection (k) of this section (see AS 29.20.160(c)(d)).

i. Motions to Reconsider. A member of the Council who voted with the prevailing side on any issue may move to reconsider the Council’s action at the same meeting or at the next regular meeting of the body. Notice of reconsideration shall be given to the Mayor or City Clerk within 48 hours from the time the original action was taken.

j. Abstentions. All Council members present shall vote unless abstention is required by law (AS 29.20.160(d)).

k. Consensus. The Council may, from time to time, express its opinion or preference concerning a subject brought before it to consideration. The statement, representing the will of the body and a meeting of the minds of the members, may be given by the presiding officer as the consensus of the body as to that subject without taking a motion and roll call vote.

l. Vacancies. An elected municipal office is vacated under the following conditions and upon the declaration of vacancy by the Council. The Council shall declare an elective office vacant when the person elected:

1. Fails to qualify or take office within 30 days after his election or appointment;
2. Resigns and his resignation is accepted;
3. Is physically or mentally unable to perform the duties of the office as determined by two-thirds vote of the Council;
4. Is convicted of a felony or misdemeanor described in AS 15.56 and two-thirds of the members of the Council concur in expelling the person elected;
5. Misses three consecutive regular meetings unless excused;
6. Is convicted of a felony or of an offense involving a violation of the oath of office;
7. Is convicted of a violation of AS 15.13 concerning Alaska Public Offices Commission reporting requirements;
8. No longer physically resides in the municipality and the City Council by two-thirds vote declares the seat vacant; and
9. Is physically absent from the municipality for 90 consecutive days unless excused by the City Council.

126 m. Salaries of Elected Officials.

127 1. The Mayor and each Council member shall be paid a stipend of \$75.00 for each  
128 council-meeting-day in which the person participates in person, or \$50.00 per  
129 council-meeting-day in which a majority of the person's participation time is  
130 telephonic. A council-meeting-day is any calendar day in which the person  
131 participates in any one or more of the following:

132  
133 a. A scheduled and publicly noticed meeting of the City Council,  
134 including without limitation a regular meeting, special meeting,  
135 committee of the whole meeting and meeting in executive session.

136 b. A scheduled and publicly noticed meeting of the Board of Adjustment,  
137 Board of Ethics, or other board or commission that is composed of the  
138 Mayor and Council members.

139 c. Training or continuing education programs, and work sessions, that  
140 are required by law or commonly recognized best practice to perform the  
141 duties of Mayor or Council member.

142  
143 The City shall not spend any funds for elected officials' membership in  
144 the Public Employees Retirement System. An elected official may not  
145 receive any other compensation for service to the City unless specifically  
146 authorized to do so by ordinance. Per diem payments or  
147 reimbursements for expenses are not compensation under this section.

148  
149 Section 2. Homer City Code 4.35.040 Certification of election is hereby amended to read  
150 as follows:

151  
152 4.35.040 Certification of election.

153  
154 ~~The Council shall certify the results of the election at the next regular Council meeting~~  
155 ~~following completion of the canvass by the Canvass Board~~

156  
157 **a. The Council shall certify the results of a regular election at a special**  
158 **meeting scheduled prior to Committee of the Whole following completion**  
159 **of the canvass by the Canvass Board.**

160 **b. The Council shall certify a special election at the next regular Council**  
161 **meeting or a special Council meeting following completion of the canvass**  
162 **by the Canvass Board.**

163  
164 Section 3: This ordinance is of a permanent and general character and shall be  
165 included in the City Code.

166

167 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS \_\_ DAY OF \_\_\_\_\_,  
168 2019.

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CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

176 ATTEST:

177  
178

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

180  
181 YES:  
182 NO:  
183 ABSTAIN:  
184 ABSENT:

185  
186  
187 First Reading:  
188 Public Hearing:  
189 Second Reading:  
190 Effective Date:

191  
192 Reviewed and approved as to form:

193  
194

195 \_\_\_\_\_  
196 Katie Koester, City Manager

\_\_\_\_\_  
Michael Gatti, City Attorney

197  
198 Date: \_\_\_\_\_

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



**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-59**

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.

Sponsor: Venuti

1. City Council Regular Meeting December 9, 2019 Introduction

**CITY OF HOMER  
HOMER, ALASKA**

Venuti

**ORDINANCE 19-59**

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.

WHEREAS, HCC 18.12.020 provides that real property that is no longer required for public purpose may be sold; and

WHEREAS, No public purpose exists for T 6S R 13W SEC 19 Seward Meridian HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2, also known as 3713 Main Street and Kenai Peninsula Borough Parcel Number 17514416, and it is in the best interest of the City of Homer to sell the property and put it back on the tax rolls; and

WHEREAS, HCC 18.12.030 requires an appraisal of property valued at more than \$50,000 by the Kenai Peninsula Borough's most recent assessment; and

WHEREAS, The 2019 City of Homer Land Allocation Plan designated the Homer Public Library Lot located at 3713 Main Street as available for sale; and

WHEREAS, In 2016 the City of Homer listed the lot for sale with Homer Real Estate for \$225,000; and

WHEREAS, In 2018 the City of Homer decided not to relist the property due to a lack of interest; and

WHEREAS, Since the property was removed from the market there has been recent interest expressed by a local business for purchasing the property.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby appropriates \$2,500 from the Land Reserves account for the purposes of obtaining a commercial appraisal.

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
150-0392-4901	Land Reserves Surplus Properties	\$2,500 net proceeds





17514416

Parcel ID	17514416
Physical Addresses	3713 MAIN ST
Legal	T 6S R 13W SEC 19 SEWARD MERIDIAN HM 2008016 HOMER PUBLIC LIBRARY NO 2 LOT 2
Acresage	1.31
Owner	HOMER CITY OF
Attention	
Address	491 E PIONEER AVE
City, State, Zip	HOMER, AK 99603
Assessed Value	69400
Taxable Value	0

View Plat    Property Details    Print



Wed Mar 20 2019 09:05:22 AM

132

# KPB Parcel Viewer



Disclaimer: The data displayed herein is neither a legally recorded map nor survey and is provided for informational purposes only. The user assumes all responsibility for the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.

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

City Clerk

3  
4 **RESOLUTION 19-086**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 ESTABLISHING THE 2020 REGULAR MEETING SCHEDULE FOR THE  
8 CITY COUNCIL, ECONOMIC DEVELOPMENT ADVISORY  
9 COMMISSION, LIBRARY ADVISORY BOARD, PARKS ART  
10 RECREATION AND CULTURE ADVISORY COMMISSION, PLANNING  
11 COMMISSION, AND PORT AND HARBOR ADVISORY COMMISSION.  
12

13 WHEREAS, Pursuant to Homer City Code (HCC) Section 1.14.020, the City Council  
14 annually sets the schedule for regular and some special meetings, noting the dates, times and  
15 places of the City Council, Planning Commission, Advisory Commissions, and the Library  
16 Advisory Board meetings; and  
17

18 WHEREAS, The public is informed of such meetings through notices located at the City  
19 Clerk's Office, Clerk's Calendar on KBBI, the City Clerk's Website, and postings at the Public  
20 Library; and  
21

22 WHEREAS, HCC 1.14.020 - 040 states that meetings may be advertised in a local paper  
23 of general circulation at least three days before the date of the meeting and that special  
24 meetings should be advertised in the same manner or may be broadcast by local radio at least  
25 twice a day for three consecutive days or two consecutive days before the day of the meeting  
26 plus the day of the meeting; and  
27

28 WHEREAS, HCC 1.14.010 notes that the notice of meetings applies to the City Council  
29 and all commissions, boards, committees, subcommittees, task forces and any sub-unit of the  
30 foregoing public bodies of the City, whether meeting in a formal or informal meeting; that the  
31 failure to give the notice provided for under this chapter does not invalidate or otherwise affect  
32 any action or decision of a public body of the City; however, this sentence does not change the  
33 consequences of failing to give the minimum notice required under State Statute; that notice  
34 will ordinarily be given by the City Clerk; and that the presiding officer or the person or persons  
35 calling a meeting are responsible for notifying the City Clerk of meetings in sufficient time for  
36 the Clerk to publish notice in a newspaper of general circulation in the City; and  
37

38 WHEREAS, This Resolution does not preclude additional meetings such as emergency  
39 meetings, special meetings, worksessions, and the like; and  
40

41 WHEREAS, Council adopted Resolution 06-144 on October 9, 2006 establishing the  
42 Regular Meeting site for all bodies to be the City Hall Cowles Council Chambers.

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NOW, THEREFORE, BE IT RESOLVED by the Homer City Council, that the 2020 meeting schedule is established for the City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, and Port and Harbor Advisory Commission of the City of Homer, Alaska, as follows:

Holidays - City Offices closed:

January 1, New Year's Day, Wednesday	February 17, Presidents' Day, the third Monday	March 30, Seward's Day, last Monday	May 25, Memorial Day, last Monday	July 3**, Independence Day, Friday	September 7, Labor Day, first Monday
October 19**, Alaska Day, Monday	November 11, Veterans Day, Wednesday	November 26 Thanksgiving Day, Thursday	November 27, Friday, the day after Thanksgiving	December 25, Christmas, Friday	

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\*\*If on a Sunday, the following Monday is observed as the legal holiday; if on a Saturday, the preceding Friday is observed as the legal holiday pursuant to the City of Homer Personnel Rules and Regulations.

CITY COUNCIL (CC)

January 13, 27	February 10, 24	March 9, 23	April 13, 27	May 11, 26*	June 8, 22
July 27**	August 10, 24	September 14, 28	October 6 Election	Canvass Board October 9	October 12, 26 Oath of Office October 12
November 3 Runoff Election	November 23**	December 14****	December 21**** if needed		

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City Council's Regular Committee of the Whole Meetings at 5:00 p.m. to no later than 5:50 p.m. prior to every Regular Meeting which are held the second and fourth Monday of each month at 6:00 p.m. Council will not conduct a First Regular Meeting in July or November.

AML Annual Conference Week is tentatively scheduled for November 18-22, 2019.

\*Tuesday meeting due to Memorial Day/Seward's Day.

\*\*There will be no First Regular Meeting in July or November.

\*\*\*The City Council traditionally reschedules regular meetings that fall on holidays or High School Graduation days, for the following Tuesday.

66 \*\*\*\* The City Council traditionally cancels the last regular meeting in December and holds the  
67 first regular meeting and one to two Special Meetings as needed. Generally the second Special  
68 Meeting the third week of December, will not be held.

69

70 ECONOMIC DEVELOPMENT ADVISORY COMMISSION (EDC)

January 14	February 11	March 10	April 14	May 12	June 9
July 14	August 11	September 8	October 13	November 10	December 8

71

72 Economic Development Advisory Commission Regular Meetings are held on the second  
73 Tuesday of each month at 6:00 p.m.

74

75 LIBRARY ADVISORY BOARD (LAB)

February 4	March 3	April 7	May 5	August 4
September 1	October 6	November 3	December 1	

76

77 Library Advisory Board Regular Meetings are held on the first Tuesday of the following months:  
78 February, March, April, May, August, September, October, November, and December at 5:30  
79 p.m.

80

81 PARKS ART RECREATION AND CULTURE ADVISORY COMMISSION (PARCAC)

February 20	March 19	April 16	May 21	June 18
August 20	September 17	October 15	November 19	

82

83 Parks Art Recreation and Culture Advisory Commission Regular Meetings are held on the third  
84 Thursday of the following months: February, March, April, May, June, August, September,  
85 October, and November at 5:30 p.m.

86

87 PLANNING COMMISSION (PC)

January 2*, 15	February 5, 19	March 4, 18	April 1, 15	May 6, 20	June 3, 17
July 15**	August 5, 19	September 2, 16	October 7, 21	November 4**	December 2**

88

89 Advisory Planning Commission Regular Meetings are held on the first and third Wednesday of  
90 each month at 6:30 p.m. \*The regular meeting scheduled the first Thursday since the first  
91 Wednesday is a Holiday \*\*There will be no First Regular Meeting in July or Second Regular  
92 Meetings in November and December.

93

94

95

96 PORT AND HARBOR ADVISORY COMMISSION (PHC)

January 22	February 26	March 25	April 22	May 27	June 24
July 22	August 26	September 23	October 28	December 9*	

97  
98 Port and Harbor Advisory Commission Regular Meetings are held on the fourth Wednesday of  
99 the following months: January, February, March, April, September, October, and December at  
100 5:00 p.m.; and May, June, July, and August at 6:00 p.m. \*The regular meeting in December will  
101 be held the second Wednesday of the month.

102  
103 PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of December, 2019.

104  
105 CITY OF HOMER

106  
107  
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109 \_\_\_\_\_  
110 KEN CASTNER, MAYOR

111 ATTEST:

112  
113  
114 \_\_\_\_\_  
115 RENEE KRAUSE, MMC, DEPUTY CITY CLERK

116  
117 Fiscal Impact: Advertng of meetings in regular weekly meeting ad and advertising of any  
118 additional meetings.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 19-162

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: NOVEMBER 13, 2019

SUBJECT: 2020 MEETING SCHEDULE FOR CITY COUNCIL & ADVISORY BODIES

---

The following advisory bodies reviewed, discussed, and approved their 2020 regular meeting schedules as provided in Resolution 19-086:

- Planning Commission – Approved under New Business at the October 16, 2019 Regular Meeting with no amendments.
- Parks, Art, Recreation and Culture Advisory Commission – Approved in the October 17, 2019 Regular Meeting Consent Agenda with no amendments.
- Port and Harbor Advisory Commission – Approved under New Business at the October 23, 2019 Regular Meeting with no amendments.
- Library Advisory Board – Approved under New Business at the November 5, 2019 Regular Meeting with no amendments.
- Economic Development Advisory Commission – November 12, 2019 Regular Meeting

### RECOMMENDATION

Adopt Resolution 19-086 establishing the 2020 regular meeting schedule for City Council, Economic Development Advisory Commission, Library Advisory Board, Parks Art Recreation and Culture Advisory Commission, Planning Commission, and Port and Harbor Advisory Commission.

**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 19-087**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
ACKNOWLEDGING THE NOVEMBER 2019 SURPLUS VEHICLE BID  
RESULTS.

WHEREAS, A Surplus Personal Property Sale was conducted in accordance with Homer  
City Code 18.30; and

WHEREAS, The November 2019 Surplus Vehicles Invitation to Bid was advertised in the  
Homer News on October 31 and November 7, 2019 and posted on the City of Homer website;  
and

WHEREAS, Sealed bids were due by 3:00 p.m. on Thursday, November 14, 2019; and

WHEREAS, There were five vehicles on the surplus equipment list and 6 bidders  
submitted a total of 12 bids on the five vehicles available for sale.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby  
acknowledges the surplus equipment bid results, attached as Exhibit A.

PASSED AND ADOPTED by the Homer City Council this 9th day of December, 2019.

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

ATTEST:

\_\_\_\_\_  
RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Fiscal Impact: Cost of Advertising and processing bids. Generated \$4,709.00 distributed to the  
appropriate accounts.

City of Homer Surplus Sale 2019

Bid Results

EXHIBIT A

Item #	Name	Description	Bidders	Bid Amount
E105	2000 Chevy K2500 Pickup	2000 Chevy K2500 Extended Cab Pickup With Service Body - Runs	<b>Moore &amp; Moore Services</b>	<b>\$526</b>
			Carl Jones, III	\$400
E108	1992 Ford Ranger Pickup	1992 Ford Ranger Pickup - Fuel Tank Leaks	<b>Kristina Owens</b>	<b>\$325</b>
			David Welty	\$189
			Moore & Moore Services	\$112
E124	1987 Chevy Flatbed Truck	1987 Chevy Flatbed Truck - Runs	<b>Justin Theriot</b>	<b>\$2,001</b>
			Moore & Moore Services	\$561
			Carl Jones, III	\$400
E125	1989 GMC Truck 3/4 Ton	1989 GMC Truck 3/4 Ton - Runs	<b>Moore &amp; Moore Services</b>	<b>\$732</b>
			D. Welty	\$338
E133	1997 Ford F350 Pickup	1997 Ford F350 Pickup With Service Body - Runs	<b>Moore &amp; Moore Services</b>	<b>\$1,125</b>
			Kristina Owens	\$150

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**CITY OF HOMER  
HOMER, ALASKA**

City Manager/Port Director

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**RESOLUTION 19-089**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, IN SUPPORT OF THE EXCHANGE OF SERVICES CONTRACT BETWEEN THE HOMER PORT AND HARBOR AND KACHEMAK MARINE HAUL OUT SERVICES FOR THE DISPOSAL OF NUISANCE VESSEL *F/V KUPREANOF* AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The *F/V Kupreanof* is a financially and physically abandoned 57 foot wood commercial fishing vessel, built in 1957, that is in ill repair and in danger of sinking within the Homer Harbor; and

WHEREAS, Per the authority granted by HCC 10.04.130, the *F/V Kupreanof* has been declared a Nuisance Vessel by the Homer Harbormaster and is subject to impoundment, removal and disposal; and

WHEREAS, The owner of the *F/V Kupreanof* has been officially notified and has been found to be unresponsive; and

WHEREAS, The City has been able to negotiate an exchange of services contract with Kachemak Marine Haul Out Services that includes the haul out and disposal of the vessel *F/V Kupreanof* in exchange for a \$12,500 credit toward Port and Harbor fees to be applied to Kachemak Marine Haul Out Services' account; and

WHEREAS, The agreement would protect the City from incurring future costs associated with the environmental clean-up and retrieval of the vessel should it sink within the Homer Harbor and would free up valuable revenue generating moorage space.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, approves the exchange of services contract between the Homer Port and Harbor and Kachemak Marine Haul Out Services for the disposal of nuisance vessel *F/V Kupreanof* and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of December, 2019.

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CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

45 ATTEST:

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47 \_\_\_\_\_

48 RENEE KRAUSE, MMC, DEPUTY CITY CLERK

49

50 Fiscal Note: \$12,500 Credit to Port & Harbor Account #14503: \$1442.48 Applied to Existing

51 Balance, \$11,057.42 credit on account

52

## BARTER AGREEMENT CONTRACT

This Agreement is made effective as of December 10, 2019, for good and valuable consideration by and between the City of Homer (the “City”, “Offeree”) located at 491 Pioneer Ave Homer AK 99603 and Kachemak Marine Haul Out Services (“KMHOS”, “Offeror”) located at PO Box 2635 Homer AK 99603 who jointly agree to be bound by the following terms and conditions when bartering goods and/or services as outlined below:

A. Kachemak Marine Haul Out Services(“Offeror”) offers the following goods and/or services for barter:

- 1) The haul out, break up, salvage, and complete disposal\* of the vessel Kupreanof with the following conditions:
  - a) The Kupreanof contains a maximum of 50 gallons of dirty oils requiring disposal
  - b) The Kupreanof has a maximum of 500 gallons of Diesel Fuel on board requiring disposal
  - c) KMHOS agrees to submit a competed \_\_\_\_\_ for the project and abide by all the requirements listed therein

\* Complete disposal is defined as the complete removal and/or disposal of all vessel components that comprise the Kupreanof and a clean-up of the work area that satisfies the requirements laid out in the Large Vessel Haul Out Facility Best Management Policies.

B. In exchange, the City(“Offeree”) offers the following goods and/or services for barter:

- 1) Provision of a Quick Claim Deed for the Vessel Kupreanof signed over to KMHOS.
- 2) The City agrees that KMHOS retains all salvage rights to any intrinsic items which may have commercial value if marketed, including helm, props, shafts, hardware, marine fittings, etc.
- 3) City staff will move the vessel Kupreanof to the beach adjacent to the Large Vessel Haul Out Facility at the afternoon high tide on either December 12, 13, or 14 2019
- 4) City storage and land rental fees involved in the disposal effort are at no cost for the period starting at the time of haul out to the March 15 2020 term end of contract. This includes any storage and land rental fees associated with the equipment used by KMHOS for the haul out and b \_\_\_\_\_ of the Kupreanof.

- 5) The City Port and Harbor will provide a \$12,500.00 Credit to be exclusively applied to Port and Harbor services and fees generated by KMHOS and/or Earl Brock to be distributed as follows: \$1442.48 is to be applied to existing unpaid Port and Harbor fees accumulated by KMHOS, \$11,057.52 in credit is to be applied to Port and Harbor account #14503 (KMHOS) to be used against future harbor fees as they are generated by Kachemak Marine Haul Out Services.

**Term:**

The delivery or exchange of the bartered goods and/or services is to be made on or before March 15, 2020.

**General Provisions:**

- 1) Both parties attest that they are freely/legally entering into this agreement, that they have the authority to enter into such agreement, and will abide by its directives and requirements. It is understood by both parties that the signing of this agreement represents the intent of the parties to enter into a legally binding contract.
- 2) Both parties attest that the pricing for product(s) and/or service(s) offered for barter represent fair market value, to the best of their knowledge, within that industry.
- 3) On its behalf and on behalf of all its employees, designees, representatives, subcontractors, directors, officers, volunteers, administrators, agents, heirs, beneficiaries, executors, successors, assigns, and other entities or individuals claiming through it or affiliated with it, Offeror hereby covenants and agrees to release, indemnify, and hold harmless the City, its employees, volunteers, officials, agents, officers, departments, boards, commissions, or other bodies (hereafter collectively referred to as the "City") from and for any and all demands, claims, actions, suits or causes of action, whether known or unknown, arising from any and all loss, damage, and/or mental or physical injury (including, but not limited to injuries leading to death and death itself) to any property or any person which is caused by or related to the barter of the goods and/or services stated in this agreement.

**Early Termination:**

If Offeror fails to provide the goods and/or services agreed to in this contract listed under section A. by the end date listed in the Term then all provisions listed under section B. 2-5 shall be forfeit. Ownership of the vessel Kupreanof shall be retained by KMHOS and all responsible fees for storage and harbor services shall be billed to KMHOS/owner, starting on March 15, 2020.

**Offeree:**

**Offeror:**

**CITY OF HOMER**

**KACHEMAK MARINE HAUL OUT SERVICES**

By: \_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
(Name, Title)

**ACKNOWLEDGMENTS**

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, City Manager of the City of Homer, an Alaska municipal corporation, on behalf of the City of Homer.

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_

STATE OF ALASKA )  
 ) ss.  
THIRD JUDICIAL DISTRICT )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ (title) of \_\_\_\_\_ (name of entity) on behalf of \_\_\_\_\_ (name of entity).

\_\_\_\_\_  
Notary Public in and for Alaska  
My Commission Expires: \_\_\_\_\_



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

3 City Manager

4 **RESOLUTION 19-090**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 AUTHORIZING THE CITY TO APPLY FOR A FEDERAL ECONOMIC  
8 DEVELOPMENT ADMINISTRATION DISASTER RECOVERY  
9 PROGRAM GRANT FOR PRE-DISASTER PLANNING AND  
10 COMMUNICATIONS IMPROVEMENTS IN AN AMOUNT UP TO  
11 \$206,365 AND EXPRESSING ITS COMMITMENT TO PROVIDE A  
12 LOCAL MATCH TO GRANT FUNDS.  
13

14 WHEREAS, City of Homer government leaders are responsible for coordinating the  
15 mitigation of, preparation for, whole-community response to and recovery from disasters to  
16 protect life, health and property and to re-establish a healthy, functioning community that will  
17 sustain itself over time; and  
18

19 WHEREAS, The Southern Kenai Peninsula's geographical location makes it vulnerable  
20 to several natural disasters (earthquake, tsunami and wildfire) with the potential to sever the  
21 southern Kenai Peninsula's one road link to the rest of Alaska; and  
22

23 WHEREAS, Actions the City of Homer takes during the initial 72-hour self-response  
24 phase of an emergency have a significant impact on the overall results of the recovery phase  
25 and successful economic comeback from a major disaster; and  
26

27 WHEREAS, The City's After Action Reports from the January 23, 2018 tsunami  
28 evacuation event and the November 30, 2018 7.1 magnitude earthquake event identified  
29 critical pre-disaster preparedness and communications shortfalls, which, if not addressed  
30 would delay the City's emergency response, endanger life and property and hinder full  
31 utilization of City personnel and Federal financial assistance for recovery from a declared  
32 disaster; and  
33

34 WHEREAS, The following pre-preparedness measures and public infrastructure  
35 improvements will make the public services our citizens and businesses depend upon in an  
36 emergency more resilient and lay the foundation for effective recovery efforts essential to  
37 successful economic comeback from a major disaster:

- 38 • Establish City of Homer emergency management codes, ordinances and standard  
39 operating procedures to cover the authorities, declaration process and procurement,  
40 personnel and debris management policies necessary for successful response and  
41 recovery; and

- 42 • Purchase and install microwave links to provide the City of Homer’s emergency  
43 dispatch communications system full capabilities and greater reliability in times when  
44 the utility grid is down; and
- 45 • Purchase and install a Port & Harbor radio repeater system to resolve deficits in the Port  
46 & Harbor’s ability to monitor and respond to ship to shore and base station to base  
47 station for emergency coordination communications around Kachemak Bay; and

48  
49 WHEREAS, The Economic Development Administration of the U.S. Department of  
50 Commerce (EDA) administers the Economic Adjustment Assistance (EAA) Disaster Recovery  
51 Program which makes 80% matching grant funds available to help communities devise and  
52 implement long-term economic recovery strategies in areas where a Presidential declaration  
53 of a major disaster was issued; and

54  
55 WHEREAS, The City of Homer qualifies to apply for EAA Disaster Recovery Program grant  
56 assistance in that:

- 57 • the Kenai Peninsula Borough received a major disaster Presidential declaration under  
58 the Robert T. Stafford Disaster Relief and Emergency Assistance Act as a result of the  
59 November 30, 2018 Magnitude 7.1 earthquake; and
- 60 • the proposed project aligns with EDA’s Recovery & Resilience investment priority of  
61 assisting with economic resilience measures and long-term recovery from natural  
62 disasters and economic shocks; and
- 63 • the proposed project is consistent with the Kenai Peninsula Borough 2019  
64 Comprehensive Economic Development Strategy’s Resiliency Framework and Goal 4.1  
65 to support the health and resiliency of the Kenai Peninsula Borough economy through  
66 disaster planning; and

67  
68 WHEREAS, City of Homer matching funds will come from Fire Department Reserves,  
69 Police Reserves and Port & Harbor Reserves pending City Council appropriation in a grant  
70 acceptance ordinance after notice of award, which is not anticipated until September 2020.

71  
72 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports  
73 preparation and submission of an EDA EAA Disaster Recovery Program grant application for  
74 up to \$28,500 to procure consultant and legal review services and \$177,865 to purchase  
75 communications equipment for a total EDA grant request of \$206,365; and

76  
77 BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to submit  
78 the appropriate documents; and

79  
80 BE IT FURTHER RESOLVED that the City Council expresses its commitment to match  
81 grant funds to meet the grant match requirements.

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83 PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of December, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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91 ATTEST:

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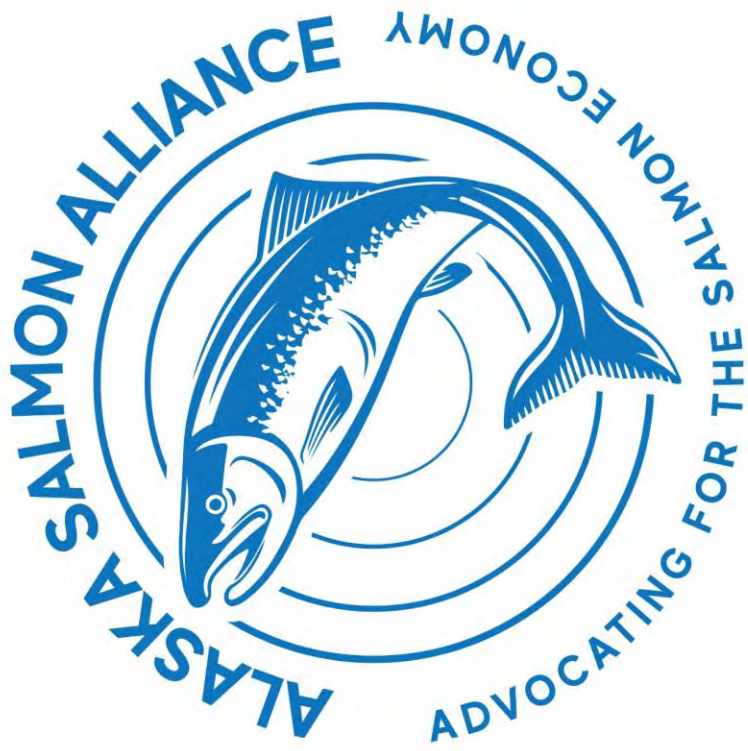
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RENEE KRAUSE, MMC, DEPUTY CITY CLERK

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97 Fiscal Note: N/A



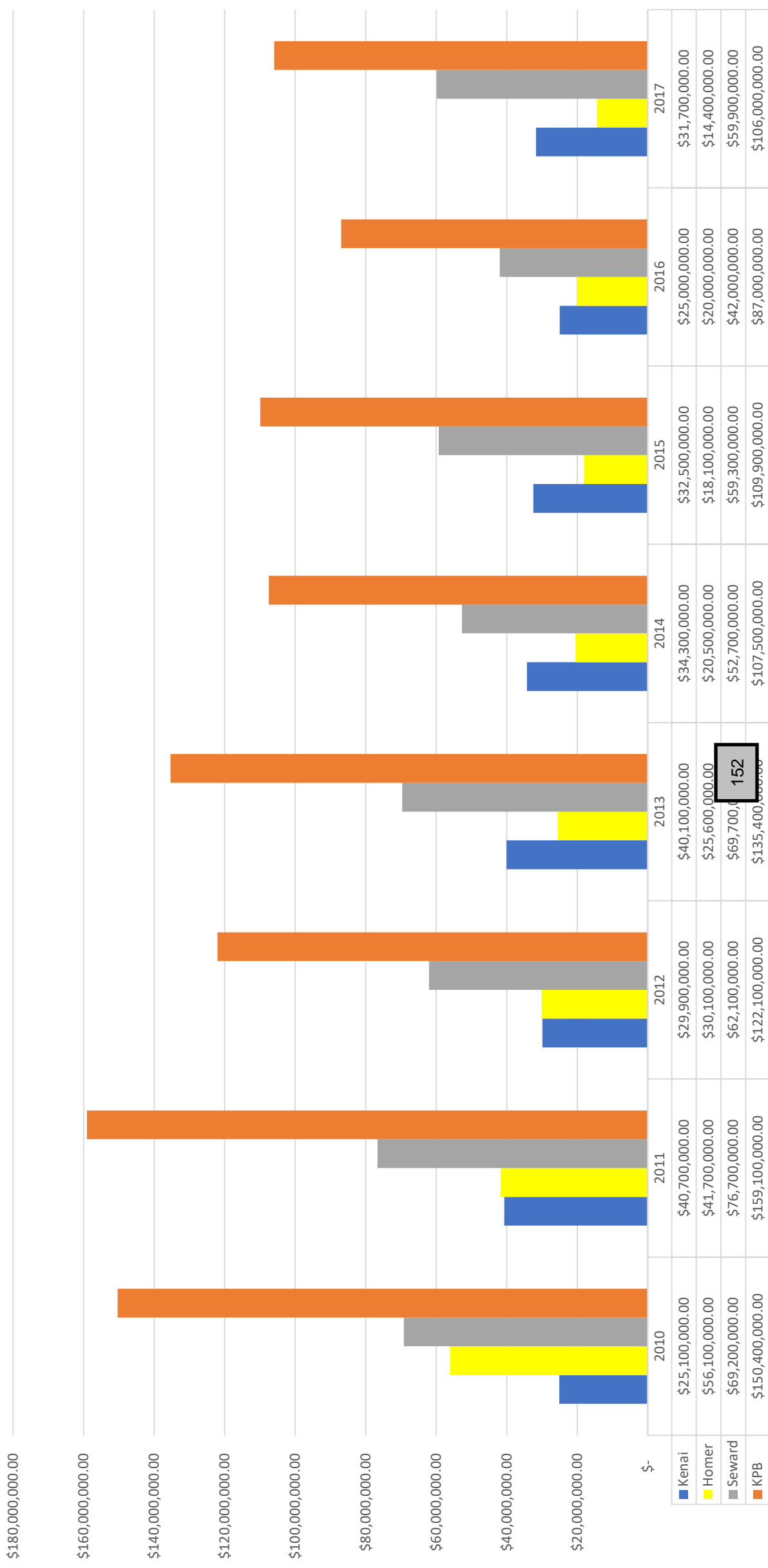
Who is A.S.A.?

The Alaska Salmon Alliance (ASA) formed in 2011 as a 501 C (6), a nonprofit. Comprised of seafood processors and commercial fishermen our mission is to **advocate for the salmon economy**. The Alaska Salmon Alliance is an organization focused on public education, promoting the value of a healthy salmon resource and working to create predictable harvests for all salmon users in the Cook Inlet region.



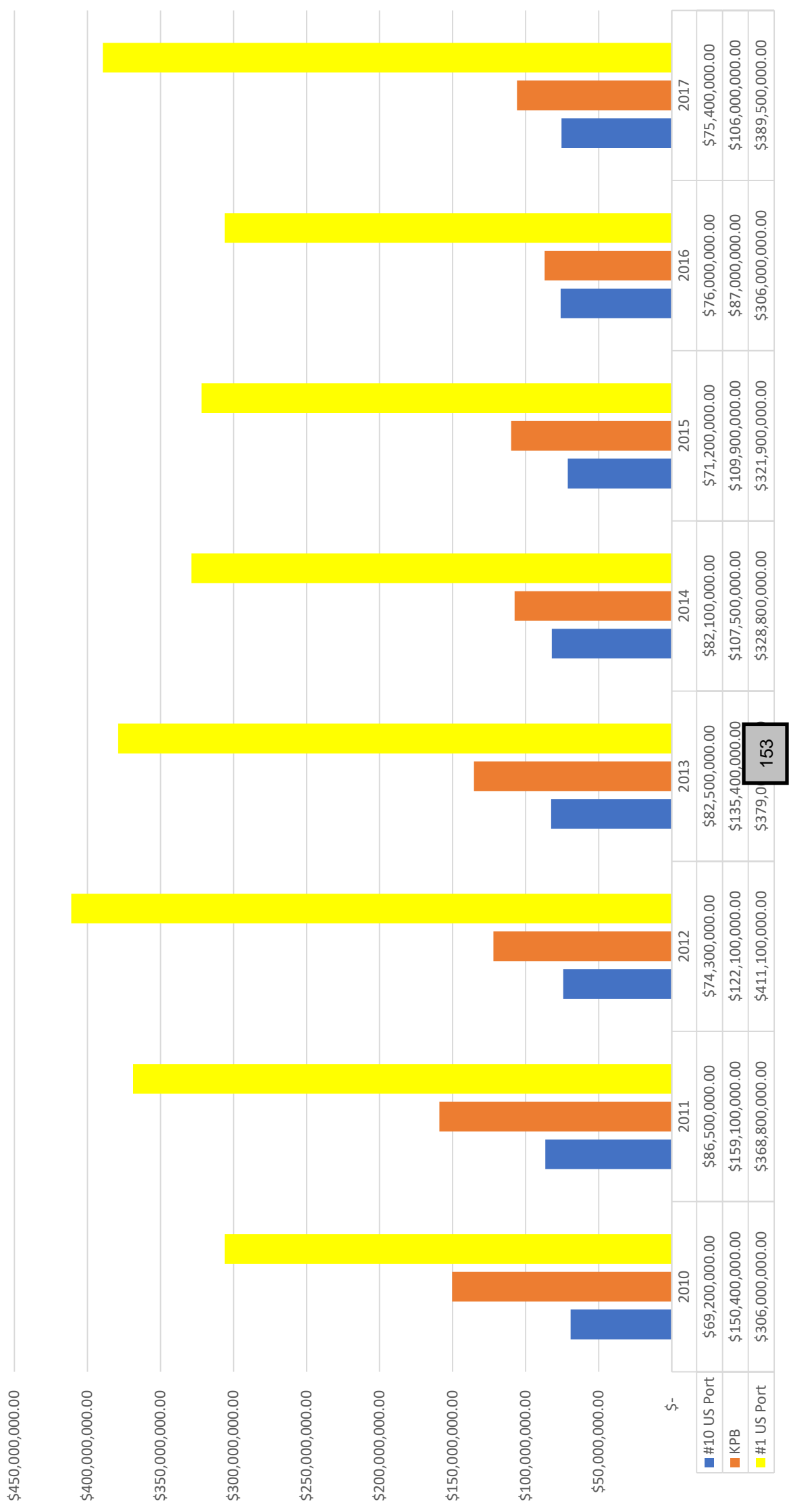
# Economic Engine

Port Values on the Kenai Peninsula





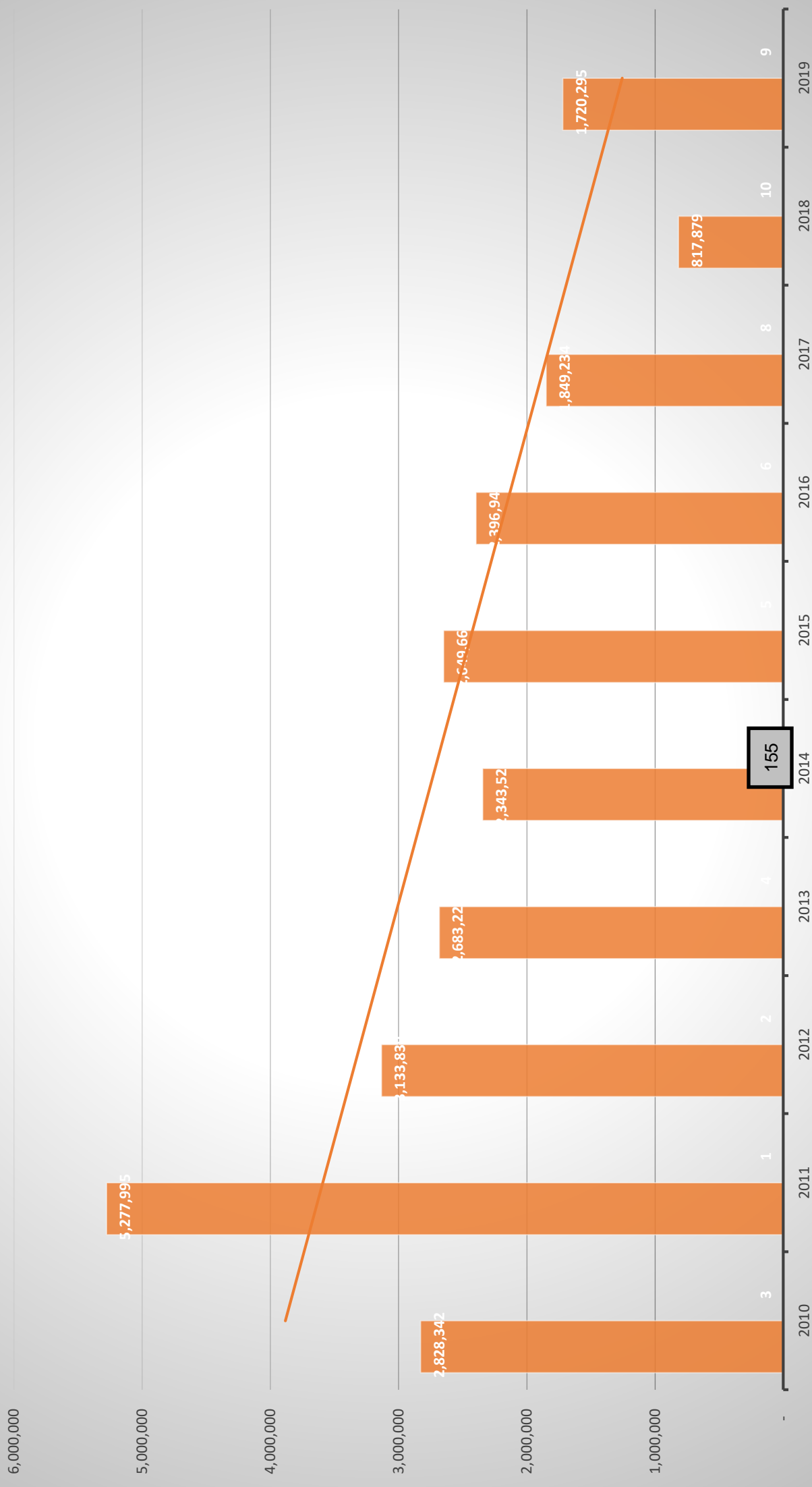
KPB Ports Vs. #1 & #10 US Ports



153

How was the 2019 UCI salmon season?

## 2010 - 2019 Season Ranking



# Escapement goals

## 2019 Kenai River

Sustainable Escapement Goal or S.E.G. was 700,000 – 1,200,000 fish

In River Goal 1,000,000 – 1,300,000 fish

End of season escapement – 1,848,157 fish

Over escapement – 548,157 fish

2019 Escapement	1,848,157	Fish
Top end of in river goal	1,300,000	Fish
Difference	548,157	Fish over escaped
Total Number of fish	548,157.00	Fish over escaped
Average weight	5.50	lbs per fish
Total lbs.	3,014,863.50	Over escapement in lbs.
Fisherman		
Total missed lbs.	3,014,863.50	
Average price paid	\$2.00	
Missed Fishermen Value	\$6,029,727.00	
Processor		
Total Missed lbs.	3,014,863.50	
Finished H&G lbs	2,261,147.63	
Value Wholesale lbs.	\$4.25	
Total H&G Value	\$9,609,877.41	
Total Roe Value	\$678,344.29	
Missed Processor Value	\$10,288,221.69	
Local Economy		
Fisherman + Processor	\$16,317,948.69	
Economic Multiplier	158	5
Kenai Peninsula Missed Value	\$81,589,743.47	

**Thank you for your time.**



## **Memorandum**

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: DONNA ADERHOLD, COUNCILMEMBER

DATE: DECEMBER 2, 2019

SUBJECT: ALASKA MUNICIPAL LEAGUE ANNUAL LOCAL GOVERNMENT CONFERENCE  
ANCHORAGE, 20-22 NOVEMBER 2019

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I had the privilege to travel to Anchorage to attend the Alaska Municipal League's annual conference, November 20-22, 2019. These trips are valuable on many fronts, and I appreciate the opportunity to attend. Below is my summary of the conference and the breakout sessions I participated in. Please note that these are my takeaways and other councilmembers likely picked up on different aspects of the presentations and discussions.

### **November 20 Opening Plenary Session**

The opening morning of the Conference was a plenary session that included reports from the Alaska Government Finance Officers Association, Alaska Association of Municipal Clerks, Alaska Municipal Management Association, Alaska Fire Chiefs Association, Alaska Municipal Attorneys Association, and the Alaska Conference of Mayors. The AML board of directors is made up of representatives from districts around the state, and the district board members provided brief reports with municipal issues in each of the regions. Jim Johnson, University of Alaska President, and Nicole Borromeo, Alaska Federation of Natives General Council, provided their impressions on the state of the state.

Governor Dunleavy provided a video in which he acknowledged that he will not be proposing cuts to municipal oil and gas property taxes or fish tax revenue sharing in the upcoming budget he will send to the legislature in early December.

Ethan Berkowitz, Anchorage Mayor, presented on the dwindling support the state is providing to municipalities and shared his idea of a municipal dividend to combat that dwindling support. The municipal dividend could be funded by committing 100% of oil royalties to the permanent fund instead of the current 25%. The state is pushing more responsibility on municipalities and the municipal dividend would result in more municipal capacity to take on the added responsibilities.

Bryce Edgmon, Speaker of the House, noted that the debacle of 2019 is over. The governor has changed staff and is acknowledging that his first attempt at being governor did not go so well. Edgmon acknowledged the state's ongoing budget issues by stating that 55% of the state budget for the current fiscal year is funded by permanent fund earnings. Half the state budget is [redacted] and Medicaid and these were underfunded in the



current budget. The legislature is looking at the largest supplemental adjustment to the budget ever because of Medicaid. The big issues for the upcoming legislative session will be oil taxes, revenues (the governor has hinted at proposing a state sales tax but this remains unknown), and a spending cap. He noted that if state budget cuts continue, smaller communities could go away.

Two representatives from ExxonMobil provided energy outlooks through 2040. David Khemakhem, Corporate Strategic Planning, discussed demand drivers in forecasting: technology, policy, and consumer preferences (unknowns for future, uncertainties). He stated that the world will demand a 25% increase in energy by 2040 (from all sources). The largest growth sectors will be in industry (10%) and electrical generation (30%). Energy in India and China will grow by 50%. Natural gas will increase while coal will decrease. Nuclear, solar, and wind will increase. US demand will change, requiring less oil and more natural gas. He provided a comparison to the Paris Accord agreements and the models to get there. New technologies that are feasible are not available yet. Darlene Gates, ExxonMobil Alaska President talked about the company's triple A rating: awareness, advocacy, and action. She focused her presentation on the potential for natural gas in Alaska. There are no solutions yet to options for bringing North Slope natural gas to market, but that they are exploring the potential of shipping from the North Slope. They are evaluating the economics and feasibility. She also spoke about the current "Alaska's Fair Share" ballot initiative, stating that it goes too far. Royalties are driven by production. In a barrel of oil, 56% of the profit goes to the state and municipalities, 16% goes to the federal government, and 29% goes to the producer. The 29% that goes to the producer goes to future investment.

Nils Andreassen, AML executive director, presented on the strength in diversity of municipalities across Alaska. His presentation consisted of a series of generalized overview maps of Alaska demonstrating different municipal issues. Two of the many highlights included that Alaska municipalities collectively manage as many road miles as the state Department of Transportation and 97% of municipalities rely on public radio for information. He noted the number of municipalities that now have some version of a restriction on plastic bags and asked whether plastic bags should be an AML issue. AML membership is a partnership and we all need to work together toward common needs. The state is facing a \$1 billion deficit and a \$200 million supplemental budget adjustment for the current fiscal year. Legislative priorities for AML in the upcoming session include community assistance (down by 1/3), education cost-shifting, PERS/TRS, the marine highway system, revenue, and public safety. Petroleum property taxes and fish taxes were on the list but the governor has indicated these are off the table. He spoke of systems change relative to the development of a community services fund and the need for the state to pay off the PERS net pension liability (paying off the debt would save the state \$475 million annually).

Eric Whaley and Brad Gewehr of Bank of America Merrill Lynch spoke on national economic trends and hot topics in municipal credit markets. They asked the question: what happens when we hit the next recession and we have high federal deficits? What happens to federal loans and grants to states and municipalities? Challenges we face: the state pension plan and the unfunded liability, cost of investing in climate resilience and recover, and the change in US demographics from a pyramid shape (lots of people in younger age groups, tapering to very few in older age groups) to a pillar shape (almost equal distribution of numbers of people in all age groups).

### **Afternoon Concurrent Sessions**

Homer councilmembers present divided among numerous concurrent sessions during the afternoon. I attended a policy workshop on PERS reform, a portion of a session on housing and homelessness, and a meeting of the legislative positions and resolutions

### PERS Reform Policy Workshop

The Public Employees Retirement System (PERS) is a perennial issue for municipalities and is a complicated topic that I am still getting my arms around. Nils Andreassen started the workshop with a brief history lesson on the PERS issue between the state and municipalities. Some highlights of the history lesson include: Originally, the state and municipal PERS accounts were maintained as separate funds, with the state contributing for state employees and municipalities contributing for municipal employees. For reasons lost to history, the state blended the funds in 1971 without notifying municipalities. This state accounting was uncovered in 2006 when the insolvency of the fund was discovered. A new management agreement between the state and municipalities was signed; the agreement included a 22% cap on municipal employer contribution and the intent by the state to pay down the unfunded liability by 2039 (the state has not paid down the unfunded liability at the rate agreed to and will not be paid off by 2039). Municipalities continue to pay 22% (though the legislature threatens to increase this proportion regularly) but are 18% of PERS. The state, university, and other state enterprises are the other contributors to PERS.

The unfunded liability is currently funded at 56% and amortization is extended indefinitely beyond 2039. Once 2039 comes and goes without the liability paid off, the liability will shift to the municipalities. Municipalities have become “prisoners of PERS.” Municipalities can’t afford to stay in and can’t afford to get out because termination studies require municipalities to continue to pay down the unfunded liability for “ghost employees.” For every payroll dollar, \$0.22 goes to PERS and \$0.15 goes to debt.

The best way to deal with the debt is to pay it off. Potential sources to pay off the debt are the earnings reserve and pension obligation bonds (which have been used in other states that found themselves in similar situations to the state of Alaska). The important thing is to get money into the PERS system rather than the liability.

The state legislature has turned over several times since the 2008 agreement on PERS and current legislators need to be reeducated on the issue. The dynamics of the agreement have changed dramatically. The state is not motivated to reform the system.

AML has formed a working group on reforming PERS. HB79, peace officer/firefighter retirement benefits sponsored by Rep. Kopp, is a shared risk model based on other states that are working well, and is restricted to public safety. SB46 casts a broader net and has different approaches. AML participated with other non-state employers on PERS issues.

I took several handouts from this session that I am still reviewing.

### Housing and Homelessness

Because of other meeting obligations, I was only able to attend the end of this session. The session was moderated by Brian Wilson, Alaska Coalition on Housing and Homelessness, and Jasmine Boyle, Anchorage Coalition to End Homelessness, and included panelists Rorie Watt, Juneau manager, Jim Matherly, Fairbanks mayor, and Ethan Berkowitz, Anchorage mayor. The panelists discussed recent actions they have taken to provide homeless housing and to address the perennial issue of homelessness. The room was full and participants were actively engaged in the discussion. Rep. Sponholz’s chief of staff attended and noted the representative’s interest in working with municipalities on their needs.

### Legislative Position and Resolution Committees

These committees met to prepare for the AML business meeting on Friday morning. Each year the AML evaluates pre-filed state legislation for potential effects on municipalities and develops position statements. Municipalities also have the opportunity to submit resolutions on issues they want AML to focus on during the upcoming legislative session. The position statements and resolutions are voted on during the business meeting and those that pass are moved forward by AML staff.

### **November 21 Concurrent Sessions**

Homer councilmembers divided up for the first of two concurrent sessions and came together for the second. The mayor and I attended a policy workshop on funding the ferry and all of us attended a panel discussion on strengthening the manager-elected official relationship.

#### *Funding the Ferry*

This session provided participants from communities severely impacted by the cuts to the Alaska Marine Highway System to voice their concerns and my notes reflect the popcorn style of the discussion. The conversation was facilitated by Nils Andreassen and Mike Lesmann, DOT&PF Legislative Liaison, and Robert Venables, Marine Transportation Advisory Board Chair, listened, took notes, and answered questions.

Nils began with a few questions: what are local expectations, what are alternative funding mechanisms, is this the new “normal”, what are the expectations of the Northern Economics report expected on December 15, and what is the role of AML?

Any new revenue source is going to take 2 years at least to have an effect on operations.

Where are the funds coming from? There are no other funds available.

Nobody knows where to go or what to do, which leaves cities trying to find solutions (such as barges).

Northern Economics survey questions don't make sense. It's not like ferry-dependent communities can choose to take a bus.

How the bureaucracy is making decisions.

The ferry system is a big hairy audacious system.

There needs to be a governance change: take the ferry system away from DOT&PF where it has been impacted for years by the revolving door of administrations with conflicting ideas on how to fund the system. Currently there is no AMHS director.

What is basic service?

Municipalities need to be together on AMHS service as a whole.

The loss of the ferry system is like being hit by a tsunami—hit hard and fast without warning or time to plan.

Municipalities need clear communication from the state.

Triage of ferries—now beyond triage.

Do have options for revenue.

Costs to transport equipment such as new emergency vehicles will more than double without having ferries for transport, so the costs to municipalities is extreme.

The state caused the crisis and they need to solve it. Municipalities need to know what service will be in advance so they can plan.

Municipalities need to be collective advocates for the system as a whole. It's a safety issue for ferry-dependent communities. Municipalities need to work together on solutions.

Communities that have had their economies upturned by the loss of ferries will fail without ferry service.

There needs to be a private corporation model similar to the Alaska Railroad.

There is an Alaskan business connection in that low bidders on construction projects in remote areas often depend on shipping equipment on the ferry to reduce their costs.

People who work logistics on the ferry system have been left out of the conversation.

The ferry system is like a Rubik's cube in that every aspect of operating the system needs to move together to be solved correctly.

Strategies we need to get us through the next two years will be different from what we do long term.

Communities cannot be sacrificed.

Federal funds for system with state match.

How do we keep boats going so we can maintain some level of service until we can solve the problem?

Communities have not heard from Northern Economics on phase 3 of their scope of work which was to reach out to communities dependent on the ferry system.

Need to compare Northern Economics report to previous McDowell report.

We are looking at the potential for mass migration out of small communities because of the drastic increase in costs. Will these people end up on the streets?

Ferry service needs to be seen as a basic right just as the highway system is. We need to change our attitude and the attitude of the state.

The response to the earthquake outside of Anchorage a year ago was crisis and everyone responded to get roads fixed right away. This is a crisis, too. Why is no one responding?

Interior communities need to know how they are dependent on coastal cities and ferries.

Could a private sector model similar to the Alaska Railroad receive federal funds? Yes.

Is this intended to break the backs of the union?

Urban/rural divide—importance of small communities to support industries.

Communities are good partners with the state, but the state is not being a good partner with communities.

Cordova worked a long term plan to align city services to the promised fast ferry. The theater in the Cordova Center was built with the exact number of seats as the fast ferry and the community increased ferry ridership by 30% to demonstrate support for the ferry. Then the fast ferry was taken away.

The ferry fleet and ports need to be standardized. Currently there is a mismatch in that some ferries cannot offload on some ports. This has happened over time because one administration starts a ferry construction initiative and the next administration changes it or stops it.

A board should run the ferry system rather than the executive branch administration.

Coastal communities need to be loud, persistent, and pugnacious; have to be the kid who never shuts up.

Moving forward:

AML will post the McDowell report on the AML website.

Mike Lesmann took notes on the questions asked during the discussion and will prepare responses. The questions and responses will be posted on the AML website.

Need to be pugnacious, but also strategic.

Alaska Federation of Natives, the Alaska Chamber of Commerce, and other statewide organizations have written letters supporting the continued functioning of the Alaska Marine Highway System.

Municipalities that have submitted resolutions and letters regarding the ferry system should share those with AML so AML can connect communities.

The state needs to avoid the “Balkanization” of communities.

#### *Strengthening the Manager-Elected Official Relationship*

Panelists for the session included Jim Williams, Fairbanks North Star Borough chief of staff, Katie Koester, Homer city manager, Pat Branson, Kodiak mayor, and Pete Petersen, Anchorage assembly member. Rorie Watt, Juneau manager, facilitated the question/answer discussion. Some of the areas of discussion included the following:

Professional ethics—education and prevention, ethics training with council and manager, a reminder that everything one says and does could be on the front page, be the culture you want to be, address things as they come up.

Know your role in the organization—managers manage (remembering that everything doesn’t need to be done right now) and council/assembly sets policy.

Honesty and trust—work together towards common goals, communication is important.

Things fall apart when manager and elected officials do not do their roles.

Partnership.

Training to understand roles and ethics.

The manager is the conduit to the organization. Res

The manager and mayor have a close working relationship—the mayor is an ally in organizing the body related to flow and process of meetings; there is an outward facing role of the mayor, but the mayor needs to remember that the manager works for the body.

Municipalities should have an onboarding process for newly elected officials to ensure everyone knows and understands their roles.

How to give or receive feedback back and forth between manager and elected body?

How do managers coach “up” to mayor and council/assembly members? Elected officials have the opportunity to coach each other from the perspective of the good of the community. Manager provide evaluation of elected officials?

No surprises at the dais during a meeting—understanding process and training on process.

What defines complexity? It’s complex.

### **Afternoon Plenary Session**

#### National Insurance Trends

During lunch, David Nunley, City of Anaheim, California risk manager, presented on national trends on municipal property insurance and claims.

#### AML and Partner Program Services

The AML Investment Pool (AMLIP) allows AML member municipalities to invest funds in a way that earns more interest than a money market account but remains secure. There are different accounts for different purposes. The pool is growing over time with more investments. Municipalities maintain same day liquidity.

Alaska Municipalities Health Plan (RISQ Consulting) is a new offering from AML that is intended for municipalities with about 50-100 employees. It is a partnership with Premera that has flexible plans and possibly better health care coverage and pricing than other plans. Target is to go live July 2020.

National Association of Counties (NACo) is currently focused on the 2020 census and an urban-rural census task force has been formed. Undercounting in the census = underfunding! Equity in broadband service is another area of focus. Broadband service providers report to FCC by census block which allows the companies to high gaps in service; the FCC does not fact check the reporting. A new mobile app is out called “Test IT” that measures network speed and aggregates the responses across the US to verify service. A third area of focus is working to reinstate automatic federal funding for payment in lieu of taxes (PILT) for rural school (this is a federal program for areas with large areas of federal lands that do not pay state and local taxes, including the Kenai National Wildlife Refuge and Chugach National Forest on the Kenai Peninsula). Funding during the past several years has been annual appropriations.

The AML Joint Insurance Association provides risk services, rate stabilization, a loss control incentive program, a safety savings account, HR services, law enforcement support services, insurance services, inspections and safety recommendations and OSHA training.

The National League of Cities provides technical services and sustainability and green initiatives.

## Online Sales Tax Implementation

AML has been working towards implementation of a means for municipalities to receive remote sales taxes since the Wayfair v. S. Dakota Supreme Court decision. Alaska is unique in having municipalities with sales taxes and no state sales tax. Two big factors in developing a centralized administration of collecting remote sales taxes was determining the required economic nexus and developing a common set of definitions for all municipalities. Working with municipalities around the state that have sales taxes, AML developed an intergovernmental agreement and drafted bylaws. The remote sellers sales tax code and software for the centralized administration through AML are in final stages of development. The system should be complete in January. There are potentially 2,600-3,000 vendors. The system maintains local taxing authority and municipalities and opt in or out of taxing remote sales through AML. This is not a new tax; it allows taxing of online sales at the same municipal rate and “levels the playing field” with local businesses.

During the session the mayors of municipalities that have passed resolutions committing to the agreement signed the intergovernmental agreement with AML.

### **Legislative Leadership Panel at AML President’s Dinner**

Cathy Giessel, Senate President, Tom Begich, Senate Minority Leader, and Lance Pruitt, House Minority Leader, took part in a panel discussion. Bryce Edgmon, House Majority Leader, spoke to AML during the first day of the conference. Some of the nuggets I wrote down include the following:

- Tom Begich—If we don’t know what you (municipalities) need, we can’t address it.
- Cathy Giessel—Municipalities have the expectation that the state will maintain transportation systems upon which they depend (airports, highways, ferries).
- Lance Pruitt—This is a partnership. Come to us with new ideas. Two-way communication. Provide innovative ways to solve problems.
- Lance Pruitt—We are not ripping each other’s eyes out. We’re all Alaskans and we can get through this challenge. Let go of judgment and listen to each other.
- Lance Pruitt—Municipalities are incubators of change, catalysts of growth.

### **November 22 AML Business Meeting**

As the last remaining elected official representing Homer, I attended the business meeting and voted on behalf of our municipality. All proposed 2020 position statements and resolutions were adopted. New officers and directors were elected. Of note, Jim Matherly, Fairbanks mayor, was elected to the position of 2<sup>nd</sup> Vice President and Lisa Parker was reelected to District 3 director seat for the Kenai Peninsula. Following the meeting, Lisa Parker and I discussed the concept of a meeting of all city councils on the Kenai Peninsula to discuss issues we hold in common.

### **Planning for Climate Change in Alaska**

The afternoon after the close of the AML conference, the Municipality of Anchorage and the Alaska Center hosted a discussion on climate action planning and next steps for municipalities to work together on climate issues. Anchorage sustainability staff and the University of Alaska presented and elected officials and individuals from Anchorage, Seward, Kodiak, Nikiski, Homer, and Juneau participated.

Anchorage's climate action plan and strategy are available online, as is a toolkit for other municipalities to use to develop their own plan. Anchorage sees their plan as an economic opportunity and a way to save money. They are currently working towards an energy from waste initiative that would reduce the need for landfill space while generating energy.

Anchorage has a sustainability manager on staff and a subcabinet on climate planning and action, with members assigned from each city department. They will report annual progress on implementing their climate action plan to the public. Their website includes a summary of funding sources for climate plan implementation.

Some of their strategies/considerations include the following:

- Find people/groups in community who can take on items from the climate action plan
- Improve processes already in place; strategy = action, how is it going to be used?
- Social media – what am I doing?
- Equity and values need to be considered—some ideas sound good until you look at them from multiple perspectives
- Communal resources municipalities could use
- Municipalities meeting with utilities on climate change strategies

The Alaska Center plans on holding a meeting in February to share strategies and implementation.

Overall, this was a good opportunity to meet with others interested in municipal climate action and to see where different municipalities are in planning and gain new energy for continuing work on Homer's climate action plan.





## Memorandum

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: COUNCILMEMBER EVENSEN

DATE: DECEMBER 3, 2019

SUBJECT: ATTENDANCE REPORT FOR NEWLY ELECTED OFFICIALS TRAINING AND ALASKA MUNICIPAL LEAGUE CONFERENCE

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I recently attended a training session for Newly Elected Officials within Alaska. Topics covered a range of foundational information, procedural tips, and case studies. The session was very well attended (> 100 newly elected individuals from across the State – literally from Adak to Kaktovik) and received a high level of interaction from participants. Overall, I found the workshop to be highly informative and helpful.

I also attended the main conference hosted by the Alaska Municipal League. Events provided great environments for networking and talking with folks who are facing (and solving) modern-day challenges throughout our sister Alaskan communities. Because other councilmembers were also in attendance, we employed a “divide-and-conquer approach” splitting up to cover as much ground as possible among concurrent sessions.

I found three sessions provided particularly insightful information for potential future projects/development strategy along the shores of Kachemak Bay.

One session covered **Gateway Communities** (Homer is a gateway to, among other things, Cook Inlet deepwaters, Kachemak Bay State Park, and three proximal National Parks – Kenai Fjords, Katmai, and Lake Clark). Here the repeated “foundational recipe for economic success” was shown to be *(1) easily accessed and well-marked hiking trails and (2) walkable shopping in a small area.*

Another covered **PFAS Chemical Contamination** into ground waters with adverse effects for health of residents in Alaskan communities. The main fluorinated compounds (PFOA and PFOS) are long-lived, known to cause cancer, and typically sourced from defunct or long-lived military facilities, municipal dumps, and operating airports. In my mind I wondered about reconnaissance testing of groundwater near Ohlson Mountain and the Homer airport. My question regarding marine contamination and levels in harbors went unanswered; but the lead EPA scientist got back after the Conference with published information from Puget Sound.

Lastly the session on **Inclusive Play** was excellent. This topic covered playgrounds and parks designed for everybody – meaning all ages and all levels of ability or disability – to make/define a true community hub. Numerous good ideas were shared such as seamless wheelchair access to mental health activities to social engagement to learning reading or mathematics. Look zones for indirect monitoring by adults to

“embedded scavenger hunt” features. Representatives from other municipalities excitedly asked about names, costs of certain items of modern play equipment (e.g., social spinner or the highly athletic roller-slide). I was so taken by the presentation that I planned to reach out to the speaker to possibly give the City of Homer a recap at a Regular Meeting.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the Mayor

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## Memorandum

Date: November 30, 2019

To: Homer City Council and Files

From: Ken Castner

Subject: AML Travel Report

I drove to Anchorage to attend the Alaska Conference of Mayors (ACoM) meeting on November 19. There were 50 mayors in attendance (including villages, cities and boroughs). ACoM is a non-partisan group. We spent much of our time discussing common community problems and dwindling state support for community projects.

During the business meeting two motions were considered and passed. The first was a "Sense of the Conference" resolution to continue the Ocean Ranger program. This followed several reports from SE Alaska cities and towns that reported large slicks and beach accumulation of wastes that they thought were coming from the large cruise ships. The cruise ship industry pays for the program, and the State still collects that funding, but the Governor vetoed the hiring of the observers last season that would travel on the ships while in our near-shore waters. I made the motion, and it was passed unanimously.

The second was a prepared resolution which is attached.

The next two days I attended the AML sessions and spent time visiting with some of the other delegates.

Katie and I joined Scott Adams for a meeting at the Alaska Department of Transportation to have a further (for me, anyway) discussion about the storm water discharge at the top of the Baycrest Subdivision.

While in Anchorage, I also had a meeting with Katie and the City Attorney to discuss legal aspects of covenant title restrictions and participating in the costs of coastal protection.

On the final day, I obtained the City's voting clicker and ballot, and turned them over to Donna.



## Alaska Conference of Mayors

Resolution 2020-01

### **Supporting consideration of local government public safety advisory commissions.**

**Whereas**, local governments in Alaska recognize their role in addressing public safety in Alaska; and

**Whereas**, Alaska has high prevalence of domestic violence, sexual assault, drug- and alcohol-related crime, and abuse; and

**Whereas**; 70 local governments in Alaska have police powers, and many more have responsibilities that intersect with the well-being and safety of residents;

**Whereas**, the City of Nome recently adopted an ordinance creating a Public Safety Advisory Commission; and

**Whereas**, the purpose of the City of Nome's Public Safety Advisory Commission is to:

- Advise the city council on matters relating to public safety and health; and
- Promote and foster communication by and between members of the public and the public safety department; and
- Encourage the highest ethical standards in the public safety department; and
- Promote the provision of quality law enforcement services to all residents with sensitivity, cultural understanding, and racial equity; and
- Provide an alternative method for accepting citizen concerns relating to officer conduct, or suggestions for changes in public safety department practices.; and

**Whereas**, these purposes can apply to municipal law enforcement and public safety, but also serve to strengthen Village Police Officers (VPOs), Village Public Safety Officers (VPSOs) and State Trooper activity within communities; and

**Whereas**, the City of Nome's ordinance serves as a model for other local governments in Alaska.

**Now, therefore be it resolved**, that the Alaska Conference of Mayors encourages consideration by local governments of the development of public safety advisory commissions.

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-51**

An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds.

Sponsor: City Manager

1. City Council Regular Meeting October 28, 2019 Introduction
2. City Council Regular Meeting November 25, 2019 Public Hearing
3. City Council Regular Meeting December 9, 2019 Public Hearing

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 19-51**

AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING FUNDS FOR THE CALENDAR YEARS 2020 and 2021 FOR THE GENERAL FUND, THE WATER FUND, THE SEWER FUND, THE PORT/HARBOR FUND, CAPITAL PROJECTS, AND INTERNAL SERVICE FUNDS.

THE CITY OF HOMER ORDAINS:

Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following appropriations are made for the calendar year ending December 2020:

General Fund	\$12,475,341
Water Fund	\$ 2,118,081
Sewer Fund	\$ 1,642,256
Port/Harbor Fund	\$ 4,723,175
Capital Projects	<u>\$ 879,298</u>
Total Expenditures	\$21,838,151
Internal Service Funds	\$2,094,556

Section 2. Pursuant to the authority of Alaska Statutes Title 29, the following appropriations are made for the calendar year ending December 2021:

General Fund	\$12,891,790
Water Fund	\$ 2,320,278
Sewer Fund	\$ 1,788,617
Port/Harbor Fund	\$ 4,841,250
Capital Projects	<u>\$ 64,000</u>
Total Expenditures	\$21,905,935
Internal Service Funds	\$2,244,938

Section 3. The amounts appropriated by this ordinance are appropriated to the objects and purposes stated in the adopted budget.



85 YES:  
86 NO:  
87 ABSTAIN:  
88 ABSENT:  
89  
90 First Reading:  
91 Public Hearing:  
92 Second Reading:  
93 Effective Date:

94  
95  
96 Reviewed and approved as to form:

97 \_\_\_\_\_  
98  
99 Katie Koester, City Manager

\_\_\_\_\_  
Michael Gatti, City Attorney

100  
101 Date: \_\_\_\_\_

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



### Operating Budget Amendments - 2020/21

PG	Request Name	Sponsor	2020 Amount	2021 Amount	Funding Source	Status
	Council Travel	Venuti	\$5,300	\$5,300	Reducing Community Recreation OT and General Fund Reserve transfer	Approved 11/25/19
	COLA	Aderhold	\$141,340	(\$48,174)	Fund Reserves	Approved 11/25/19
	Police Officer I	Lord	\$92,930	\$98,775	Mayor/Council Professional Services and Police Fleet CARMA transfer	Approved 11/25/19
	Transfer to Fire Reserves	City Manager	\$215,264	\$40,000	Fire Fleet CARMA, Police Fleet CARMA transfer, and Transfer from Fire Fleet CARMA	Approved 11/25/19
	Hosting AML Summer 2021 Conference	Venuti	\$0	\$2,000	General Fund Reserve transfer	Approved 11/25/19
	Parks Temp Trails Maintenance	Aderhold	\$12,944	\$13,130	HART Trails	Approved 11/25/19

### Capital Budget Amendments - 2020/21

PG	Request Name	Sponsor	2020 Amount	2021 Amount	Funding Source	Status
	Spit Parking Study	Lord	\$20,000	\$0	HART	Postponed to 12/9/19
	Spit Comp Plan	Lord	\$0	\$50,000	Planning CARMA and Port and Harbor Reserves	Approved 11/25/19
	Dispatch Work Stations	City Manager	\$49,408	\$0	Police CARMA	Approved 11/25/19
	ADA Spit Parking	Aderhold	\$34,560	\$0	ADA CARMA	Approved 11/25/19

### Operating Budget Amendments - 2020/21

PG	Request Name	Sponsor	2020 Amount	2021 Amount	Funding Source	Status
	Council Travel	Venuti	\$5,300	\$5,300	Reducing Community Recreation OT and General Fund Reserve transfer	
	COLA	Aderhold	\$141,340	(\$48,174)	Fund Reserves	
	Police Officer I	Lord	\$92,930	\$98,775	Mayor/Council Professional Services and Police Fleet CARMA transfer	
	Transfer to Fire Reserves	City Manager	\$215,264	\$40,000	Fire Fleet CARMA, Police Fleet CARMA transfer, and Transfer from Fire Fleet CARMA	

### Capital Budget Amendments - 2020/21

PG	Request Name	Sponsor	2020 Amount	2021 Amount	Funding Source	Status
	Spit Parking Study	Lord	\$20,000	\$0	HART	
	Spit Comp Plan	Lord	\$0	\$50,000	Planning CARMA and Port and Harbor Reserves	
	Dispatch Work Stations	City Manager	\$49,408	\$0	Police CARMA	
	ADA Spit Parking	Aderhold	\$34,560	\$0	ADA CARMA	

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

**Project Name:** Increase Council Travel Authority

2020 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0100-5236	Transportation	53	\$2,100		\$7,100
100-0100-5237	Subsistence	53	\$2,200		\$6,200
100-0100-5603	Training	53	\$1,000		\$2,700
100-0115-5105	Community Rec Overtime	67		\$1,800	\$0
100-0100-5990	Transfer to Reserves	53		\$3,500	\$533,582

2021 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0100-5236	Transportation	53	\$2,100		\$7,100
100-0100-5237	Subsistence	53	\$2,200		\$6,200
100-0100-5603	Training	53	\$1,000		\$2,700
100-0115-5105	Community Rec Overtime	67		\$1,800	\$0
100-0100-5990	Transfer to Reserves	53		\$3,500	\$411,258

**Rationale:**

Increase funding for Council attendance at Alaska Municipal League Conferences. This allows for the Mayor to attend the Alaska Conference of Mayors and the AML Annual Conference, two newly elected Councilmembers to attend Newly Elected Officials training and the AML Annual Conference, and four Councilmembers to attend the AML Annual Conference. It also allows three members to attend the Winter Legislative Conference typically held in February in Juneau and three members to attend the Summer Conference scheduled to be held in Sitka in 2021. Three members could be the Mayor and 2-3 Councilmembers.

Funding is moved from overtime in the community recreation budget; with a full time janitor position cleaning of the HERC can be covered by that position.

Also to note, transfer to General Fund reserves balance does not take into account the approval of the police officer position (reduces GF reserves by \$49,825 in 2020, \$41,301 in 2021).

Requested By: \_\_\_\_\_  
Councilmember Venuti

Prepared By: \_\_\_\_\_  
City Manager/ City Clerk

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** City Wide (General Fund / Water and Sewer / Port and Harbor)

**Project Name:** Cost of Living Allowance (COLA) Increase for City Employees

2020 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100	General Fund	50	\$96,740		\$7,449,365
100-0100-5990	GF Transfers to Reserves	53		\$96,740	440,342
200	Water Fund	118	\$11,295		\$940,499
200-0400-5990	Transfer to Water Reserves	120		\$11,295	\$76,701
200	Sewer Fund	119	\$9,293		\$761,307
200-0500-5990	Transfer to Sewer Reserves	128		\$9,293	\$11,408
400	Port and Harbor Fund	140	\$24,012		\$1,762,135
400-0600-5990	Transfer to P & H Reserves	141		\$24,012	\$276,323
2021 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100	General Fund	50		\$32,930	\$7,757,996
100-0100-5990	GF Transfers to Reserves	53	\$32,930		\$447,688
200	Water Fund	118		\$3,886	\$973,796
200-0400-5990	Transfer to Water Reserves	120	\$3,886		\$209,406
200	Sewer Fund	119		\$3,201	\$788,498
200-0500-5990	Transfer to Sewer Reserves	128	\$3,201		\$57,707
400	Port and Harbor Fund	140		\$8,157	\$1,825,727
400-0600-5990	Transfer to P & H Reserves	141	\$8,157		\$233,341

**Rationale:**

The Bureau of Labor and Statistics released their latest round of CPI info this month and inflation has fallen further. Without major change, it looks like inflation will be closer to 1% for this year, rather than the 2% that was trending earlier this year.

The Employee Committee would like to increase the 2020 COLA to 3% and reduce the 2021 COLA to 1%. The total COLA ask for 2020/21 is 4%, reflecting the change in CPI each year.

Keep in mind that any changes to the operating budget will have minor ripple effects due to the nature of how we budget for overhead and health insurance costs.

Also to note, transfer to General Fund reserves balance does not take into account the approval of the police officer position (reduces GF reserves by \$49,825 in 2020, \$41,301 in 2021). The COLA figures for 2020 and 2021 also doesn't take into account funding the officer position.

Requested By: \_\_\_\_\_  
Councilmember Aderhold

Prepared By: \_\_\_\_\_  
City Manager/Employee Committee

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

**Project Name:** Full Time Police Officer I

2020 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0163-5101	Salary & Wages	91	\$58,640		\$752,552
100-0163-5102	Fringe Benefits	91	\$34,290		\$403,885
100-0100-5210	Professional Services	53		\$43,105	\$242,280
100-0100-5990	Transfer to Police Fleet	53		\$49,825	\$37,257
2021 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0163-5101	Salary & Wages	91	\$61,208		\$781,534
100-0163-5102	Fringe Benefits	91	\$37,567		\$438,495
100-0100-5210	Professional Services	53		\$57,474	\$233,387
100-0100-5990	Transfer to Police Fleet	53		\$41,301	\$23,456

**Rationale:**

This request is to add and fund another police officer position for the department. The police department has become busier and busier over the years. We have not added an officer position to the force in over twenty years. Since then the demands on our services have increased and we are continually asked to provide new and varied services with the same workforce. Officer safety concerns have changed dramatically, police officers are now targeted by criminals and the on-duty deaths of officers is higher than ever before. The documentation required by the courts and legal system to successfully prosecute a criminal case has increased resulting in longer report writing and case preparation times. Due to call volumes, case loads and personnel shortages we are not currently able to perform basic traffic enforcement duties on a regular basis. Often our response to problem areas in town is strictly complaint based and regular patrols of those areas are not possible.

With our current staffing we cannot schedule two officers on a 24/7 basis consistently. Adding one new officer to the force will improve the safety of police officers and allow us to provide a higher, more complete level of public safety services to the community.

Keep in mind that any changes to the operating budget will have minor ripple effects due to the nature of how we budget for overhead and health insurance costs.

Requested By: \_\_\_\_\_  
Councilmember Lord

Prepared By: \_\_\_\_\_  
City Manager

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

**Project Name:** Increase transfer to Fire CARMA

2020 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0100-5990	Transfer to Fire CARMA	53	\$215,264		\$200,000.00
100-0100-5990	Transfer to Fire Fleet CARMA	53		\$50,000	\$0
100-0100-5990	Transfer to Police Fleet CARMA	53		\$37,257	\$0
152-0381	Transfer from Fire Fleet CARMA			\$128,007	\$141,927
2021 Budget Amendment					
Account #	Account name	Page #	Increase	Decrease	Balance
100-0100-5990	Transfer to Fire CARMA	53	\$40,000		\$40,000
100-0100-5990	Transfer to Fire Fleet CARMA	53		\$40,000	\$110,000

**Rationale:**

The balance of the Fire CARMA fund as of 11/19/19 was \$84,735.69. The Fire Hall experienced a flood in 2019 and an ordinance was passed authorizing expenditures up to \$100,000 to fund repairs.

No transfers to Fire CARMA were originally allocated in either the 2020 or 2021 budget, but there is a need to maintain adequate funding levels in this fund. The draft budget proposed transfers to Fire Fleet for both years. So, recommendation is to decrease this transfer for each year to maintain sufficient funding in Fire CARMA. Additional funding is needed for 2020, so we are also reducing the transfer to Police Fleet and transferring the remainder from the Fire Fleet CARMA fund.

Requested By: \_\_\_\_\_  
City Manager

Prepared By: \_\_\_\_\_  
City Manager

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** HART

**Project Name:** Spit Parking Study

2020 Budget Amendment					
Account #	Account name	Page #	Expenditure		Balance
160-0375	HART		\$20,000		

**Rationale:**

The Homer Spit is a hub of commercial and recreational activity. Staff are seeing a steadily increasing use in the Adventure Tourism category, which seems to be following the national trends. All this is to say that the Port/Harbor is seeing increasing congestion in the peak use months centering on parking. The effect of this congestion brings to light safety concerns such as higher levels of vehicle/pedestrian interactions and shoulder parking, causes difficulty for shop owners and customers alike, and there is a general hindrance to our core customer, the vessel owners mooring their vessels in our harbor, that must be addressed. In July of 2013 the Port and Harbor Advisory Commission recommended the use of dredged material to expand parking lots around the Spit, which was introduced to Council in November of 2013 and HART funding was dedicated to the project for engineering costs. Staff also added this project to the CIP. However, this is just a small piece of a much larger puzzle in the search for solutions to help alleviate the ever increasing need for more parking.

This Budget amendment proposes taking a holistic approach to parking management on the Spit on a larger scale by funding a parking study that could provide tangible recommendations for managing parking in a way that encourages safety and promotes maximum usage of land available for parking. The study would begin by evaluating the Homer Spit Comprehensive plan created in 2011 and reviewing recommendations and what's already been achieved. However, this study would be focused on looking forward and would be parking specific, looking into matters like: better utilization of existing space from a cost to benefit standpoint, developing fee structures and/or season passes that can guide user patterns and management of space, creation of safer pedestrian traffic patterns, and organizing parking in a way to prioritize use of spaces closest to the intended user.

The plan would need to list recommendations on the management structure needed to create and enforce efficient and effective parking on the Homer Spit. This recommended management structure would need to include the generation of revenue in such a way as to offset operating costs for the Enterprise to ensure a long term, sustainable, parking plan for the future.

The study would include public scoping meetings and reaching out to the many different user groups that enjoy the Homer Spit. It would culminate in recommendations that the Commissions and Council could shepherd through the public process to develop parking strategies that are right sized for Homer.

Requested By:  
Councilmember Lord

Prepared By:  
City Manager

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

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**Project Name:** Spit Comp Plan

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2021 Budget Amendment					
Account #	Account name	Page #	Expenditure		Balance
156-0387	Planning CARMA		\$25,000		\$13,652
456-0380	Port and Harbor Reserves		\$25,000		\$3,149,311

### Rationale:

The Homer Spit Comprehensive Plan was adopted in November 2011, after over two years efforts. Since adoption, many of the plan objectives have been partially or fully completed, such as the creation of a pedestrian way, removal of derelict vessels, creation of the observation dock by the fish dock, and many of the parking recommendations to name a few.

Ten years after the plan is a good time to consider the objectives that were met and give additional consideration to new or unrealized goals and objectives. Immediate erosion concerns have elevated this need since the Homer Spit Comprehensive Plan guides development on the Spit as well as City infrastructure policies.

Requested By:  
Councilmember Lord

Prepared By:  
City Manager



## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

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**Project Name:** Two HPD Dispatch Workstations

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2020 Budget Amendment					
Account #	Account name	Page #	Expenditure		Balance
156-0394	Police CARMA		\$49,408		\$184,345

### Rationale:

This budget amendment will replace two 16 year old workstations used by HPD's Dispatch team. Watson, the manufacturer, is not able to offer maintenance support to HPD's current workstations since they no longer make the appropriate parts. Dispatchers remain sedentary for 10 hour shifts, 4 days a week, and need to have reliable, easily adjustable work stations with full ergonomic features.

Purchasing two new, adjustable workstations now will improve staff morale and maximize cost savings through a contract the City currently has with ProComm Alaska. ProComm technicians are already traveling to Homer to move the dispatch console equipment off the current workstations and reinstall them onto the stations once they are set up in the new police station. By purchasing the two new workstations now, the City will be able to use the current ProComm contract and save approximately \$10,000 in labor installation costs.

ProComm Alaska has been doing HPD's radio maintenance work for approximately 18 years. ProComm provides HPD 24/7 response services and is also the only radio service provider that fields public safety certified technicians with Motorola factory training. The new workstations will compliment the dispatch consoles maintained by ProComm.

Requested By:  
Chief Robl

Prepared By:  
City Manager

## 2020/21 Proposed Budget Amendment Form

**Fund Name:** General Fund

**Project Name:** Spit Handicap/ADA vehicle parking improvement

2020 Budget Amendment					
Account #	Account name	Page #	Expenditure		Balance
156-0400	ADA CARMA		\$34,560		\$65,440

**Rationale:**

This project will improve the accessibility of Port and Harbor facilities to all users, overall benefits our community and the Enterprise, and demonstrates the City's commitment to safety for all our customers.

The City will create 10- 24'X24' paved ADA parking for vehicles around the harbor basin in the following locations:

1. Ramp 2, east of, and adjacent, to the Boat House Pavilion
2. Ramp 3, west of boardwalk containing Little Mermaid and Ulmers
3. Ramp 4, east of, and adjacent to, the fish cleaning tables
4. Ramp 4, west of existing paved parking, behind HCC derby shack
5. Ramp 5, east of, and adjacent to, the ramp approach
6. Ramp 5, adjacent to the restrooms
7. Ramp 6, east of, adjacent to, the ramp approach
8. Ramp 6, east of fish cleaning tables, partial paved area already exists
9. Ramp 8, east of, and adjacent to, the potable water "hot box"

Contractors will be required to connect the pavement to the public trail for ease of use

Requested By:  
Councilmember Aderhold

Prepared By:  
City Manager/Harbormaster

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

3 City Manager/  
4 Port Director

5 **RESOLUTION 19-080**

6  
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
8 AMENDING THE HOMER TARIFF NO. 1 UNDER RULE 9-  
9 ANCHORING, RULE 12-VEHICLE PARKING, RULE 13-WHARFAGE,  
10 DEMURRAGE AND FREE TIME, RULE 26-FISH DOCK RATES, AND  
11 RULE 27-SMALL BOAT HARBOR RULES AND REGULATIONS  
12

13 WHEREAS, Homer Tariff No. 1 is reviewed at least annually; and  
14

15 WHEREAS, These amendments to to the will correct typographical inaccuracies,  
16 provide additional wording for clarification, document 2019 changes, and better represent  
17 Homer Port and Harbor's current policies.  
18

19 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the  
20 Homer Tariff No. 1 and the City Fee Schedule as follows:  
21

22 **RULE 9 – ANCHORING**

23 9.01. UNAUTHORIZED ANCHORING – Unauthorized anchoring in open areas in or adjacent to the City  
24 of Homer's Port and Harbor facilities (Terminal) is prohibited.  
25

26 9.02. ANCHORAGE MANNING REQUIREMENT – ~~All vessels in the City of Homer's Port and Harbor~~  
27 ~~facilities (Terminal) including Tidelands outside the harbor~~ **Any vessel anchoring on city property**  
28 **(tidelands) outside the city of Homer's Port and Harbor (terminal)** must be manned at all times  
29 and the vessel's position monitored on a regular basis to insure that vessel anchors are not dragging  
30 and must comply with Coast Guard lighting requirements.  
31

32 **RULE 12 – VEHICLE PARKING**

33 12.01. LONG TERM PARKING PERMITS – Vehicles over 20' are not eligible for long term parking permits.

- 34 a. Seasonal permits for day use parking (Ramps 1-4): \$250.00.  
35 b. Long Term parking permits required for vehicles 20' or less parked in excess of seven (7)  
36 consecutive 24-hour days.  
37 c. Long Term parking annual permit fee for vessel owners paying annual moorage in the  
38 Homer Harbor: fee \$100.00.  
39 d. Long Term parking annual permit (January 1st through December 31st): fee \$200.00.  
40 e. Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.  
41 f. Monthly parking permit for non-commercial vehicles over 20': fee \$85.00 for 30  
42 consecutive days in a portion of Lot 9 only.  
43 **g. Weekly parking permit for vehicles less than 20': fee \$25.00 for 7 consecutive days.**

- 44 **h. Weekly parking permit for non-commercial vehicles over 20': fee \$30.00 for 7**  
 45 **consecutive days.**  
 46 i. Long term parking will be enforced year around.  
 47 j. Parking lot restrictions for long term parking, May 1 through October 1, as  
 48 depicted on harbor map (Resolution 11-036(A)).  
 49 k. Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for  
 50 violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking  
 51 in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of  
 52 the fine credited towards the long term parking annual permit.  
 53 l. Failure to pay violations will result in an additional \$25.00 fee per month and any other legal  
 54 or collection fee authorized by law.  
 55

56 **RULE 13 – WHARFAGE, DEMURRAGE AND FREE TIME**

- 57 f. ~~OVERSIZE~~ **OVERSIDE** WHARFAGE – One-half of wharfage named herein will be charged to  
 58 merchandise or cargo discharged or loaded over the side of vessels directly to or from another  
 59 vessel or to the water when vessel is berthed at wharf.  
 60  
 61 k. SCHEDULE OF WHARFAGE RATES – Except as otherwise specifically provided, rates are in U.S.  
 62 dollars (USD) per short ton of 2000 lbs. or per 40 cubic foot. **Short ton = 0.907185 metric tons**

COMMODITY	WHARFAGE RATE (\$USD)
Aggregate (Gravel, stone, minerals)	\$1.00 per short ton
Agricultural Products (Grains, corn, legumes, etc.)	\$3.50 per short ton
Containerized Cargo	\$8.00 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) <del>Up to 1</del> > 100 Short tons	\$7.96 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) <del>Up to 101</del> > 1,000 Short Tons	\$6.00 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) <del>In Excess of 1,000</del> <b>1001</b> > 10,000 Short Tons	\$5.00 per short ton
<del>In Excess of 10,000</del> <b>10,000 +</b> Short Tons	\$4.50 per short ton / negotiable
Freight N.O.S. (Barge Ramp and Beach)	\$5.14 per short ton
Freight N.O.S. (Fish Dock)	\$14.50 per short ton
ICE Fish Dock	\$14.50 per short ton
Hazardous materials, as established by Dept. of Transportation materials commodity List. At location designated for loading, unloading or staging by USCG permit	\$8.00 per ton /Min. 1 ton
Livestock (horses, mules, cattle, hogs, sheep, goats, fowl)	\$10.12 per head
Petroleum	\$0.84 per barrel/\$0.02 per gallon
Poles, Logs, cant or cut	\$3.95 per thousand board feet
Seafood/Fish Products (regardless of species) <b>(all docks)</b>	\$4.76 per short ton

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(1) Finished lumber per MBM (Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.

(2) In absence of board feet measure on bill of lading, a loadout rate will be assessed by converting the weight of logs to board foot measure, for the average diameter of logs (small end diameter) in accordance with the following table for white spruce logs:

<u>Scaling Diameter of Logs-Inches</u>	<u>Weight per Board Feet-Pounds</u>
8"	14.5
12"	11.5
16"	9.5
20"	8.5
24"	7.8

Kiln dried lumber: Three pounds will equal one board foot measure.

**RULE 26 – FISH DOCK RATES**

**26.01. GENERAL LIST OF FEES AS SET BY THE HOMER CITY COUNCIL**

- a. Annual Access Card (Private License) \$52.00 per year
- b. Card replacement fee \$15.00 per occurrence
- c. Cold Storage Lockers #2-#8 (8 feet X 10 feet) \$334.75/month
- d. Cold Storage Rate (2 consecutive months) \$309.00/month
- e. Cold Storage Rate (3 consecutive months) \$283.25/per month
- f. Cold Storage Rate (9 month season) \$257.50 per month
- g. Cold Storage Locker #9 (10'X22') \$920.90/month
- h. Cold Storage Locker #9 (2 consecutive months) \$849.60/month
- i. Cold Storage Locker #9 (3 consecutive months) \$778.90/month
- j. Cold Storage Locker #9 (9 month season) \$708.20/month
- k. Inspections \$ 50.00 per hour
- l. Bait Storage Fee per bin (4x4x4)
  - 1. Per Day \$5.15
  - 2. Per Week \$25.75
  - 3. Per Month \$77.25
- m. Fish Dock Crane (Minimum 15 minutes) \$90.64/hour
- n. Ice (Accumulated throughout year. Accounts reviewed each Dec. for rate adjustment based on previous year's actual tons of ice purchased.)
  - 1. 0>100 tons \$130.90 per ton
  - 2. 101>300 tons \$128.00 per ton
  - 3. 301>500 tons \$124.00 per ton
  - 4. 501>700 tons \$121.00 per ton
  - 5. 701>1000 tons \$118.00 per ton
  - 6. Over 1001 tons \$115.00 per ton
- o. After hours ice delivery call out fee \$250.00 per call out**
- p. Wharfage for Seafood \$4.76/ton or \$.00238/lb.

- 107 q. Ice Wharfage (not purchased from City) \$14.50/ton
- 108 r. Freight NOS Non-seafood Wharfage at Fish Dock \$14.50/ton

109

110 RULE 27 – SMALL BOAT HARBOR RULES & REGULATIONS

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112 27.01. LIVE ABOARDS – No live aboard situations longer than three months **in any one year is** ~~are~~  
113 permitted in the Homer small boat harbor without the Harbormaster’s approval in writing after an  
114 evaluation of the sanitary, service and congestion problems that may be a result of such an  
115 arrangement. No long term (more than one year) will be allowed in the Homer small boat harbor.

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118 PASSED AND ADOPTED by the Homer City Council this \_\_\_\_ day of \_\_\_\_\_, 2019.

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CITY OF HOMER

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\_\_\_\_\_  
KEN CASTNER, MAYOR

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127 ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

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132 Fiscal note: N/A

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**CITY OF HOMER  
HOMER, ALASKA**

City Clerk

**RESOLUTION 19-081(S)**

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
AMENDING THE HOMER FEE SCHEDULE UNDER ADMINISTRATIVE  
FEES, **ANIMAL SHELTER FEES**, CITY CLERK FEES, AND PORT AND  
HARBOR FEES.

WHEREAS, Administrative fees are amended to:

- remove the \$250 lease assignment fee and have one \$300 fee for a new lease or lease assignment,
- remove Special Assessment District fees and refers readers to the HART and HAWSP manuals where the assessment methodologies are more clearly defined,
- remove the fine for smoking in City facilities, vehicles, and watercrafts and identify it HCC 1.16.040 Disposition of Scheduled Offenses,
- remove vending machine space \$30/month as vending machine requests are addressed on a case by case basis; and

WHEREAS, City Clerk fees are amended to remove the audio cd fee and include a \$25 fee for audio to be provided on a flash drive; and

~~WHEREAS, Port and Harbor fees are deleted and the schedule refers users to the Port of Homer Tariff No. 1; and~~

WHEREAS, Public Works Fees are amended to include a \$5 per fill fee for potable water, and remove fees for Bluelines, Standard Construction Specs, and Job Specific Specifications because Bluelines are obsolete and specifications are available on line; **and**

**WHEREAS, Animal Shelter Adoption Fees are amended to reflect the amount charged by the shelter beyond the \$75 fee to the City.**

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Homer Fee Schedule under Administrative Fees, **Animal Shelter Fees**, City Clerk Fees, and Port and Harbor Fees.

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9<sup>th</sup> day of December, 2019.

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CITY OF HOMER

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KEN CASTNER, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Revenue amounts not defined in CY2019 budget.





# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Clerk

491 East Pioneer Avenue  
Homer, Alaska 99603

[clerk@cityofhomer-ak.gov](mailto:clerk@cityofhomer-ak.gov)

(p) 907-235-3130

(f) 907-235-3143

## Memorandum 19-154

TO: MAYOR CASTNER AND HOMER CITY COUNCIL  
FROM: MELISSA JACOBSEN, MMC, CITY CLERK  
DATE: NOVEMBER 21, 2019  
SUBJECT: ANIMAL SHELTER FEES

---

Resolution 19-081(S) includes an additional amendment to the fee schedule under Animal Shelter adoption fees.

In 2015 the Sustainable Animal Shelter Review Committee reviewed and made recommendations for the animal shelter fees, which included the shelter charging for necessary costs incurred that ensure an animal is fit and ready to go to its new home.

Currently the fee schedule lists the cost to adopt a pet is \$75.00, which is the amount the shelter pays the City, and includes verbiage that “Animals being adopted shall be spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.” The language is unclear and doesn’t identify the actual cost incurred to adopt a pet, or that the cost varies depending on the animal.

This amendment will bring the City of Homer Fee Schedule in line with the Animal Shelter’s charges to adopt a pet, which includes vet checks, vaccinations, spay/neuter, and microchipping. It will help eliminate any confusion for the public interested in adopting an animal who may be looking at our fee schedule for reference.

RECOMMENDATION: Move to substitute Resolution 19-081(S) for 19-081.



# City of Homer Fee Schedule

This Pamphlet compiled by the Office of the Homer City Clerk

Homer City Clerk  
491 E. Pioneer Avenue  
Homer, Alaska 99603  
(907) 235-3130  
Fax: (907) 235-3143

Email: [clerk@ci.homer.ak.us](mailto:clerk@ci.homer.ak.us)

City Clerk's Web Page: [www.cityofhomer-ak.gov/cityclerk](http://www.cityofhomer-ak.gov/cityclerk)

City's Home Page - [www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

**Effective ~~June 10, 2019~~ January 1, 2020**

06/2019-rt

The City of Homer is a First Class General Law Municipality with a Manager form of Government. Incorporated March 31, 1964.

Main Office Phone for the City of Homer 235-8121 (City Hall)

Sales Tax - 4.85% for the City, 3.0% Borough, and total sales tax paid within Homer City limits, 7.85%. Non prepared food items are exempt from Borough and City Sales Tax September 1<sup>st</sup> through May 31<sup>st</sup> of each year.

Property Tax - Mill levy

- City - 4.5
- Borough - 6.50
- Hospital - 1.75
- KPC - 0.10

HCC - Homer City Code - codification of City ordinances.

AAC - Alaska Administrative Code

AS - Alaska Statutes

Office Hours for City Hall are 8:00 a.m. to 5:00 p.m. unless otherwise specified.

Phone Numbers for main offices:

Administration - 235-8121

City Clerk - 235-3130

Finance - 235-8121

Community Recreation - 235-6090

Fire Department - 235-3155

Library - 235-3180

Planning - 235-3106

Police Department - 235-3150

Port/Harbor - 235-3160

Public Works - 235-3170

BILLING AND PAYMENTS - 235-8121 ext 2221 or 0 for the front desk.

Assessment Bills (City of Homer only) - 235-8121 ext 2228

Port/Harbor Bills - 235-3160

Water/Sewer Bills - 235-8121 ext 2221

Ambulance Bills - 235-8121 ext 0 for the front desk

Emergencies - 911 (Fire, Medical, Police)

## **ADMINISTRATIVE FEES FOR THE CITY OF HOMER**

(The following fees have been set by legislative enactments, Ordinances 05-43(A),04-53(S)(A), 03-36(A), 01-13(S)(A); Resolutions 18-065, 16-109, 15-097(S)(A), 14-114, 11-074(A), 11-036(A)(S),10-90(A), 06-24(S), 05-125(S), 05-49, 05-22, 04-98(S)(A), 04-96, 04-95, 04-94(S)(A), 03-159, 00-14, 99-116, 99-50, 95-1 and 92-10(A), Regulations Concerning Public Record Inspections dated March 2003.)

These fees are administrative fees for all departments of the City of Homer unless otherwise specified under that department. All fees are inclusive of sales tax. Unless otherwise specified: Any item mailed may have an additional fee added for actual postage. Handling fees may be added up to the actual staff time spent preparing the item for shipping.

An application for indigence may be filed with the City Manager for waiving or partially waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an indigent, a reduced fee, a

payment plan or a waiver of the fee where the Manager is able to make a written finding, based on information provided by the applicant, that payment of the fee would be a financial hardship. Based upon the information provided, the fee may be reduced or waived in accordance with the following scale:

Annual Income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska	Percent of fee reduced
1-100%	100% Waiver
101-149%	75% Waiver
150-174%	50% Waiver
175-199%	25% Waiver
200% plus	No Waiver

Airport Pickup/delivery \$25  
 Annual Safety Inspection commercial vehicles \$100  
 Annual Taxi Permit \$75  
 Appeal Fees

Water and Sewer Appeals, under HCC 14.04 and 14.08 – shall be set by Resolution; in the event the appellant is the prevailing party the fee shall be refundable.  
 Zoning Appeals – fee \$250.00 subject to refund if the appellant is successful on any aspect of appeal.

CD Reproductions: \$20.00  
 Document copying fees: \$ 0.25/page  
 Certification Fee: \$10/report  
 Driver License Records \$10  
 Fax: w/in Alaska \$1/page, Continental US \$2/1<sup>st</sup> page, Subsequent pages \$1/page. Other destination \$5/1<sup>st</sup> page. Subsequent pages \$2/page.  
 Electronic Transmission: \$0.25/page (Scanned PDF document)

Lease application fee \$30  
 Lease fee \$300  
 Lease Assignment Fee \$250

Local Bidder's Preference

Non-local bid is	Local bid is not more than
\$0 - \$500,000.00	5 percent higher than non-local bid
\$0 - \$1,000,000.00	5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

Photograph Copying: \$10/order (includes shipping and; handling)  
 If done commercially – Actual Costs plus 5%

Production Fees -

Per requestor in a calendar month exceeds five-person hours the fee is the City employee's actual salary plus benefit costs. An estimate will be prepared and the requestor must deposit the estimated production and copying fees in advance. If the actual costs are greater than the estimate the records will not be released until the difference is paid and if the actual costs are less the requestor will receive a refund of the difference.

No fee for simple inspection, except when the production of records by one requestor exceeds five person hours in a calendar month.

Special Assessment Districts (SAD's):

**Fees associated with SADs are detailed in the HART (Homer Accelerated Roads and Trails Program) and HAWSP (Homer Accelerated Water and Sewer Program) manuals.**

~~HART(Homer Accelerated Roads and Trails Program) SAD's~~

~~Assessments are: Road Improvements 25% of the total project cost allocated in equal shares to each participating parcel~~

~~HAWSP (Homer Accelerated Water and Sewer Program) SAD's~~

~~Assessments are: 75% of the total project cost allocated in equal shares to each participating parcel~~

OTHER SAD's if approved by the Council are at 100% property owner participation.

Application Fee	\$100
Bill Fee	\$12.00 per bill
Administrative Fee	
0-500,000	5%
over 500,000	\$25,000 plus 2.5%

Notary \$5.00

~~Smoking prohibited in City Facilities, Vehicles and Watercraft \$25 fine~~

CD (Police Department) \$25

Subsequent, \$15/CD Includes 1st class postage

DVD (Police Department) \$30/DVD

Vehicle Impound/Storage Fees (actual costs + towing) Storage, \$45.00/per day

## AIRPORT TERMINAL FACILITY

Administration - 235-8121 (ext 2222)

(The following fees have been set by legislative enactments, Resolution 10-90(A), 04-98(S)(A), 94-61, 93-107, 08-124).

Advertising only:

\$ 75/yr. - size 9X4"

\$ 100/yr. - size 9X7"

\$125/yr. - size 9X11"

Advertising w/Direct Dial Phone - \$350/year

Long Term Parking - Per day \$5

Annual Pass \$500/year

Vending Machine Space \$30/month

## ANIMAL CONTROL FEES

235-3141 Hours are noon to 5 p.m. Tuesday through Saturday.

(The following fees have been set by legislative enactments to HCC 20.32, Resolution 15-097(S)(A), 14-114, 01-85)

Dog License

Neutered/spayed \$25.00/2 years

Nonneutered/nonspayed \$100.00/2 years

Kennel license \$150.00/2 years

Replacement fee, lost license \$ 6.00

Rabies Voucher \$ 16.00

Quarantine at Home \$ 50.00

Quarantine at Shelter \$ 50.00 plus daily boarding fee

Boarding fee (when available) \$ 25.00 daily

Pickup at residence for owner release \$ 35.00

Turn In \$ 25.00

Turn In for Euthanasia \$ 30.00

Impound fees:

Nonspayed/Nonneutered

1st offense \$50.00

2nd offense \$70.00

3rd offense \$100.00

4th offense or greater \$140.00 same

Spayed or Neutered

1st offense \$40.00

2nd offense \$50.00

3rd offense \$70.00

4th offense or greater \$100.00 same

Live Trap:

Small trap \$ 70.00 deposit, \$1.00 per day. Seven (7) day rental maximum.

Large trap \$150.00 deposit, \$1.00 per day. Seven (7) day rental maximum.

Deposit is forfeited if the trap is not returned in seven days. A portion of the deposit, up to the entire amount of the deposit, will be forfeited if the trap is damaged.

Adoption Fee ————— \$ 75.00

**Adoption Fee (includes vet check, vaccinations, spay/neuter, microchipping and \$75 fee**

**to the City of Homer):**

<b>Adult Cat</b>	<b>\$ 75</b>
<b>Kitten</b>	<b>\$100</b>
<b>Adult Dog</b>	<b>\$140</b>
<b>Puppy</b>	<b>\$185</b>

All impounded animals must be properly licensed and have current rabies vaccinations prior to being released. Owners of impounded animals will be charged a daily boarding fee for every full day that the animal stays in the shelter. Vaccination and license fees shall be the owner's responsibility.

~~Animals being adopted shall be spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.~~

The City shall charge for any additional expense incurred by the City in the actual impoundment, transportation, medical care, housing or feeding of any animal; which expenses shall be paid in full prior to the animal's release.

**CAMPING FEES**

(The following fees have been set by legislative enactments, Resolutions 19-011, 18-077(A); 16-109, 15-097(S)(A), 05-05, 04-98(S)(A), 99-94, 93-35, 91-34; 91-20(S); and 17-086).

“Campground” means an area owned, controlled, developed and/or maintained by the City, which contains one or more improved campsites or contains adequate area for one or more unimproved campsites.

“Camping Season” means that period of time from April 1 through October 30.

All Camping	\$ 20/day
Pavilion Rental	\$25/4 Hours

All fees inclusive of sales tax.

**CITY CLERK**

Administrative - 235-3130

(The following fees have been set by legislative enactments, Resolutions 18-042, 17-056, 15-097(S)(A), 14-114, 03-159, 05-125(S), 06-16 and 06-40(A).)

Cemetery fees amended Resolution 18-042, 17-056, 15-097(S)(A), 98-28.

Cemetery -	Internment plot	\$1,000
	Cremaains plot	\$400

Excavation	
adult	\$500; \$400 opening, \$100 closing
infant	\$375; \$300 opening, \$75 closing

Extraordinary conditions such as weather, heavy snow coverage, ice, frozen ground and etcetera may result in fees charged up to \$200 additional at Public Works discretion.

City Council and Commission Meeting packet fee

Per Packet:

0 – 25 pages - \$5.00	100 – 200 pages - \$25.00
26 – 50 pages - \$10.00	200 – 500 pages - \$30.00
51 – 100 pages - \$20.00	500+ pages - \$35.00

Per Month, Per Council or Advisory Body:

- 1 packet same fees as above.
- 2 packets above fee with 10% reduction.
- 3 packets above fee with 12% reduction.
- 4 or more packets above fee with 15% reduction.

City Hall Facility Use Fee (Resolution 03-159)

Government Agencies, generally, are exempt from fees.

Cowles Council Chambers -Use by non-governmental agency or entity fee is \$30.00 per hour, with a minimum of two hours; maximum fee is \$150.00 per day. Use of electronic equipment is an additional \$30 per day (IT Personnel set-up)

Conference Room – Use by non-governmental agency or entity fee is \$15.00 per hour, with a minimum of two hours; maximum fee is \$75.00 per day.

Cleaning Fee – if the facility is not left as found an additional fee of up to \$60.00 may be applied.

City Pins and Mugs (Resolution 98-28)

Logo Pins	\$1.00
Logo Mugs	\$4.00
Scene Mugs	\$8.00

Digital audio CD of meetings \$25.00/each (**audio files will be provided on a flash drive**)

The following fees have been set by legislative enactments to HCC Title 19.12

Gravel Permit, application fee \$5 (Areas B and; C require no approval of the COE or Div. of Lands, HCC 19.12.040(c).)

Fire Works Permit, HCC 5.24 \$25 (apply 30 days in advance) per exhibit plus bond for \$500 or liability insurance required.



## LIBRARY FEES

235-3180

(Amended: Resolution 18-077(A); 16-109, 14-114, 13-076; Ordinance 05-08; Resolution 15-097(S)(A), 12-006, 04-98(S)(A); 03-87; 99-19(A); 98-86; 97-87)

Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10 a.m. - 8 p.m.

Facility Use                      Fees for after-hours private use (including building supervision):  
Conference Room \$50/hour  
Reading Lounge \$50/hour  
Children's Room \$50/hour  
Entire facility, excluding staff work space -- \$300 Facility Use Fee  
plus \$50/hour staff supervisor. \$300 damage/cleaning deposit.

Library Cards                      Replacement cards \$5/issue  
Temporary Card \$25

Overdue Items - 14 day circulation      (except digital devices)                      \$0.15/day

7 day and 1 day circulation -                      \$1.00/day  
Digital Devices                      \$1.00/day  
Interlibrary Loans-                      \$1.00/day  
2nd overdue notice -                      \$1.00/notice  
  
Bill notice -                      \$2.00/notice  
Admin. Fee for Bills Sent to Collection Agency \$25.00  
Maximum overdue charge per item charge      \$10.00

Photo copy                      \$.15/ea (letter size) and (legal size) per side  
\$.25/ea (11"x17") per side  
\$.50/ea color copies (letter size) and (legal size) per side  
\$2.00/ea color copies (11"x17") per side

Interlibrary loan fee                      \$3 standard size books  
\$.15 per page for photo copy  
\$4.00 for microfilm/videos/CDS/Audios  
Additional charges may be assessed.

Replacement/Repair of items  
Lost or damaged items: Replacement cost plus \$7.00 processing fee  
per item  
Lost or damaged cases, hang-up bags, etc.: Replacement cost or  
\$2.00, whichever is greater

Lost map or inserts -                      \$10/item

Lost out-of print items - \$50/Alaskana or replacement cost, if higher.

Please Note: To receive a refund on a lost item, patrons must return the item within sixty days of lost status. Refunds of payment for items deemed valuable to the collection and returned after the 60-day period may be made at the discretion of the Director. No refunds will be given for digital devices.

Damaged Item - \$2.00/page  
\$3.00/book jacket or cover damaged beyond repair - Full bindery cost or full replacement cost plus \$7.00 processing charge.

Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff

**PLANNING AND ZONING DEPARTMENT**

235-3106 or 235-8121 (Coordinates with Public Works)

(The following fees, for Zoning Permits have been set by legislative enactments, Resolution 00-17 as authorized by HCC 21.42.060, Resolution 03-12(A), Resolution 03-159, Resolution 04-35, and Resolution 04-98(S)(A), Resolution 05-27(S) and Resolution 05-35, Resolution 07-14 and Resolution 07-45, Resolution 08-124, 16-109, 17-010, 18-074.

Zoning Permit Fees:

Single Family /Duplex \$200  
Multi-Family/Commercial/Industrial \$300, plus \$50 per hour when over six hours of administrative time.  
Change of Use fee \$50  
Deck \$50

Employee occupied Recreational vehicle in \$100 Annually  
Marine Commercial and Marine Industrial Zoning Districts

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

(The following fees have been set by legislative enactments to HCC 14.08.035.)

Publication Fees

Comp Plan large \$20  
Comp Plan small \$10  
Zoning Map sm \$ 5 lg \$25  
Road Maint. Map \$ 5  
Zoning Ordinance - HCC 21 \$ 15  
Sign Permit - \$ 50  
Variance - \$250

Erosion and Sediment Control Plan (BCWPD): \$300

Storm Water Protection Plan Fee: \$200

Conditional Use Permit Processing Fee

Amendment	\$200
Fence	\$300
Single Family/Duplex	\$200
Multi-Family/Commercial/Industrial	
\$500 for uses less than 8,000 sq. ft.	
\$1,000 for uses 8,001 sq. ft. to 15,000 sq. ft.	
\$2,500 for uses 15,001 sq. ft. to 25,000 sq. ft.	
\$5,000 for uses 25,001 sq. ft. to 40,000 sq. ft.	
\$8,000 for uses 40,001 sq. ft. and larger	

Recording (as Required)           \$50

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

Traffic Impact Analysis and Community Impact Assessment – when required, applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study. (Resolution 03-159 and 96-13 HCC 12.12.03)

Rezone -           \$500   (HCC 21.63 repealed Contract Rezone via Ordinance 03-21.)

Flood Hazard Development Permit   \$200

Preliminary Plat Processing Fee       \$300, or \$100 per lot, whichever is greater. (Resolution 07-14, 03-159 and 96-13)

Elimination of a common interior lot line.   \$200.00

Right of Way and Section Line       \$300

Easement Vacation Application Fee: (In addition to applicable preliminary plat fees).

Utility easement vacation:                   no fee

Bridge Creek Watershed Permit - zoning permits are required for the Bridge Creek Watershed Area. Although no fees will be charged for the zoning permits outside of City Limits, the evaluation process is still in effect.

Technical Review of Communication Tower Application: When required, the applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study.

Street Renaming Fees

(A) For name changes or naming of public dedicated streets other than those named during the subdivision process:

(1) Street Naming Petition and hearing advertising fee   \$150

(2) Installation of each new City sign, post, etc. Per sign:   \$150

(3) Replacement of existing City sign due to change where no post is needed. Per sign: \$ 80

The minimum fee shall be either a combination of 1 and 2 OR 1 and 3, above; however, all signs that need to be changed and/or maintained by the City must be paid for prior to installation.

(B) For Private Road Naming:

(1) Street Naming Petition and hearing advertising fee \$150

(2) Installation of each new City sign, post, etc. Per sign: \$150

(3) If no public hearing or public notice is necessary, i.e., 100% petition and no partial dedicated street involved No fee

(4) If no signs are required No fee

### **PORT AND HARBOR DEPARTMENT**

Harbor Office - 235-3160 Fish Dock - 235-3162

(The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 18-041(S), 14-114, 12-037(S), 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, Resolution 08-123, Resolution 15-073, Resolution 15-091, Resolution 16-061)

**Port and Harbor fees can be found in the Homer Tariff No. 1 available on the City of Homer Port & Harbor webpage and the Harbormasters Office.**

~~All rates except load and launch ramp fees and parking fees for Ramps 1-4, which are inclusive of sales tax, will have sales tax applied.~~

~~Administrative cost for changing boat in Reserved Stall—\$25.00~~

~~Stall Wait List Application and renewal fee for subsequent years \$30.00 per year. Disposal of more than twenty five (25) gallons of used oil or antifreeze or any amount of oily water in one calendar day may be done by appointment with Port Maintenance.~~

~~\_\_\_\_\_ Fees:~~

~~\_\_\_\_\_ Used Oil \_\_\_\_\_ \$3.35/gallon~~

~~\_\_\_\_\_ Used Antifreeze \_\_\_\_\_ \$8.00/gallon~~

~~\_\_\_\_\_ Oily Water/ Bilge Slop \_\_\_\_\_ \$5.00/gal delivered in drums~~

### **PARKING FEES**

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

~~Seasonal permits for day use parking in paved parking lots at (Ramps 1-4): \$250.00.~~

Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7) consecutive 24 hour days:

Long Term Parking annual permit (January 1<sup>st</sup> through December 31<sup>st</sup>): fee \$200.00.

Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.

Vehicles over 20' are not eligible for Long Term annual parking permits.

Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.

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

Long term parking will be enforced year around.

Parking lot restrictions for long term parking of no parking near ramps are in effect May 1 through October 1.

Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply.

Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit. If fail to pay, additional fee of \$25/month.

Annual Moorage fee—\$44.88 per lineal foot, plus \$50.00 administrative charge.

Reserved Stall—length of the float stall assigned, or overall length of vessel whichever is greater, plus \$50.00 administrative charge.

Float Plane Fee—daily moorage rate of (2) 24' vessels shall be assessed on a daily basis for float planes or a monthly rate equal to the monthly rate for (2) 24' vessels.

Dockage charges will be assessed based on lineal foot per calendar day or portion thereof as follows:

<b>0' to 100'</b>	\$338.00	<b>451' to 475'</b>	\$1,604.00	<b>651' to 675'</b>	\$3,917.00
<b>101' to 200'</b>	\$506.00	<b>476' to 500'</b>	\$1,762.00	<b>676' to 700'</b>	\$4,420.00
<b>201' to 300'</b>	\$788.00	<b>501' to 525'</b>	\$1,996.00	<b>701' to 725'</b>	\$5,119.00
<b>301' to 350'</b>	\$1,005.00	<b>526' to 550'</b>	\$2,154.00	<b>726' to 750'</b>	\$5,858.00
<b>351' to 375'</b>	\$1,098.00	<b>551' to 575'</b>	\$2,334.00	<b>751' to 775'</b>	\$6,644.00
<b>376' to 400'</b>	\$1,206.00	<b>576' to 600'</b>	\$2,582.00	<b>776' to 800'</b>	\$7,459.00
<b>401' to 425'</b>	\$1,337.00	<b>601' to 625'</b>	\$2,957.00		
<b>426' to 450'</b>	\$1,490.00	<b>626' to 650'</b>	\$3,443.00		

A service charge of \$52 will be assessed to each vessel.

A service charge of \$481.53 will be assessed for cruise ships.

Wharfage:

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2,000 lbs. or per 40 cu. ft.

COMMODITY	WHARFAGE RATE
<b>Pioneer and Deep Water Docks</b>	
Aggregate (gravel, stone, minerals)	\$1.00 per short ton
Agricultural Products (grains, etc.)	\$3.50 per short ton
Containerized Cargo	\$8.00 per short ton
Freight N.O.S. up to 100 short tons (Not Otherwise Specified)	\$7.96 per short ton
Freight N.O.S. up to 1,000 short tons	\$6.00 per short ton
Freight N.O.S. in excess of 1,000 short tons	\$5.00 per short ton
Freight N.O.S. in excess of 10,000 short tons	\$4.50 per short ton/ negotiable
Poles, logs, cants or cut	\$3.95/thousand board ft.
Finished lumber per M.M.	

(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)

Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for inbound products.

Petroleum products (inbound and outbound)	\$0.84/barrel \$0.02 per gallon
Hazardous Materials	\$8.00 per ton
Livestock: Horses, mules, cattle, hogs, sheep, goats, all other livestock	\$10.12 per head
Fowl: Any kind, crated	\$10.12 per crate

Barge Ramp Wharfage \$5.14 per short ton

**Fish Dock**

Ice Fish Dock	\$14.50 per short ton
Freight N.O.S. Fish Dock	\$14.50 per short ton

Fishing gear is free from wharfage, except as otherwise provided under a lease agreement, contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.

~~Seafood/fish Product~~ ~~Setting a tariff of \$4.76 per ton of seafood/fish product across the dock, regardless of species. Regardless of species bait in quantities greater than one ton that is loaded onto a vessel at docks, shall be charged seafood wharfage.~~

~~Demurrage~~ ~~0.09/sq. ft.~~

~~Uplands Storage:~~

~~Land for Gear Storage-~~

~~First come first served basis; approved by Harbormaster; primarily for fishing related gear.~~

~~Open areas, fishing gear~~ ~~0.12/ sq. ft.~~

~~Open areas, non fishing gear~~ ~~0.17/ sq. ft.~~

~~Secure fenced areas~~ ~~0.22/sq. ft.~~

~~Boat Trailers-~~

~~Short term storage, up to 7 days space available basis no fee.~~

~~Long Term storage, no boats ON trailers~~ ~~\$7.00/foot per month~~

~~TIDAL GRIDS:~~

~~The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.~~

~~The rate per foot per tide is \$1.05 for vessels 0' - 59'~~

~~The rate per foot per tide is \$2.55 for vessels 60' - 80'~~

~~The rate per foot per tide is \$3.25 for vessels 81' - 100'~~

~~The rate per foot per tide is \$3.82 for vessels 101' - 120'~~

~~The rate per foot per tide is \$4.24 for vessels 121' - 140'~~

~~WATER:~~

~~Potable water furnished to vessels at the Deep Water Dock and Main Dock:~~

~~Quantity charge \$38.81 per one thousand gallons (minimum five thousand gallons).~~

~~Scheduled deliveries will have a minimum charge of one hundred and two (\$102.00) dollars for combined connection and disconnection.~~

~~Unscheduled deliveries will have a minimum charge of one hundred thirty nine dollars and thirty two cents (\$139.32) for combined connection and disconnection.~~

~~ELECTRICITY:~~

~~Reserved stalls having a meter base at the berth shall be charged a meter availability fee.~~

~~The meter availability fee \$23.95 per month~~

~~Kilowatts are charged using current public utility rate~~

~~Connect/disconnect fee \$28.80~~

Winter Power Program runs from 10/16 to 4/15 vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods. Kilowatts are charged using current public utility rate  
Connect/Disconnect fee 28.80.

Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable).

	110 volt	220 volt	208 volt & 480v/3 phase
Daily (or part thereof)	\$ 10.20	\$ 20.12	\$45.20
Monthly	\$152.67	\$341.70	available meter only

\* Vessels requiring conversion plugs may purchase them from the Harbormaster's office.

110v, 208 volt and 480v/3 phase electrical power are available at System 5 on a first come first served basis, for vessels will be charged the following rates:

1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility;
2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.
3. Vessels plugged in less than 7 consecutive days will be charged the daily rate listed above.

TOWING: Inside small boat harbor: Skiff with operator 1/2 hour \$68.00, Skiff with operator 1 hour \$102.00. Any additional personnel required will be charged at rate of \$102.00 per hour each.

PUMPING VESSEL: \$40.79 per day or portion thereof for electrical pumps.  
\$69.97 per hour or portion thereof for gas pumps.

**LABOR/PERSONNEL:**

All labor provided by City personnel shall be charged at \$102.00 per hour (1/2 hour minimum at \$51.00). Work requiring callouts shall be charged at a minimum of two hours.

**SPECIAL SERVICES:**

Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost plus 125% of city costs for services arranged for by the City but provided by others.

**REGULATED GARBAGE HANDLING FEE:**

Contact the Homer Harbormaster office for a list of contractors certified to handle regulated garbage at the Port of Homer. Fees will be negotiated between the contractor and vessel managers.

**SEARCH AND RESCUE FEES:**

When the City utilizes city equipment and personnel to provide search and rescue assistance to vessels outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of those services \$102.00 per hour for skiff and operator for the first hour and for additional search and



~~rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$102.00 per man per hour.~~

**PUBLIC LAUNCH RAMPS:**

~~Vessels shall be charged \$13.00 per day plus a \$7.00 per launch levied parking impact fee to launch from the public launch ramps from April 1 through October 15.~~

~~(Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)~~

~~Vessel owners or operators may obtain a seasonal load and launch permit for \$130.00 plus \$70.00 parking impact levy entitling a specific vessel and owner to launch from April 1 through October 15.~~

~~(Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)~~

~~Seasonal permit must be displayed on the Port side of Permit Holder's Vessel or ticket verifying payment must be made available upon request.~~

~~Unattended Vessels on the Launch Ramp — \$20.00 per hour fee~~

**BEACHES AND BARGE RAMP:**

~~The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.~~

~~The Harbormaster shall charge a fee of \$1.50 per foot based on the overall length of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.~~

~~Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstances.~~

~~The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be one hundred and two dollars (\$102.00) per hour per person, plus appropriate equipment rental and material costs.~~

~~Sandblasting of vessel hull is not permitted on City beaches or barge ramp; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.~~

**FISH DOCK:**

~~The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear.~~

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor staff.

Every person using a crane on the Fish Dock shall first meet all the requirements of the City:

Blocking access to cranes — \$150.00/hr.

Unattended vessels — \$150.00/hr.

ITEM	FEE
Annual access card	\$52.00 per year (annual renewal fee)
Card replacement fee	\$15.00 per occurrence
Cold Storage Lockers 8'x10'	\$334.75/month
	\$309/per month for two (2) consecutive months
	\$283.25/per month for three (3) consecutive months
	\$275.50/per month for nine (9) month season
	Minimum one month rental
	Inspection \$50/per hour

Cold Storage Locker 22'x10'	\$920.90/month
	\$849.60/per month for two (2) consecutive months
	\$778.90/per month for three (3) consecutive months
	\$708.20/per month for nine (9) month season
	Minimum one month rental
	Inspection \$50/per hour

Bait Storage Fee (4x4x4)	
Per Day	\$5.15
Per Week	\$25.75
Per Month	\$77.25

Fish Dock crane — \$90.64/per hour

Minimum charge per hour for crane — Fifteen minutes

All additional charges will be in one quarter hour (15 minute) increments.

Ice (Accumulated throughout year. Accounts reviewed each December for rate adjustment based on Previous year's actual tons of ice purchased) —

0>100 tons	\$130.90/per ton
101>300 tons	\$128.00/per ton
301>500 tons	\$124.00/per ton
501>700 tons	\$121.00/per ton
701>1000 tons	\$118.00/per ton
Over 1001 tons	\$115.00/per ton

~~Fish Waste Disposal Fees/Fish Grinder \$5.00/Tub~~  
~~\$30.00/Tote~~

**MARINE REPAIR FACILITY:**

User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as follows:

- ~~(1) Upland Dry Dockage use Fee per Month: \$0.17 per square foot/ for vessels paying annual moorage in Homer harbor \$0.20 per square foot for transient daily, monthly, semiannual moorage vessels and \$0.25 per square foot if no moorage paid.~~
- ~~(2) Administration Fee per month of Dry Dockage uplands usage: \$50.00~~
- ~~(3) Beach Landing Fee per calendar day: \$1.50 per foot~~
- ~~(4) Vendor Fee per calendar year: \$150.00~~
- ~~(5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum~~

**PUBLIC SAFETY**

Emergency 911  
 Administrative Office 235-3150  
 HPD = Homer Police Department

(The following fees have been set by legislative enactments to HCC 7): Resolution 15-097(S)(A), 10-90(A); 06-45)

Handicap Parking Violation \$100

Noisy Vehicles - enforcement begins April 28, 2004.

Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

<u>Offense</u>	<u>Penalty/Fine</u>
Muffler not working properly	CORR/\$500
Muffler modified/excessive noise	CORR/\$500
Muffler removed or inoperative	CORR/\$500

Noise exceeds limits:

First conviction	\$100
Second conviction within 6 months of first conviction	\$200
Third conviction within 6 months of any prior conviction	\$300

Sale of vehicle exceeding noise limits:

First conviction	\$100
Second conviction within six (6) months of first conviction	\$200

Third conviction within six (6) months \$300

of any prior conviction

Engine brake use prohibited:

First conviction	\$100
Second conviction within six (6) months of first conviction	\$200 plus proof of satisfactory HPD commercial vehicle inspection
Third conviction within six (6) months of any prior conviction	\$300 plus proof of satisfactory HPD commercial vehicle inspection

CORR: "CORR" means a correctable/dismissible offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector within thirty (30) days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.

Public Transportation (HCC 8.12.150 and 8.12.200):

Vehicle Permit \$150 Fiscal Year, expires June 30<sup>th</sup>

Permit \$75 after January 1<sup>st</sup>, expires June 30<sup>th</sup>

\$5 Replacement Permit

Chauffeurs License \$100 application fee plus the fees in the amount of \$35.00 (for Fingerprinting to the State of Alaska)(none of these fees are refundable)

Annual Safety Inspection commercial vehicles \$100

(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).

Parking Tickets -\$25

(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).

Itinerant Merchant - \$330/for 60 days

Mobile Food Unit - \$390/per yr.

**FIRE DEPARTMENT FEES**

Emergency 911 Administrative Office - 235-3155

(The following fees have been set by legislative enactments Resolutions 91-97, 92-06, 92-43(S), 03-145, 04-98(S)(A) and 06-64(S)A, 15-097(S)(A), 16-109)

AMBULANCE:

Basic Life Support (BLS), Resident	\$750 plus \$15/ load mile
Basic Life Support, Non-Resident	\$1,000 plus \$15/load mile
Advanced Life Support (ALS)1, Resident	\$950 plus \$15/load mile
Advanced Life Support 1, Non-Resident	\$1,500 plus \$15/load mile
Advanced Life Support 2, Resident	\$1,250 plus \$15/load mile
Advanced Life Support 2, Non-Resident	\$1,750 plus \$15/load mile
Non-Emergency Transport	Billed as Basic Life Support Resident and Non-Resident Mileage - \$15 per mile, one-way from pick up

Standby, billed per half hour	location to destination
Mileage , one-way load miles	\$60/hour or \$510/8 hour day, crew of 2
Medivac	\$15.00 mile
	Determined by level of call, see BLS, ALS rate

**FIRE:**

Type 1 Engines (>1,000 gals or 1,500 GPM)	\$240/hr.	\$2,040 day
Type 1 Tenders (<3,000 gals or 1,000 GPM)	\$144/hr.	\$1,224/day
Ladder Truck	\$360/hr.	\$3,060/day
Medic Unit/Ambulance	\$60/hr.	\$510/day
Brush Patrol	\$100/hr.	
Command Vehicle	\$ 50/hr.	
Rescue/Extrication Truck	\$144/hr. (1 hour minimum)	\$1,224/day
Command/Utility Vehicle	\$ 60/hr.	\$510/day
6 x 6 ATV	\$25/hr.	\$200/day

**VOLUNTEER PERSONNEL:**

Fire Department IC (1) (IC - Incident Command)	\$36/hr.
Safety Officer/Officer	\$36/hr.
Driver/Engineer (1 per vehicle)	\$24/hr.
Firefighters (Minimum 1 per tender, 2 per Engine)	\$18/hr.
EMT (Minimum 2 per Rescue Medical Unit)	\$18/hr.

**PUBLIC WORKS DEPARTMENT**

Administrative - 235-3170

(The following fees have been set by legislative enactment Resolution 18-077(A), 15-097(S)(A), 04-98(S)(A) and 95-1).

**Not obtaining any permit or not complying with any permit conditions described herein will be subject to Homer City Code General Penalties as described under Chapter 1.16.**

R.V. Station dumping	\$15 per dumping
<b>Potable Water</b>	<b>\$ 5 per fill</b>

Bluelines, copies minimum	\$10 + \$2/pg.
Standard Construction Specs	\$50F
Job Specific Specifications and plans	vary in price.

**SUBDIVISION AGREEMENT FEE SCHEDULE:**

Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

A developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting improvements required to be completed under a ~~subdivision~~ agreement. The City’s cost shall include, but is not limited to, administering the agreement, plan checking, surveillance, and administrative overhead. Prior to initiating each phase of the subdivision approval process, a deposit shall be paid. Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by this fee schedule. The deposits are described below:

- 1) Subdivision Agreement Application: Upon submitting an application agreement, the Developer will provide a \$300 deposit.
- 2) Subdivision Improvement Plan Review: Upon submission of plans for review and approval, the Developer will provide a plan review deposit of .5% of the estimated cost of improvements or \$300, whichever is greater.
- 3) Construction Inspection: Prior to the issuance of a notice to proceed with construction to the Developer, the Developer shall pay a deposit toward the City’s costs based upon the estimated cost of the improvements to be constructed under the subdivision agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

After the City finds the subdivision improvements meet City specifications, it shall determine its costs to date. If costs (plus any deposit required under subsection 4 below) exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the total deposits exceed the costs, the City shall refund the balance (less any deposit required under subsection 4 below) to the Developer.

- 4) Initiation of Warranty Period: Prior to acceptance of completion by the City of the undertaking by the developer, the Developer shall also pay a deposit toward the City’s cost incurred during the warranty period under the subdivision agreement in the amount determined by the Public Works Director, but not to exceed \$2,000.

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

**WATER/SEWER MAIN EXTENSION AND FILL STATION PERMIT**

**Installation Agreement Application, Plan Review, Inspection, and Warranty Period Deposits**

**A developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting water or sewer main extension improvements or fill station improvements required to be completed under an installation agreement. The City’s cost shall include, but is not limited to, administering the agreement, plan checking, surveillance, and administrative overhead. Prior to design review or construction of the improvement, a deposit shall be paid. Deposits shall not bear interest. The deposits shall be held in a separate account**

**and disbursed only as authorized by this fee schedule. The deposits are described below:**

**1) Installation Agreement Application: Upon submitting an application agreement, the Owner/Developer will provide a \$300 deposit.**

**2) Improvement Plan Review: Upon submission of plans for review and approval, the Owner/Developer will provide a plan review deposit of .5% of the estimated cost of improvements or \$300, whichever is greater.**

**3) Construction Inspection: Prior to the issuance of a notice to proceed with construction, the Owner/Developer shall pay a deposit toward the City's costs based upon the estimated cost of the improvements to be constructed under the subdivision agreement as follows:**

<b><u>Estimated Construction Cost</u></b>	<b><u>Deposit</u></b>
<b><u>\$10,000 or less</u></b>	<b><u>\$300</u></b>
<b><u>Over \$10,000 up to \$50,000</u></b>	<b><u>4% of the estimated costs</u></b>
<b><u>Over \$50,000 up to \$150,000</u></b>	<b><u>3% of the estimated costs</u></b>
<b><u>Over \$150,000 up to \$500,000</u></b>	<b><u>2.5% of the estimated costs</u></b>
<b><u>Over \$500,000</u></b>	<b><u>\$13,000</u></b>

**After the City finds the improvements meet City specifications, it shall determine its costs to date. If costs (plus any deposit required under subsection 4 below) exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the total deposits exceed the costs, the City shall refund the balance (less any deposit required under subsection 4 below) to the Developer.**

**4) Initiation of Warranty Period: (applies to water/sewer extension permits only). Prior to acceptance of completion by the City, the Owner/Developer shall also pay a deposit toward the City's cost incurred during the warranty period under the subdivision agreement in the amount determined by the Public Works Director, but not to exceed \$2,000. If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Owner/Developer for those actual incurred costs in excess of the amount of deposit.**

**Commercial/Industrial Waste Disposal permit fees shall be determined by the Public Works Director based on type of discharge, location of discharge, timing of discharge, potential impact to the City's collection and treatment systems, reasonableness of alternative methods of disposal.**

ROW Permit **Utility Construction Project Permit**- minor \$90 (less than 150 LF of right-of-way affected) major \$225 (more than 150 LF of right-of-way affected)

(The following fees have been set by legislative enactments to HCC 11.08.040).

Driveway Permit Residential	\$45
Commercial	\$60
Long Driveway (addn)	\$105

(Contact Planning **Public Works** Department ~~at City Hall~~ at 3575 Heath St. to obtain permit(s), 235-3106 **3170**. Planning issues the permits.)

WATER AND SEWER FEES:

Public Works - 235-3170  
City Hall - 235-8121  
Billing - 235-8121 x 2240

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Resolution 19-036(S), Ordinance 19-09(S), Resolution 18-077(A), Resolution 16-063(S-2), Resolution 14-060, Ordinance 13-30(A), Resolution 15-074A-2), 13-048 (S-2)(A-3), Ordinance 11-43, Resolution 11-094(S), Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

A 15% admin. fee will be assessed for replacement parts for water/sewer services, functions, pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to public.

Establishing service includes a one-time disconnect - \$75

Service calls, inspections, repairs not to exceed one hour - \$45 per employee plus equipment and materials.

Service calls, inspections and repairs during normal operating hours in excess of one hour labor: actual labor costs by City plus equipment and materials.

Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$60 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family \$255\*

Multi-Family/Commercial \$330\*

**\* All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits, shall be in addition to the permit fee. A property owner installing a sewer connection which qualifies for a deferred assessment payment or makes a payment in lieu of assessment shall pay the assessment prior to issuance of the connection permit.**

Customer classification definitions for determining sewer connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one



building or several buildings within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

Sewer Rate Schedule

All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

**Sewer Rates**

**Table I**

Customer Classification	Monthly Service	Usage Charge/Gallon
Lift-Station Customer		\$0.0224
Non-Lift-Station Customer		\$0.0145
Multi-units (additional per unit)	\$ 5.00	N/A

**Sewer ONLY Customers Rates**

**Table II**

	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0224/Gal	\$67.20
Non-Lift-Station Customer	\$0.0145/Gal	\$43.50
Monthly Service	\$5.00/customer/mo.	\$5.00 (Kachemak City customers will be exempt from \$5 monthly service fee. Kachemak City will be billed a \$5 monthly service fee to cover all Kachemak City sewer customers.)
Pumping Fee (If Applicable)	\$6.75/customer/mo.	\$6.75
Assumption: Avg. Sewer Usage	3000 Gal/Mo.	

Customer classification definitions for determining sewer rates:

Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are located in these areas shall be charged additional fees for the cost added to the services (see Table I & II).

Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump station services.

Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,000 gallons per month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$73.95 (\$67.20 +\$6.75) per month per customer. Kachemak City shall be billed a \$5 monthly service charge to cover all Kachemak City sewer customers and shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$251.75.

**This second meter will be read monthly during the summer and sewer charges will be credited monthly. The meter may not be subject to read during the fall and winter months. Any charges accrued during that period will be reflected the first billing cycle the meter is read.**

WATER FEES:

A 4.85% of total charges charged to every customer outside of city limits in lieu of city sales tax will be applied to those water accounts outside city limits.

Water Connection Fee

Single Family \$30\*

Multi-Family/Commercial \$375\*

**\* All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits, shall be in addition to the permit fee. A property owner installing a water connection which qualifies for a deferred assessment payment or makes a payment in lieu of assessment shall pay the assessment prior to issuance of the connection permit.**

Customer classification definitions for determining water connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

Water Rate Schedule

All water utility services shall be billed according to the following schedule. This schedule is for monthly water service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

**Water Rates**

**Table III**

<b>Customer Classification</b>	<b>Monthly Service</b>	<b>Usage Charge/Gallon</b>
Lift-Station Customer	\$13.00	\$0.0132
Non-Lift-Station Customer	\$13.00	\$0.0132
Multi-units (additional per unit)	\$ 5.00	
Bulk Water	\$13.00	\$0.0172

Customer classification definitions for determining water rates:

Bulk Water Customers: The bulk water customers are the resellers of water or water users who purchase water from the water plant directly and are not in the metered water distribution system.

Non-Bulk Customers: All customers who receive water from the metered water distribution system.

Multi-Units: An additional \$5 monthly charge shall apply to each of the units of a building or lot occupied by more than one household or commercial entity contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, and B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

This fee applies to all multi-unit structures defined in the sewer section of this for apartments, rental units or multi-unit buildings where each unit would have one or more restrooms and are intended to be rented on a monthly basis where there is only one meter installed, excluding a rental building restroom used for shared or public use.

Meter Size Deposits

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00
4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

\$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy.

**RESIDENTIAL HOLDING TANK FEES**

(Resolution 02-23)

City of Homer will bill property owner/customer monthly for City service, not pumping contractor charge.

Each property owner/customer will be billed once each month, regardless of number of pumping, 1[one] Customer Charge \$3.98 + 1 [one] General Service Charge \$16.95 + Commodity Charge [\$12.00 per pumping]

Property owner/customer is responsible for payment to pumping contractor.

City of Homer monthly billing examples based on number of pumping per month:

<b><u>Type of Charge</u></b>	<b><u>No Pumping</u></b>	<b><u>1 mo. Pumping 3 mo. Pumping</u></b>	
Customer Charge	\$3.98	\$3.98	\$3.98
Gen. Svs. Charge	\$16.95	\$16.95	\$16.95
Commodity Charge	\$0	\$12.00	\$36.00
Total Monthly Bill	\$20.93	\$32.93	\$56.93

## LEGISLATIVE BODY

### MAYOR

Ken Castner – 2020  
Commission

### COUNCILMEMBERS

Shelly Erickson—2019

Tom Stroozas—2019

Rachel Lord —2020

Caroline Venuti—2020

Donna Aderhold—2021

Heath Smith—2021

**Storm P. Hansen-Cavasos-2022**

**Joey Evensen-2022**

## ADVISORY BODIES

Advisory Planning Commission

Parks Art Recreation & Culture Advisory

Port and Harbor Advisory Commission

Library Advisory Board

Economic Development Advisory Commission

ADA Compliance Committee

## DEPARTMENTS

### Located At:

City Hall

City Manager's Office

Administration

Personnel

Economic Development & Special Projects

City Clerk's Office

Records & Elections

Planning & Zoning

Finance

Public Works Facility

Public Works

Water & Sewer

Maintenance

City Engineer

Inspector

On the Spit

Port and Harbor

Public Library

Library

Police Department

Public Safety

Jail

Fire Hall

Fire Department

EMS

Homer High School

Community Recreation

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-53**

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 1.16.040 Fine Schedule and Chapter 5.42 Single-Use Plastic Carryout Bags, Section 5.42.020 Definitions and 5.42.04. Exceptions.

Sponsor: Venuti

1. City Council Regular Meeting November 25, 2019 Introduction

Memorandum 19-147 from Special Projects and Communications Coordinator as backup

2. City Council Regular Meeting December 9, 2019 Public Hearing and Second Reading

Memorandum 19-147 from Special Projects and Communications Coordinator as backup

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

Venuti

3  
4 **ORDINANCE 19-53**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING HOMER CITY CODE 1.16.040 FINE SCHEDULE AND  
8 CHAPTER 5.42 SINGLE-USE PLASTIC CARRYOUT BAGS, SECTIONS  
9 5.42.020 DEFINITIONS AND 5.42.040 EXCEPTIONS.  
10

11 WHEREAS, Ordinance 18-43(S) was adopted on October 23, 2018 that addressed  
12 submitting a question to the voters to prohibit sellers from providing single-use plastic  
13 carryout bags; and  
14

15 WHEREAS, Proposition A read “Shall the City of Homer Amend Homer City Code to add  
16 Chapter 5.42 Single Use Plastic Carryout Bags the Purpose of which is to Prohibit A Seller from  
17 Providing a Buyer a Single Use Plastic Carry Out Bag under 2.5 Mils Thick?”; and  
18

19 WHEREAS, Proposition A passed at the October 1, 2019 City of Homer Regular Election;  
20 and  
21

22 WHEREAS, In the process of implementing the code amendments adopted in Ordinance  
23 18-43(S) discrepancies were identified and this ordinance corrects those items.  
24

25 NOW, THEREFORE, The City of Homer Ordains:  
26

27 Section 1: Homer City Code Section 1.16.040 is amended to add the following line to  
28 the fine schedule:

<b>CODE SECTION</b>	<b>DESCRIPTION OF OFFENSE</b>	<b>FINE</b>
HCC 5.42.030	Single-use plastic carryout bags prohibited	\$50.00 per day

29  
30  
31 Section 2: Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags, is hereby  
32 enacted to read as follows:  
33

34 Chapter 5.42  
35 SINGLE-USE PLASTIC CARRYOUT BAGS  
36

37 5.42.010 Purpose.

38 5.42.020 Definitions.

39 5.42.030 Prohibition on use of single-use plastic carryout bags.

40 5.42.040 Exceptions.

41 5.42.050 Penalty.

42

43 5.42.010 Purpose. The purpose of this chapter is to reduce the generation of waste from  
44 single-use plastic carryout bags.

45

46 5.42.020 Definitions. In this chapter:

47

48 a. "Buyer" means a person who is a buyer under Kenai Peninsula Borough Code  
49 5.18.900.

50

51 b. "Single-use plastic carryout bag" means a bag made from plastic that is neither  
52 intended nor suitable for continuous reuse and that is less than ~~2.25~~ **2.5** mils thick, designed  
53 to carry customer purchases from the seller's premises, except for: bags used by customers  
54 inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small  
55 hardware items, such as nails and bolts; bags used to contain dampness or leaks from items  
56 such as frozen foods, meat or fish, flowers or potted plants; bags used to protect prepared  
57 foods or bakery goods; bags provided by pharmacists to contain prescription drugs;  
58 newspaper bags, laundry or dry cleaning bags; or bags sold for consumer use off the seller's  
59 premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste;  
60 bags made of any material labeled as "biodegradable" or "compostable".

61

62 c. "Seller" means a person who is a seller under Kenai Peninsula Borough Code 5.18.900.

63

64 5.42.030 Prohibition on use of single-use carry out bags. No seller may provide to a  
65 buyer, any single-use plastic carryout bag for the purpose of carrying a buyer's purchased  
66 goods from the seller's premises.

67

68 5.42.040 Exceptions. Inventories of single-use plastic carryout bags purchased before  
69 the ~~enactment~~ **effective date** of this ordinance may continue to be used by sellers and  
70 provided to customers after January 1, ~~2019~~ **2020** until all such inventories of single-use plastic  
71 carryout bags are completely used in the course of regular business operations, **or February**  
72 **14, 2020 whichever comes first.** Sellers providing single-use plastic carryout bags under this  
73 exception between January 1, ~~2019~~ **2020 and February 14, 2020** must be willing and able to  
74 provide documentation that such bags were purchased on or before the date of enactment of  
75 this ordinance.

76

77 5.42.050 Violation - Penalty. The penalty for an offense in this chapter is the fine listed  
78 in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the  
79 defendant must appear in court and, if convicted, is subject to the general penalty as provided  
80 in HCC 1.16.010 unless another penalty is specifically provided.

81



82            Section 3. This ordinance is of a permanent and general character and shall be included  
83 in Homer City Code.

84  
85            ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_,  
86 2019.

87  
88  
89  
90

CITY OF HOMER

91  
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94

\_\_\_\_\_  
KEN CASTNER, MAYOR

95 ATTEST:

96  
97

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

99

100 YES:

101 NO:

102 ABSTAIN:

103 ABSENT:

104

105 First Reading:

106 Public Hearing:

107 Second Reading:

108 Effective Date:

109

110 Reviewed and approved as to form.

111

\_\_\_\_\_  
Katie Koester, City Manager

114

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

\_\_\_\_\_  
Michael Gatti, City Attorney

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



33 AMEND HOMER CITY CODE TO ADD CHAPTER 5.42 SINGLE USE PLASTIC CARRYOUT  
34 BAGS THE PURPOSE OF WHICH IS TO PROHIBIT A SELLER FROM PROVIDING A BUYER A  
35 SINGLE USE PLASTIC CARRY OUT BAG UNDER 2.5 MILS THICK

36 Section 3: Section 4 and Section 5 of this Ordinance are of permanent and general  
37 character and shall be included in the City Code with the passage of Ballot Proposition 1 at the  
38 regularly scheduled October 1, 2019 municipal election.

39 Section 4: Homer City Code Section 1.16.040 is amended to add the following line to the  
40 fine schedule:

<u>CODE SECTION</u>	<u>DESCRIPTION OF OFFENSE</u>	<u>FINE</u>
<u>HCC 5.42.030</u>	<u>Single-use plastic carryout bags prohibited</u>	<u>\$50.00</u>

41 Section 5: Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags, is hereby  
42 enacted to read as follows:

43 Chapter 5.42  
44 SINGLE-USE PLASTIC CARRYOUT BAGS

45 5.42.010 Purpose.

46 5.42.020 Definitions.

47 5.42.030 Prohibition on use of single-use plastic carryout bags.

48 5.42.040 Exceptions.

49 5.42.050 Penalty.

50 5.42.010 Purpose. The purpose of this chapter is to reduce the generation of waste from  
51 single-use plastic carryout bags.

52 5.42.020 Definitions. In this chapter:

53 a. "Buyer" means a person who is a buyer under Kenai Peninsula Borough Code  
54 5.18.900.

55 b. "Single-use plastic carryout bag" means a bag made from plastic that is neither  
56 intended nor suitable for continuous reuse and that is less than 2.25 mils thick, designed to  
57 carry customer purchases from the seller's premises, except for: bags used by customers inside  
58 stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware  
59 items, such as nails and bolts; bags used to contain dampness or leaks from items such as  
60 frozen foods, meat or fish, flowers or potted plants; bags used to protect prepared foods or  
61 bakery goods; bags provided by pharmacists to contain prescription drugs; newspaper bags,

62 laundry or dry cleaning bags; or bags sold for consumer use off the seller's premises for such  
63 purposes as the collection and disposal of garbage, pet waste, or yard waste; bags made of any  
64 material labeled as "biodegradable" or "compostable".

65 c. "Seller" means a person who is a seller under Kenai Peninsula Borough Code 5.18.900.

66 5.42.030 Prohibition on use of single-use carry out bags. No seller may provide to a  
67 buyer, any single-use plastic carryout bag for the purpose of carrying a buyer's purchased  
68 goods from the seller's premises.

69 5.42.040 Exceptions. Inventories of single-use plastic carryout bags purchased before  
70 the date of enactment of this ordinance may continue to be used by sellers and provided to  
71 customers after January 1, 2019 until all such inventories of single-use plastic carryout bags  
72 are completely used in the course of regular business operations. Sellers providing single-use  
73 plastic carryout bags under this exception after January 1, 2019 must be willing and able to  
74 provide documentation that such bags were purchased on or before the date of enactment of  
75 this ordinance.

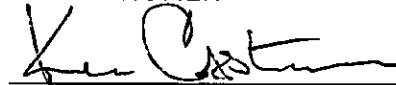
76 5.42.050 Violation - Penalty. The penalty for an offense in this chapter is the fine listed  
77 in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the  
78 defendant must appear in court and, if convicted, is subject to the general penalty as provided  
79 in HCC 1.16.010 unless another penalty is specifically provided.

80 Section 6: If Ballot Proposition 1 passes at the regularly scheduled October 1, 2019  
81 municipal election, this ordinance shall take effect January 1, 2020.

82 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of October, 2018

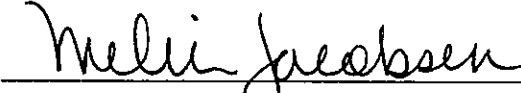
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CITY OF HOMER



KEN CASTNER, MAYOR

89 ATTEST:

90 

91 MELISSA JACOBSEN, MMC, CITY CLERK

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93  
94 YES: 4

95 NO: 2

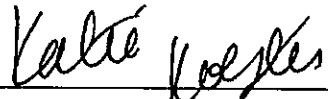
96 ABSTAIN: 0

97 ABSENT: 0

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First Reading: 0.24.18  
Public Hearing: 10.8.18, 10.22.18  
Second Reading: 10.22.18  
Effective Date: 10.23.18

Reviewed and Approved as to form and content:

  
\_\_\_\_\_  
Katie Koester, City Manager

  
\_\_\_\_\_  
Holly Wells, City Attorney

Date: 10.26.18

Date: 11.6.18



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Administration

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 19-147

TO: Mayor Ken Castner and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Jenny Carroll, Special Projects and Communications Coordinator  
DATE: November 20, 2019  
SUBJECT: Ordinance to Correct the Plastic Bag Ban Ordinance 18-43(S)

After Proposition A passed at the October 1, 2019 City of Homer Regular Election and staff began creating educational materials about the newly adopted code amendments, discrepancies in Ordinance 18-43(S) were identified.

The proposed Ordinance corrects incorrectly forecasted year dates, a typo in bag thickness and helps clarify implementation. Strikethroughs indicate words to be removed; bolded words will be inserted. None of the corrections change what voters adopted in ballot Proposition A.

Recommendation: Adopt the Plastic Bag Ban correction Ordinance.

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-54**

An Ordinance of the City Council of Homer, Alaska Amending the 2019 Operating Budget to Appropriate an Amount not to Exceed \$50,000 from the HART Fund for the Purpose of Developing a Wayfinding-Streetscape Plan for the City of Homer, Authorizing the City Manager to Prepare an RFP for Consultant Services and Authorizing the Establishment of a Wayfinding and Streetscape Task Force with the Consultant.

Sponsor: Venuti/Smith

1. City Council Regular Meeting November 25, 2019 Introduction

Memorandum 19-148 from Special Projects and Communications Coordinator as backup

2. City Council Regular Meeting December 9, 2019 Public Hearing and Second Reading

Memorandum 19-148 from Special Projects and Communications Coordinator as backup

1 CITY OF HOMER  
2 HOMER, ALASKA

Venuti/Smith

3  
4 ORDINANCE 19-54(S)(A)  
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING THE 2019 CAPITAL BUDGET TO APPROPRIATE AN  
8 AMOUNT NOT TO EXCEED \$50,000 FROM THE HART FUND FOR  
9 THE PURPOSE OF DEVELOPING A WAYFINDING-STREETScape  
10 PLAN FOR THE CITY OF HOMER, AUTHORIZING THE CITY  
11 MANAGER TO PREPARE AN RFP FOR CONSULTANT SERVICES AND  
12 AUTHORIZING THE ESTABLISHMENT OF A WAYFINDING-  
13 STREETScape TASK FORCE TO WORK WITH THE CONSULTANT.  
14

15 WHEREAS, The Homer City Council established the Economic Development Advisory  
16 Commission (EDC) to advise City Council on ways to improve the local business climate; and  
17

18 WHEREAS, The EDC completed a Business Retention & Expansion (BR&E) Survey with  
19 the goal of identifying areas where the EDC can work to help improve the local business  
20 climate; and  
21

22 WHEREAS, Improved walkability, greenspace and initiatives that showcase Homer's  
23 beauty (particularly in the Pioneer Avenue/Central Business District) were the most frequently  
24 mentioned ideas for improving Homer's business climate and quality of life; and  
25

26 WHEREAS, While a range of factors are important to business success, knowledge of  
27 Homer's various commercial districts, ease of navigation, quality of the street environment  
28 and pedestrian experience are critical to attracting business investment and encouraging  
29 consumer engagement in Homer's commercial districts; and  
30

31 **WHEREAS, Streetscape planning gives us the opportunity to increase business**  
32 **activity, generate tax revenue and a high return on investment in our central business**  
33 **district with pedestrian-friendly infrastructure and land use improvements such as a**  
34 **connected, easily walkable set of sidewalks and trails that offer personal security and**  
35 **traffic safety, public parking solutions, and public gathering or resting areas at**  
36 **reasonable intervals; and**  
37

38 WHEREAS, The EDC has determined that a wayfinding-streetscape plan (a plan and  
39 design standards to guide City improvements and enhancements such as wayfinding signage,  
40 landscaping, benches, trash receptacles, pocket parks, etc.) will support BR&E business  
41 climate goals and be a catalyst for economic activity; and



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WHEREAS, Establishing a wayfinding-streetscape (WF-SS) system is consistent with goals in the City of Homer Comprehensive Plan, the Non-Motorized Transportation & Trail Plan and the Homer Spit Comprehensive Plan; and

WHEREAS, A WF-SS plan builds upon citizen interest in Pioneer Avenue through the Pioneer Avenue Revitalization Task Force’s efforts to make a more attractive, vibrant Pioneer Avenue business district; and

WHEREAS, The scope and objectives for a WF-SS plan have been proposed by the EDC and have been endorsed by the Homer Planning Commission, Park Arts, Recreation and Culture Advisory Commission and by community organizations and businesses; and

WHEREAS, Best practices for WF-SS plan development would utilize input from a broad-based local steering committee and the design and outreach expertise of a professional consultant to work with the public, the City and State agencies responsible for managing public right-of-ways;

**WHEREAS, The HART Roads Fund Balance is \$6,243,285.25 and HART Trails Fund Balance is \$636,834.84.**

NOW THEREFORE, The City of Homer supports the Wayfinding-Streetscape Plan proposal and Ordains:

Section 1. The FY2019 Capital budget is hereby amended by appropriating no more than \$50,000 from the HART Fund (split 50/50 between HART Roads and HART Trails) to secure the services of a professional consultant to facilitate the development of a WF-SS Plan through a competitive bidding process, as follows:

Account No.	Description:	Amount:
<b>160-0375</b>	<b>HART Roads Fund</b>	<b>\$25,000</b>
<b>165-0375</b>	<b>Hart Trails Fund</b>	<b>\$25,000</b>

Section 2. City Council authorizes the City Manager to prepare a Request for Proposals to secure these consultant services.

Section 3. City Council further authorizes formation of a WF-SS Task Force to work with the consultant as needed on the WF-SS Plan development.

Section 4. This is a budget amendment ordinance is temporary in nature, and shall not be codified.

CITY OF HOMER

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KEN CASTNER, MAYOR

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88 ATTEST:

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91 MELISSA JACOBSEN, MMC, CITY CLERK  
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93 YES:

94 NO:

95 ABSTAIN:

96 ABSENT:

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98 First Reading:

99 Public Hearing:

100 Second Reading:

101 Effective Date:

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104 Reviewed and approved as to form:

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107 \_\_\_\_\_  
108 Katie Koester, City Manager

\_\_\_\_\_  
Michael Gatti, City Attorney

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

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



## Memorandum 19-148

TO: City Council and Mayor Castner

THROUGH: Katie Koester, City Manager

FROM: Economic Development Advisory Commission

DATE: November 18, 2019

SUBJECT: Advisory Commission support for the Wayfinding-Streetscape Plan Ordinance  
Authorizing funds for developing a Wayfinding-Streetscape Plan for the City of Homer

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After working on the Wayfinding-Streetscape Plan proposal for 18 months, the Economic Development Commission held a joint worksession on October 16, 2019 to review and discuss the proposal with the Planning Commission and the Park, Arts, Recreation and Culture Advisory Commission.

After the worksession, each commission addressed the Ordinance at their regularly scheduled business meetings and each voted unanimously in support of the draft ordinance for adoption by the City Council. Excerpts from the meeting minutes are attached for your reference.

### **Economic Development Commission**

**Recommendation:** Adopt Ordinance authorizing the development of a wayfinding-streetscape plan for the City of Homer.

The purpose of the Task Force was also discussed at the worksession. Consensus was that the Task Force could be set up after creation of the RFP and selection of the consultant to serve as a stakeholder group capable of collecting data and gathering public input under direction of the consultant to inform the planning process. The Task Force would also provide organizational support for and promote community participation in any public meetings, plan open houses, charrette events, etc. scheduled by the consultant.

### ***Proposed Project Scope***

The EDC recommends a **Wayfinding-Streetscape Plan** with an emphasis on:

- 1) Pedestrian experience with continuity with vehicle signage, particularly at Homer's gateways;
- 2) Design that is cohesive, but not necessarily identical and that enhances and reflects the distinctive commercial districts and creative character of Homer;
- 3) Using all aspects of technological and physical wayfinding signage and tools.

### **Wayfinding Scope**

- 1) Assist pedestrians navigating Pioneer Avenue and to points of interest in the Central Business District;
- 2) Orientation wayfinding at Homer's gateways;
- 3) Making connections between Homer's destination areas (i.e. Old Town, the Spit, Farmer's Market, and others as identified and agreed upon.)

### **Streetscape Scope**

- 1) Propose realistic streetscape and public space improvement options along Pioneer Avenue and to points of interest within the Central Business District
- 2) A strategic approach for implementation of any combination of the following elements:
  - Accessibility • Banners • Trash cans
  - Landscaping (plant lists, use of gardens)
  - Pedestrian rest stops and street furniture:

F. Wayfinding, Next Steps

Chair Lewis introduced the item by reading of the title and requested a motion.

HARRALD/ARCHIBALD MOVED TO RECOMMEND TO CITY COUNCIL TO ADOPT ORDINANCE 19-XX TO FUND UP TO \$50,000 FROM THE HART FUND FOR THE PURPOSE OF DEVELOPING A WAYFINDING AND STREETScape PLAN.

Per questions from Commissioner Archibald, Deputy City Planner Engebretsen clarified that likely the funding for the plan would come from a split of road and trail funds, which will be up to City Council to decide. Further discussion ensued on the reasons in support of having a Wayfinding-Streetscape Plan and ensuring that PARCAC has a voice during the creation of the plan.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

---

**PLANNING COMMISSION  
REGULAR MEETING  
OCTOBER 16, 2019**

**NEW BUSINESS**

Memorandum from Jenny Carroll re: Wayfinding, Next Steps

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

Deputy City Planner Engebretsen requested a motion of support from the Commission to forward to City Council.

BENTZ/BOS MOVED TO RECOMMEND THE PLANNING COMMISSION SUPPORTS THE INITIATIVE TO CREATE WAYFINDING AND STREETScape PLAN AND FORWARD TO CITY COUNCIL.

Commissioner Bentz provided a recap of the joint worksession between members of the Economic Development Advisory Commission, Parks Art Recreation & Cultures Advisory Commission and the Planning Commission. She noted the following was discussed and reviewed:

- Work product on the initiative
- Draft ordinance and outline of work efforts
- Timeline
- Consultant to develop wayfinding and streetscape plan
- Possibility of Updated map of the city
- Interest in working together to achieve multiple goals such as marketing , non-motorized transportation

Further comments from the Commission on the goals of the plan, interest from business owners, not getting bogged down in the color palette and not addressing technical design, meshing with current plans and that it will be more of a technical planning document.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

1 CITY OF HOMER  
2 HOMER, ALASKA

Venuti/Smith

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4 ORDINANCE 19-54(S-2)(A)  
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA  
7 AMENDING THE 2019 CAPITAL BUDGET TO APPROPRIATE AN  
8 AMOUNT NOT TO EXCEED \$50,000 FROM THE HART FUND FOR  
9 THE PURPOSE OF DEVELOPING A WAYFINDING-STREETSCAPE  
10 PLAN FOR THE CITY OF HOMER, AUTHORIZING THE CITY  
11 MANAGER TO PREPARE AN RFP FOR CONSULTANT SERVICES AND  
12 ~~AUTHORIZING THE ESTABLISHMENT OF A WAYFINDING-~~  
13 ~~STREETSCAPE COMMITTEE TO WORK WITH THE CONSULTANT.~~  
14

15 WHEREAS, The Homer City Council established the Economic Development Advisory  
16 Commission (EDC) to advise City Council on ways to improve the local business climate; and  
17

18 WHEREAS, The EDC completed a Business Retention & Expansion (BR&E) Survey with  
19 the goal of identifying areas where the EDC can work to help improve the local business  
20 climate; and  
21

22 WHEREAS, Improved walkability, greenspace and initiatives that showcase Homer's  
23 beauty (particularly in the Pioneer Avenue/Central Business District) were the most frequently  
24 mentioned ideas for improving Homer's business climate and quality of life; and  
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26 WHEREAS, While a range of factors are important to business success, knowledge of  
27 Homer's various commercial districts, ease of navigation, quality of the street environment  
28 and pedestrian experience are critical to attracting business investment and encouraging  
29 consumer engagement in Homer's commercial districts; and  
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31 **WHEREAS, Streetscape planning gives us the opportunity to increase business**  
32 **activity, generate tax revenue and a high return on investment in our central business**  
33 **district with pedestrian-friendly infrastructure and land use improvements such as a**  
34 **connected, easily walkable set of sidewalks and trails that offer personal security and**  
35 **traffic safety, public parking solutions, and public gathering or resting areas at**  
36 **reasonable intervals; and**  
37

38 WHEREAS, The EDC has determined that a wayfinding-streetscape plan (a plan and  
39 design standards to guide City improvements and enhancements such as wayfinding signage,  
40 landscaping, benches, trash receptacles, pocket parks, etc.) will support BR&E business  
41 climate goals and be a catalyst for economic activity; and

42 WHEREAS, Establishing a wayfinding-streetscape (WF-SS) system is consistent with  
43 goals in the City of Homer Comprehensive Plan, the Non-Motorized Transportation & Trail Plan  
44 and the Homer Spit Comprehensive Plan; and

45  
46 WHEREAS, A WF-SS plan builds upon citizen interest in Pioneer Avenue through the  
47 Pioneer Avenue Revitalization Task Force’s efforts to make a more attractive, vibrant Pioneer  
48 Avenue business district; and

49  
50 WHEREAS, The scope and objectives for a WF-SS plan have been proposed by the EDC  
51 and have been endorsed by the Homer Planning Commission, Park Arts, Recreation and  
52 Culture Advisory Commission and by community organizations and businesses; and

53  
54 WHEREAS, Best practices for WF-SS plan development would utilize input from a broad-  
55 based local steering committee and the design and outreach expertise of a professional  
56 consultant to work with the public, the City and State agencies responsible for managing  
57 public right-of-ways; **and**

58  
59 **WHEREAS, Upon completion of the WF-SS Plan RFP, City Council will consider a**  
60 **resolution authorizing staff to assemble a WF-SS Committee to serve as a communication**  
61 **link between citizens, user groups, city staff and the consultant, provide input on current**  
62 **conditions and actively promote the project and public participation by communicating**  
63 **with community members and their respective user groups; and**

64  
65 **WHEREAS, The HART Roads Fund Balance is \$6,243,285.25 and HART Trails Fund**  
66 **Balance is \$636,834.84.**

67  
68 NOW THEREFORE, The City of Homer supports the Wayfinding-Streetscape Plan  
69 proposal and Ordains:

70  
71 Section 1. The FY2019 Capital budget is hereby amended by appropriating no more  
72 than \$50,000 from the HART Fund (split 50/50 between HART Roads and HART Trails) to secure  
73 the services of a professional consultant to facilitate the development of a WF-SS Plan through  
74 a competitive bidding process, as follows:

75

Account No.	Description:	Amount:
<b>160-0375</b>	<b>HART Roads Fund</b>	<b>\$25,000</b>
<b>165-0375</b>	<b>Hart Trails Fund</b>	<b>\$25,000</b>

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80 Section 2. City Council authorizes the City Manager to prepare a Request for Proposals  
81 to secure these consultant services.  
82

83 ~~**Section 3. City Council authorizes formation of a WF-SS Task Force to work with**~~  
84 ~~**the consultant as needed on the WF-SS Plan development.**~~

85  
86 Section 43. This is a budget amendment ordinance is temporary in nature, and shall not  
87 be codified.

88 CITY OF HOMER

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91 \_\_\_\_\_  
92 KEN CASTNER, MAYOR

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94 ATTEST:

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96 \_\_\_\_\_  
97 MELISSA JACOBSEN, MMC, CITY CLERK

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99 YES:

100 NO:

101 ABSTAIN:

102 ABSENT:

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104 First Reading:

105 Public Hearing:

106 Second Reading:

107 Effective Date:

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110 Reviewed and approved as to form:

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113 \_\_\_\_\_  
114 Katie Koester, City Manager

113 \_\_\_\_\_  
114 Michael Gatti, City Attorney

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

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



## **Memorandum 19-161**

TO: City Council and Mayor Castner

THROUGH: Katie Koester, City Manager

FROM: Jenny Carroll, Special Projects & Communications Coordinator

DATE: December 4, 2019

SUBJECT: Additional Information on WF-SS Plan scope and proposed Task Force

This memo provides City Council with more information regarding the scope of the Wayfinding Streetscape Plan and proposes restructuring the WF-SS Task Force proposed in Ordinance 19-54(S)(A).

*WF-SS Scope:* The following provides a framework from which staff will develop a detailed RFP including specific project tasks, deliverables and timetable. The amendment adding public parking solutions to the streetscape scope expands the original scope of the project. If exploring public parking options/solutions in the Central Business District remains part of the scope, Council should consider authorizing more funds to cover this additional deliverable or have clear expectations about the limited nature of parking within a WF-SS plan (e.g. identify strategic locations for public parking that promote walkability within each primary commercial district).

*WF-SS Task Force:* The EDC proposed a Task Force for the purpose of bringing representatives of various user groups together to provide input to the consultant on current conditions, to provide information about specific user groups and their wayfinding/streetscape needs, and to promote robust citizen engagement in focus groups and public meetings. Items 4.b. and 5.b below address the envisioned role of the proposed WF-SS Task Force.

The purpose of the proposed WF-SS Task Force lacks specific criteria required by City Council Resolution 19-051 to authorize a Task Force, specifically deliverables to City Council. WF-SS Plan deliverables is the job of the consultant. Therefore, staff recommends an amendment to Ordinance 19-54(S)(A), striking Task Force authorization from Section 3 and adding a Whereas clause which supports creation of a WF-SS Committee.

The WF-SS Committee would meet monthly at a regular time to serve as a communication link between citizens, user groups, city staff and the consultant and actively promote the project and public participation by communicating with community members and their respective user groups. The Committee's function is better served by a more informal worksession setting with City staff and/or the consultant as facilitator. The City has successfully utilized a similar structure before,



namely for the PARC Needs Assessment in 2014, the Comprehensive Plan in 2006-7 and the Climate Action Plan in 2005.

Staff will work with user groups (e.g. Pioneer Avenue Revitalization Task Force, Independent Living Center, Senior Center, trail advocates, Park, Arts, Recreation and Culture Commission, Planning Commission, Chamber of Commerce, arts groups and community business owners, etc.) to solicit broad-based representation on the Committee. Committee membership will be solicited and completed during the time the WF-SS RFP is advertised. Meetings will be regularly scheduled and conclude when a final plan is ready for presentation to City Council. Staff will provide a follow-up informational memo to City Council at the time the WF-SS Committee is being formed.

### **Wayfinding-Streetscape Plan Objectives**

1. Help distribute economic activity among Homer's primary commercial districts by:

- Informing the travelling public about Homer's primary commercial districts; and
- Assisting them in navigating between these districts and to key destinations within the central business district.

2. Encourage pedestrian activity and foster economic development along Pioneer Avenue and within the Central Business District by:

- Providing realistic streetscape amenities that, when combined, create an inviting, safe, dynamic and desirable character and feel.

The City plans to use the plan to guide future City purchases and placements of wayfinding-streetscape enhancements.

### **Scope of Work:**

1. Develop a wayfinding plan to include the following:

- a. Identify appropriate location and propose sign design for permanent orientation signage at Homer's gateways: Baycrest Overlook and Pioneer Dock; and
- b. Identify need for, appropriate locations for and propose sign design for minimal, but effective vehicular directional/gateway signage at route decision points (e.g. from the Sterling Highway onto Pioneer Avenue and to Old Town); and
- c. Design and locate pedestrian route finding signage to main attractions and trail systems keeping safety, maintenance costs and replacement costs in mind; and
- d. Propose sign designs that can be cohesive across the City while enhancing and reflecting the distinctive character of each economic district; and
- e. Steps to reduce existing sign clutter.

2. Develop realistic streetscape and public space improvements to enhance the quality of the street environment and enhance pedestrian experience and safety in the Central Business District, primarily along the Pioneer Avenue corridor and on routes from Pioneer Avenue to main attractions:

- a. Locations for street furniture to provide pedestrian rest stops that will not interfere with maintenance activities; and

- b. Propose designs for durable street furniture that can withstand the elements (e.g. benches or other seating, refuse receptacles, bicycle amenities); and
- c. Evaluate potential for landscaping/pocket parks to house rest stops; and
- d. Provide plant list of salt and moose tolerant vegetation along busy streets; and
- e. Design pole banners to utilize existing infrastructure on Pioneer Avenue; and
- f. Other realistic ways to improve quality of the street environment to help meet objectives.

### 3. Develop an Implementation Strategy

- a. To enable City staff to carry out the results contained in the WF-SS Plan in a manner that is fiscally and operationally logical.

### 4. Participation in Project Meetings

- a. Consultant will work with City staff to discuss project progress/direction and to acquire necessary materials already produced including but not limited to the Comprehensive Plan and the Non-Motorized Transportation and Trail Plan; and
- b. Consultant will work with WF-SS Task Force through City staff to gain input on current conditions and help identify user groups and their specific wayfinding/streetscape needs; and
- c. Consultant will be knowledgeable of and work with State of Alaska on ROW requirements/permissions.

### 5. Develop a Communications Program for Community Engagement

- a. Develop and establish a transparent and inclusive community engagement process to build upon previous community work to refine and articulate a shared vision of wayfinding-streetscape improvements;
- b. Consultant will work with WF-SS Task Force (through City staff) to promote robust citizen participate in public input meetings including Council and task force meetings and potential focus groups.
- c. Consultant will be expected to make multiple site visits to Homer for stakeholder engagement.

In response to the RFP, the Consultant may expand on these tasks, provide detail on how they are to be accomplished, and/or suggest additional tasks as warranted to meet the stated project objectives.

#### **Estimated Timeframe subject to change:**

January 2020: create RFP

February: Advertising and proposal submission and solicit for WF-SS Committee members

March: Selection of consultant, finalize contract

April: Project Kick-Off

September: Final deliverables due from consultant

October/Nov: Presentation of plan to City Council, plan adoption

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-56**

An Ordinance of the City Council of Homer, Alaska Moving Expenditures in the Amount of \$92,852.24 Previously Allocated from the General Fund Operating Fund to now be Allocated from the Natural Gas Line Capital Project Fund for Legal and Travel Related Expenses Associated with ENSTAR Tariff Filing 310-4.

Sponsor: Mayor

1. City Council Regular Meeting November 25, 2019 Introduction
2. City Council Regular Meeting December 9, 2019 Public Hearing and Second Reading

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

3 Mayor

4 **ORDINANCE 19-56**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 MOVING EXPENDITURES IN THE AMOUNT OF \$92,852.24  
8 PREVIOUSLY ALLOCATED FROM THE GENERAL FUND OPERATING  
9 FUND TO NOW BE ALLOCATED FROM THE NATURAL GAS LINE  
10 CAPITAL PROJECT FUND FOR LEGAL AND TRAVEL RELATED  
11 EXPENSES ASSOCIATED WITH ENSTAR TARIFF FILING 310-4  
12

13 WHEREAS, Together with the City of Kachemak and the Kenai Peninsula Borough, the  
14 City of Homer intervened in Enstar Tariff Filing TA310-4 to protect the interests of Southern  
15 Peninsula Ratepayers; and  
16

17 WHEREAS, Kachemak City Ordinance 2019-02 authorized the City of Kachemak to  
18 intervene in the Enstar Natural Gas Company Homer Extension Surcharge Tariff TA310-4 and  
19 pledged to contribute 10% of legal fees up to \$10,000; and  
20

21 WHEREAS, The Kenai Peninsula Borough joined as a one-third partner with the Cities of  
22 Homer and Kachemak via Resolution 2019-028 and Ordinance 2018-19-35; and  
23

24 WHEREAS, Legal Counsel billed Kachemak City and the Kenai Peninsula Borough  
25 directly; and  
26

27 WHEREAS, In large part due to the participation and alignment of the three Southern  
28 Peninsula municipalities, the intervention was successful and the parties were able to get the  
29 Regulatory Commission of Alaska to approve a negotiated settlement that provided certainty  
30 for all Southern Peninsula rate payers; and  
31

32 WHEREAS, The legal and travel related expenses associated with the Enstar case were  
33 originally allocated to the General Fund Operating Fund. However, these expenditures  
34 resulted in a benefit to all Southern Peninsula ratepayers, and, therefore, it would be  
35 appropriate to reallocate these costs to the Natural Gas Line Capital Project Fund.  
36

37 NOW, THEREFORE, The City of Homer Ordains:  
38

39 Section 1. That the legal and travel related expenses associated with the RCA Tariff  
40 Filing TA310-4 are reallocated from the General Fund Operating Fund to the Natural Gas Line  
41 Capital Project Fund, as follows:  
42

43 Current Allocation:

44	Account No.	Description:	Amount:
45	100-0100-5210	Professional Services	\$86,210.63
46	100-0100-5236	Transportation	\$1,769.93
47	100-0100-5237	Subsistence	\$434.00
48	100-0110-5236	Transportation	\$555.72
49	100-0110-5237	Subsistence	\$3,881.96

50

51 New Allocation:

52	175-0375-5210	Professional Services	\$92,852.24
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53

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

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57 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

64 ATTEST:

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67 \_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

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69 YES:

70 NO:

71 ABSTAIN:

72 ABSENT:

73

74 First Reading:

75 Public Hearing:

76 Second Reading:

77 Effective Date:

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79 Reviewed and approved as to form:

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82 \_\_\_\_\_  
Katie Koester, City Manager

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

\_\_\_\_\_  
Michael Gatti, City Attorney

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

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-57**

An Ordinance of the City Council of Homer, Alaska Transferring Necessary Funding to Properly Close Projects Citywide in the 2019 Fiscal Year (General Fund, Water/Sewer Fund and Port & Harbor Fund).

Sponsor: Mayor

1. City Council Regular Meeting December 9, 2019 Introduction

**CITY OF HOMER  
HOMER, ALASKA**

Mayor

**ORDINANCE 19-57**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
TRANSFERRING NECESSARY FUNDING TO PROPERLY CLOSE  
PROJECTS CITYWIDE IN THE 2019 FISCAL YEAR (GENERAL FUND,  
WATER/SEWER FUND AND PORT & HARBOR FUND).

WHEREAS, The Finance Department has identified capital project accounts that were not closed out despite the projects' completion over the last 19 years; and

WHEREAS, The Homer City Council was briefed on the status of the projects during the Committee of the Whole on November 25, 2019 and in Memorandum 19-155; and

WHEREAS, Some of these projects were open with a negative or positive balance, which could mean a transfer of funds may never have been recorded, there were coding errors, or the project over or under spent its appropriation; and

WHEREAS, In the case of projects that came in under budget and clear authority on where the funds came from, the open balance was returned to the fund of origin and the project was closed out and documented below in this ordinance; and

WHEREAS, Twenty-three general fund, six water/sewer, and ten port/harbor capital projects under \$10,000 have been closed out by the City Manager and are documented below in this ordinance; and

WHEREAS, No new funds have been expended to close out the projects listed below; this ordinance acknowledges transfers for expenditures that have already occurred; and

WHEREAS, Administration is developing systems to prevent projects from being left open through internal measures such as close out meetings, forms, regular reports to the City Manager and an annual report to Council; and

WHEREAS, The transfers authorized in this ordinance will be booked in the 2019 fiscal year in order to provide the most complete and accurate financial statements possible for the fiscal year; and

WHEREAS, The Finance Department is still in the process of investigating 20 projects with open balances as detailed in Memorandum 19-155 and will include as many projects close

42 out recommendations as they are able to work through in the allotted time between meetings  
43 in a substitute ordinance for second reading.

44

45 NOW, THEREFORE, The City of Homer Ordains:

46

47 Section 1. That six General Fund capital projects came in under appropriation totaling  
48 \$226,022.09 and are to be closed per funding transfers detailed as follows:

49

50 <u>Account</u>	<u>Description</u>	<u>Amount</u>
51 151-0003	Soundview Safety	(\$154,150.64)
52 160-0375	HART Roads	\$154,150.64
53		
54 151-0720	Computer Software Upgrade (Caselle)	(\$26,433.26)
55 100-0099	GF Fund Balance	\$26,433.26
56		
57 151-0726	Hockey Grant	(\$750.15)
58 100-0099	GF Fund Balance	\$750.15
59		
60 151-0727	Mariner Park	(\$22,581.78)
61 156-0385	Parks CARMA	\$22,581.78
62		
63 151-0777	Cruise Ship Enhancements (Dtwn Restrooms)	(\$225.00)
64 156-0385	Parks CARMA	\$225.00
65		
66 151-0779	Fishing Lagoon Improvements	(\$21,881.26)
67 151-0776	KPHI Phase I	\$21,881.26
68		

68

69 Section 2. That fourteen General Fund capital projects came in over appropriation  
70 totaling \$113,584.08 and are to be closed per funding transfers detailed as follows:

71

72 <u>Account</u>	<u>Description</u>	<u>Amount</u>
73 160-0375	HART Roads	(\$386.85)
74 151-0001	Bunnell Street Storm Drain Rehab	\$386.85
75		
76 156-0378	Fire Hall Reserves	(\$925.00)
77 151-0004	Fire Hall Improvements	\$925.00
78		
79 156-0390	Library CARMA	(\$2,149.86)
80 151-0005	Library Backup Generator	\$2,149.86
81		
82 156-0388	Airport CARMA	(\$133.90)
83 151-0388	Old Airport Reserves	\$133.90



	<u>Account</u>	<u>Description</u>	<u>Amount</u>
84			
85	156-0393	Fire CARMA	(\$4,050.00)
86	151-0719	Live Fire Training Trailer	\$4,050.00
87			
88	165-0375	HART Trails	(\$6,073.84)
89	151-0772	Beluga Slough Trails	\$6,073.84
90			
91	620-0375	Revolving Energy Fund	(\$19,773.00)
92	156-0375	General Fund CARMA	(\$76,347.18)
93	151-0775	City Hall Expansion & Remodel	\$96,120.18
94			
95	175-0375	Natural Gas Line Capital Project Fund	(\$0.05)
96	151-0778	South Peninsula Gas Line	\$0.05
97			
98	156-0369	Seawall CARMA	(\$202.47)
99	151-0788	Seawall Maintenance	\$202.47
100			
101	165-0375	HART Trails	(\$6,930.79)
102	151-0792	Spit Trail Completion	\$6,930.79
103			
104	156-0394	Police CARMA	(\$333.42)
105	151-0795	Homeland Security/Radio	\$333.42
106			
107	100-0375	General Fund CARMA	(\$3,207.63)
108	151-0863	Manley Building Fuel Spill	\$3,207.63
109			
110	100-0100	GF Fund Balance	(\$12,732.09)
111	151-0936	Skyline Fire Station	\$12,732.09
112			
113	156-0394	Police CARMA	(\$111.00)
114	151-7006	FY16 Homeland Security Grant	\$111.00
115			
116			

Section 3. That four General Fund capital projects were incorrectly categorized in this fund totaling \$517,875.09 and are to be closed per funding transfers detailed as follows:

	<u>Account</u>	<u>Description</u>	<u>Amount</u>
117	160-0375	HART Roads	(\$487,048.71)
118	151-0002	General Repaving	\$487,048.71
119			
120	157-0780	Non-Capital ASTEP DUI Enforcement	(\$661.25)
121	151-0780	Capital ASTEP DUI Enforcement Grant	\$661.25
122			
123			
124			
125			

126			
127	157-0781	Non-Capital ASTEP Seatbelt Enforcement	(\$2,843.27)
128	151-0781	Capital ASTEP Seatbelt Enforcement Grant	\$2,843.27
129			
130	100-0100	GF Fund Balance	(\$27,321.86)
131	151-0798	Natural Gas SAD	\$27,321.86
132			

133        Section 4. That two Water and Sewer capital projects came in under appropriation  
 134 totaling \$5,850.59 and are to be closed per funding transfers detailed as follows:

135	<u>Account</u>	<u>Description</u>	<u>Amount</u>
136	215-0834	Kach Dr Water Main Phase III	(\$157.52)
137	205-0375	HAWSP	\$157.52
138			
139	215-0836	Old Cast Iron Water Main Rep De	(\$5,693.07)
140	205-0375	HAWSP	\$5,693.07
141			
142			

143        Section 5. That eight Water and Sewer capital projects came over appropriation  
 144 totaling \$95,713.97 and are to be closed per funding transfers detailed as follows:

145	<u>Account</u>	<u>Description</u>	<u>Amount</u>
146	256-0379	Sewer Reserves	(\$1,894.29)
147	215-0001	Lillian Walli	\$1,894.29
148			
149	256-0379	Sewer Reserves	(\$295.36)
150	215-0002	Kach Dr III Sewer	\$295.36
151			
152	256-0378	Water Reserves	(\$18,147.83)
153	215-0003	Kach Dr III Water	\$18,147.83
154			
155	205-0375	HAWSP	(\$53,785.71)
156	215-0815	Bartlett/Hohe Reconstruction	\$53,785.71
157			
158	256-0379	Sewer Reserves	(\$120.00)
159	215-0826	Kach Dr Phase I Sewer	\$120.00
160			
161	205-0375	HAWSP	(\$15,276.00)
162	215-0829	East End Road PVC Pipe Replacement	\$15,276.00
163			
164	205-0375	HAWSP	(\$5,199.78)
165	215-0837	Shellfish Ave/South Slope Water Main	\$5,199.78
166			
167			

168

169	<u>Account</u>	<u>Description</u>	<u>Amount</u>
170	256-0378	Water Reserves	(\$995.00)
171	215-0866	Electric Turbine/Hydro	\$995.00

172

173 Section 6. That two Water and Sewer capital projects had an incorrect rebalancing  
 174 journal entry of \$20,299.16 and are to be closed per funding transfers detailed as follows:

175

176	<u>Account</u>	<u>Description</u>	<u>Amount</u>
177	215-0832	Sanitary Sewer Rehab	(\$20,299.16)
178	215-0833	Pressure Reducing Valve	\$20,299.16

179

180 Section 7. That four Port and Harbor capital projects came in under appropriation  
 181 totaling \$26,795.49 and are to be closed per funding transfers detailed as follows:

182

183	<u>Account</u>	<u>Description</u>	<u>Amount</u>
184	415-0380	Old Port Reserves	(\$2,394.99)
185	456-0380	Port Reserves	\$2,394.99
186			
187	415-0923	Security Gates & Video Surveillance DWD	(\$2,501.00)
188	456-0380	Port Reserves	\$2,501.00
189			
190	415-0924	DWD Expansion Phase I	(\$17,910.50)
191	456-0380	Port Reserves	\$17,910.50
192			
193	415-0928	Harbor Trails to DWD & Coal Point	(\$3,989.00)
194	456-0380	Port Reserves	\$3,989.00

195

196 Section 8. That six Port and Harbor capital projects came in over appropriation totaling  
 197 \$110,306.57 and are to be closed per funding transfers detailed as follows:

198

199	<u>Account</u>	<u>Description</u>	<u>Amount</u>
200	456-0380	Port Reserves	(\$155.00)
201	415-0926	Cruise Ship Dock & Passenger Facility	\$155.00
202			
203	456-0380	Port Reserves	(\$160.20)
204	415-0932	Anhydrous Ammonia HAZWOPER Training	\$160.20
205			
206	456-0380	Port Reserves	(\$74.44)
207	415-0934	Homer Load & Launch Ramp	\$74.44
208			
209	456-0380	Port Reserves	(\$108,068.29)

210	415-0935	P&H Building (Harbormasters Office)	\$108,068.29
211			
212	<u>Account</u>	<u>Description</u>	<u>Amount</u>
213	456-0380	Port Reserves	(\$1,401.38)
214	415-0938	Fishing Lagoon Fish Cleaning	\$1,401.38
215			
216	456-0380	Port Reserves	(\$447.26)
217	415-0940	Homeland Security FY15 Generator Grant	\$447.26
218			

219 Section 9. That one Port and Harbor capital project did not properly have expenditures  
220 totaling \$25,504.23 booked to it and should be closed per funding transfers detailed as follows:

221			
222	<u>Account</u>	<u>Description</u>	<u>Amount</u>
223	456-0380	Port Reserves	(\$25,504.23)
224	415-0929	DWD Fender Repairs	\$25,504.23
225			

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

228

229 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_ day of \_\_\_\_\_, 2019.

230

231

232 CITY OF HOMER

233

234 \_\_\_\_\_

235 KEN CASTNER, MAYOR

236 ATTEST:

237

238 \_\_\_\_\_

239 MELISSA JACOBSEN, MMC, CITY CLERK

240

241 YES:

242 NO:

243 ABSTAIN:

244 ABSENT:

245

246 First Reading:

247 Public Hearing:

248 Second Reading:

249 Effective Date:

250

251 Reviewed and approved as to form:

252  
253  
254  
255  
256

\_\_\_\_\_  
Katie Koester, City Manager

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

\_\_\_\_\_  
Michael Gatti, City Attorney

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



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

## Finance Department

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(p) 907-235-8121

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## Memorandum 19-155

TO: Mayor Castner and Homer City Council  
THROUGH: Katie Koester, City Manager  
FROM: Elizabeth Walton, Finance Director  
DATE: November 19, 2019  
SUBJECT: Capital Project Funds (151, 215, and 415) Cleanup

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The purpose of this memo is to provide a brief description of the cleanup process and our plan moving forward. Also included in this memo is a walkthrough of the projects we have already closed and a list of projects we need Council action to close. The Finance Department has included recommendations for each of the projects that need Council action. Also included is a list of projects that are currently open in our books, but should be closed. There is a brief statement from Finance on each of these projects to provide context and our thoughts on possibilities for closure.

### Cleanup Process:

The Finance Department has identified capital project accounts that were not closed out (despite the projects' completion) over the last 19 years. Some of these projects were open with a negative or positive balance, which could mean a transfer of funds may never have been recorded, there were coding errors, or the project over or under spent its appropriation.

The cleanup process has been long and tedious, but there is an end in sight. The first step was to go through each of the funds (151, 215, and 415) to determine what projects were still open and their respective fund balance. Once the list of open projects was determined, we went through and segregated the list based on projects that should be open vs. closed. Our first focus has been on closing those projects that should have been closed (some over 10 years old).

We are systematically going through each of these projects to ensure that all funding transfers were properly booked. Once the funding has been confirmed, we are working with the project manager(s) to verify that all expenditures booked to the project are correct. After both of these reviews are done, projects are closed if the open balance is under \$10,000 (CM authority per HCC 3.16.020(a) and the City's Procurement Policy and Procedures Manual) or if there is existing Council authorization providing direction on what to do with the balance. Any projects that are open for an amount exceeding \$10,000 are pending Council action.

If the project needs funding to close, we first look at all funding sources authorized to that project and would take the additional funds 254 in those sources if possible (if not, we pull

from the respective funds' reserve account). If the project has excess funds, we look at the funding sources authorized to that project and return those excess funds to these sources (if there are no funding sources, then the funds go to the appropriate reserve account).

**Plan Moving Forward:**

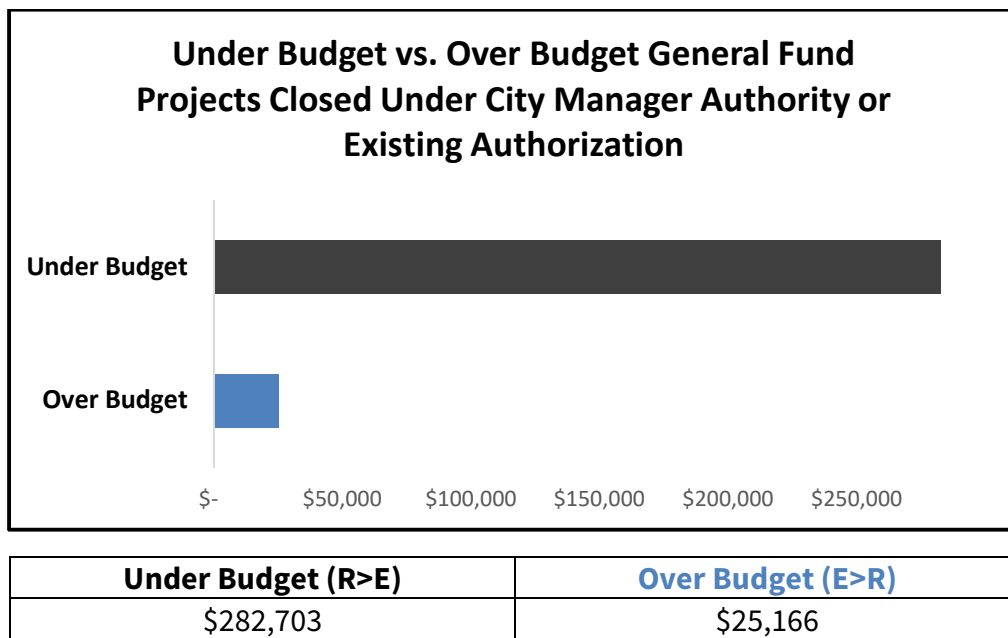
The Finance Department is collectively working on project cleanup. Each staff member has been assigned projects to research and are actively working towards closing. Management felt this was a more efficient way of addressing this and are hopeful that this will shorten the timeline towards completion.

We originally started closing those projects with open balances under the CM authority and then transitioned towards those projects with the highest open balances (exceeding \$100,000). Due to the questions surrounding the HAWSP and Utility funds, we have now switched our focus towards closing those projects within the Utility fund (215). All project cleanup is expected to be completed by the time the books are closed for fiscal year 2019, with the goal of our audited financial statements being a more accurate representation of the actual open project fund balances.

Through this process we are outlining ways to improve. A person within the department will be focused on timelier reporting of project status to all members of management (Council, project manager, finance director, and city manager) to ensure that we are aware of the financial status of each project. We are also working on developing project closeout processes so that when the work is done, our books also reflect that closure.

**Projects Closed Under City Manager Authority or Existing Authorization:**

*General Fund*



**Δ = \$257,537**

- 151-0001 – Bunnell Street Storm Drain Rehab – completed 2017
  - Expenses exceeded revenues by \$386.85. Ord 16-55 authorized funding of \$494,000 from HART for this project. T 255 red \$386.85 from HART to close out project.

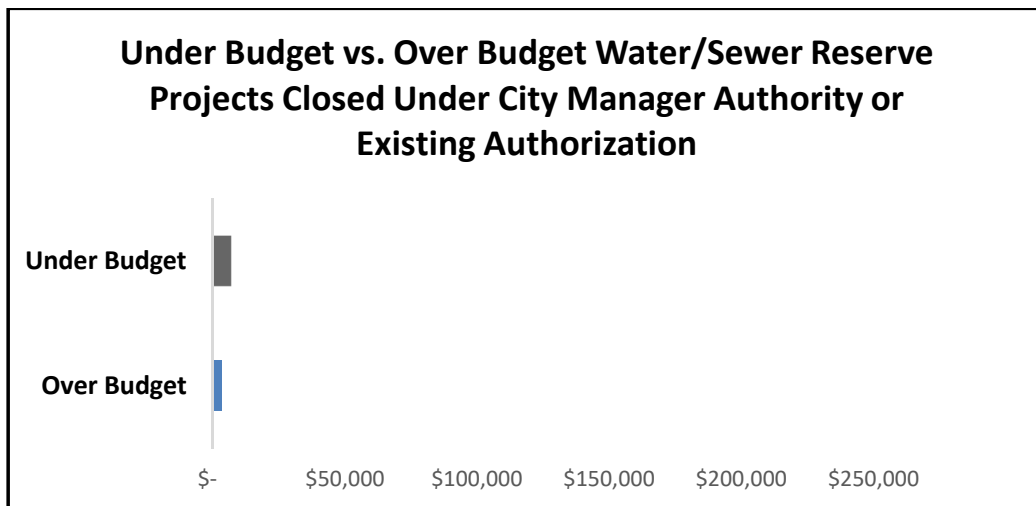
- 151-0002 – General Repaving – completed 2016
  - Ord 16-29 authorized \$562,506 from HART to complete this project. Project expenditures totaled \$487,048.71. Per Ord 16-29, this project should have been created within the HART fund, but it was instead created in the GF Capital Projects Fund (151). Due to accounting standards, we are unable to reclass expenditures from a prior year. So, we had to transfer \$487,048.71 from HART fund to close out this project.
- 151-0003 – Soundview Safety – completed 2018
  - Ord 17-08 authorized the acceptance of a grant totaling \$520,125.30 and match requirement of \$208,049.70 from HART. In the 2016 budget, there were two capital requests funded totaling \$355,000 for this project from HART roads. Total revenue exceeded expenditures in this project by \$154,150.64. As both Ord 17-08 and the budget request appropriated funding from HART roads, this project was closed by transferring the excess funds of \$154,150.64 back to HART roads.
- 151-0004 – Fire Hall Improvements – only expenditures 2017
  - Small amount of expenditures were booked to this project without sufficient funding. My guess is that these expenses should have been recorded to the Fire Hall reserves with the rest of the improvement expenses. Unable to reclass expenditures from a prior year, so we had to transfer \$925 from the Fire Hall reserve fund.
- 151-0005 – Library Backup Generator – final activity 2017
  - Ord 15-34 accepted grant of \$114,300, but expenditures exceeded grant amount by \$2,149.86. Transferred that amount from the library reserves to close out project.
- 151-0388 – Old Airport Reserves – only expenditures 2013
  - Fund 151 used to contain our various General Fund reserve accounts, but those reserve funds were transferred into fund 156 (what we now refer to as the CARMA fund).
  - One expenditure was coded here for \$133.90 in 2013. Suspecting that this was a miscode and was never caught. Closed out project with a transfer from airport reserves for \$133.90.
- 151-0719 – Live Fire Training Trailer – completed 2011
  - This project was originally reported with a negative balance of \$14,275.00. Ord 10-22 accepted a grant of \$204,500. Of which, there was a 5% match requirement of \$10,225. This match transfer was never made. In 2019, we recorded this missing transfer of \$10,225 and now the project has a negative balance of \$4,050. This project was closed by transferring \$4,050 from fire reserves, as this fund was also used for the match requirement.
- 151-0720 – Computer Software Upgrade (Caselle) – Work completed in 2004
  - Ord 03-41 authorizes \$80,000 from the General Fund Fund Balance to upgrade accounting software. The expenditures reported to the project total \$53,566.74, which left an open balance of \$26,433.26. This project was closed by transferring \$26,433.26 back to the General Fund Fund Balance.



- 151-0726 – Hockey Grant – bulk of work completed 2005
  - Grant revenue/local match (Ord 05-16, 05-24) covered expenditures for this project. Revenues exceeded expenditures by \$750.15. Local match was funded by General Fund Fund Balance, so closed project by transferring back \$750.15 to GF fund balance.
- 151-0772 – Beluga Slough Trails – last of grant money 2016/activity in 2015
  - Grant revenue received for this project through various ordinances. Local match component in Ord 10-49(S) from HART Trails. Project expenditures exceeded revenues by \$6,073.84, so closed project by transferring \$6,073.84 from HART trails fund.
- 151-0777 – Cruise Ship Enhancements (Downtown Restrooms) – completed 2014
  - Revenue exceeded expenditures by \$225, so closed project by transferring this amount to Parks reserves.
- 151-0778 – South Peninsula Gas Line – completed 2013
  - Expenditures exceeded revenues by \$0.05, so closed project by transferring this amount from natural gas fund.
- 151-0779 – Fishing Lagoon Improvements – work completed 2012
  - Revenue equaled expenditures during project work in 2012. In 2014, a journal entry was done moving \$21,881.26 from project 151-0776 to “report transfer of matching funds from GF as transfer in”. This project did not need these funds, so in 2019 we transferred it back to project 151-0776.
- 151-0780 – ASTEP DUI Enforcement Grant – ongoing, but error occurred in 2016
  - There an ongoing grant that reimburses for officer time for DUI enforcement. This grant is recorded to our non-capital projects fund for the same project title (157-0780). This particular project was created by accident and expenditures of \$661.25 were booked here instead of 157-0780. To close out this project \$661.25 was transferred from the non-capital project fund, as we are unable to reclass expenditures from a prior year.
- 151-0781 – ASTEP Seatbelt Enforcement Grant – ongoing, but error occurred in 2014
  - This grant revenue should have been recorded to our non-capital projects fund for the same project title (157-0781). This particular project was created by accident and revenues of \$2,843.27 were booked here instead of 157-0781. To close out this project \$2,843.27 was transferred to the non-capital project fund, as we are unable to reclass revenues from a prior year.
- 151-0788 – Seawall Maintenance – completed 2007
  - Expenditures exceeded revenues by \$202.47, so project was closed by transferring \$202.47 from Seawall reserves.
- 151-0792 – Spit Trail Completion – Last of grant money received 2016
  - Project costs exceeded revenue by \$6,930.79. Most of this project was grant funded. Only additional funding came from HART Trails for the local match requirement on one of the grants (ORD 09-48). This project was closed by transferring \$6,930.79 from HART Trails, as this was the funding source used to cover local match requirement.
- 151-0795 – Homeland Security/Radio – completed 2009
  - Ord 07-43(S) accepted grant of \$35,000 and project exceeded that grant by \$333.42, so project was closed by transfe

- 151-0798 – Natural Gas SAD – completed 2013
  - This project was originally reported with a negative balance of \$27,321.86. However, there was a funding transfer that was missed. Ord 12-46 appropriated \$50,165 from the General Fund Fund Balance and this transfer never took place. In 2019, we recorded a transfer of \$27,321.86 (actual project spent) from General Fund Fund Balance to close out the project.
- 151-0863 – Manley Building Fuel Spill – completed 2008
  - Professional Services expenditures in 2008 were covered by a transfer from General Fund reserves, but those expenditures from 2005 were not covered. In order to close out project, \$3,207.63 was transferred from General Fund reserves.
- 151-7001 – Fire Dept Equip Upgrades – completed 2017
  - This project was 100% grant funded and our expenditures matched exactly the grant amount. Project was left open with a zero balance. No future activity is expected, as projected has been completed. This project has been closed.
- 151-7006 – FY16 Homeland Security Grant – completed 2018
  - Looking through grant folder, total expenditures of \$111.00 were denied for reimbursement. Therefore, the project expenditures exceed revenues by this amount. Project was closed by transferring \$111.00 from Police reserves.
- 151-7008 – FY17 Homeland Security Grant – completed 2018
  - This project was 100% grant funded and our expenditures matched exactly the grant amount. Project was left open with a zero balance. No future activity is expected, as projected has been completed. This project has been closed.

*Water/Sewer Fund*



Under Budget (R>E)	Over Budget (E>R)
\$6,601	\$3,305

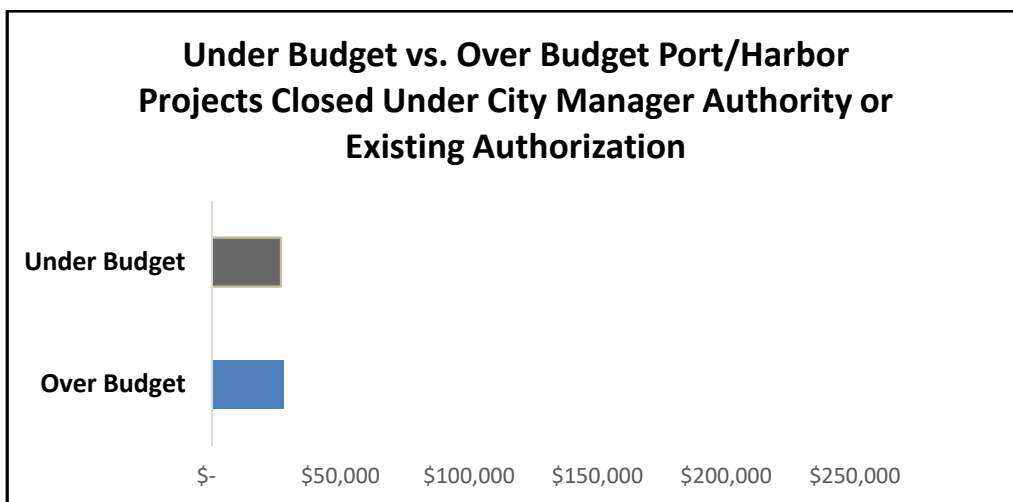
**Δ = \$3,296**

- 215-0001 – Lillian Walli – bulk of work completed 2017
  - Project was initially reported with a negative balance of \$841,300.77. However, this project included both road and sewer improvements. The road portion of this project totaled \$839,406.48 and these 258 uses were moved to HART projects. After this

transfer, the project expenditures exceeded DEC loan amount by \$1,894.29. Per assessment roll, this project is 100% property owner's expense and no HAWSP funds are to be utilized. Given the statement that no HAWSP monies are to be used for this project, this project was closed by transferring \$1,894.29 from sewer reserves.

- 215-0002 – Kach Dr. III Sewer – completed 2017
  - Project expenditures exceeded revenues by \$295.36. Primary revenue source was a loan. There was no match requirement on this project so direction is clearly lacking on how to address any overruns. Due to the nature of HAWSP and needing authority to spend from that fund prior to expenses being incurred, this project was closed by transferring \$295.36 from the Sewer reserves.
- 215-0826 – Kach Dr Phase I Sewer – work completed 2007
  - Project was zeroed out with a transfer from HAWSP in 2009. An expenditure of \$120 was recorded in 2012 and we suspect this was a miscode. To close out this project, a transfer of \$120 was made from the Sewer reserves.
- 215-0834 – Kach Dr Water Main Phase III – work completed 2014
  - Revenues exceeded expenditures by \$157.52 for this project. Match component of grant was funded through HAWSP per Reso 12-062, so project was closed by transferring \$157.52 to HAWSP.
- 215-0836 – Old Cast Iron Wtr Main Rep De – work completed 2014
  - Revenues exceeded expenditures by \$5,693.07 for this project. Match component of grant was funded through HAWSP per Reso 12-062, so project was closed by transferring \$5,693.07 to HAWSP.
- 215-0866 – Electric Turbine/Hydro – work completed 2009
  - Project was zeroed out with a transfer from HAWSP in 2009. An expenditure of \$995 was recorded in 2010 and we suspect this was a miscode. To close out project a transfer of \$995.00 was made from Water reserves.

*Port and Harbor Fund*



Under Budget (R>E)	Over Budget (E>R)
\$26,795	\$27,743

$\Delta = (\$947)$

- 415-0380 – Port Reserves – new fund established 2007
  - This project used to be the port reserves, but in 2007 the Port Depreciation Reserves fund (456-0380) was created and funds from this project were transferred out. After the funds were transferred, this project was never closed and it continued to receive interest income through 2010. This income grew to \$2,394.99 and this amount was transferred to the new port reserves to close this project out.
- 415-0923 – Security Gates & Video Surveillance Equip DWD – work completed 2012
  - Local match components of grant used funding from Port reserves. Revenues exceeded expenditures on this project by \$2,501, so this amount was transferred back to the port reserves fund to close this project.
- 415-0924 – DWD Expansion Phase I – work completed 2016
  - Ord 16-27 appropriated \$38,000 from the Port reserves for this project. Revenues exceeded project expenditures by \$17,910.50, so this amount was transferred back to the port reserves fund to close this project.
- 415-0926 – Cruise Ship Dock & Passenger Facility DWD Imprv & Broom – done 2015
  - Expenditures exceeded revenues by \$155, so this amount was transferred from port reserves to close out project.
- 415-0928 – Harbor Trails to DWD & Coal Point – bulk of work completed 2016
  - Revenues exceeded expenditures by \$3,989, so project was closed by transferring this amount to port reserves.
- 415-0929 – DWD Fender Repairs – completed 2012
  - Expenditures totaling \$25,504.23 were not properly coded to this project, and it was showing that grant revenue exceeded project costs by this amount. We found the missing expenditures, however we are unable to reclass expenditures from a prior year. So, transfers totaling \$25,504.23 was transferred into this project from the respective funds to close it out.
- 415-0932 – Anhydrous Ammonia HAZWOPER Training – completed 2013
  - Expenditures recorded to this project in 2012 totaling \$160.20 prior to receiving grant in 2013. The revenue that came in did not cover this expenditure (possible miscode), so project had expenditures exceeding revenue by \$160.20. To close project this amount was transferred from harbor reserves.
- 415-0934 – Homer Load & Launch Ramp – completed 2016
  - Project expenditures exceeded revenues by \$74.44, so project was closed by transferring this amount from port reserves.
- 415-0938 – Fishing Lagoon Fish Cleaning – completed 2017
  - Project expenditures exceeded revenues by \$1,401.48, so project was closed by transferring this amount from port reserves.
- 415-0940 –Homeland Security FY15 Generator Grant – completed 2018
  - Grant revenue totaling \$129,892.43 was recorded for this project. During the 2017 audit, all project expenditures (\$9,750 at the time) were reclassified out due to accounting standards to report the capitalization of assets. The reclass moved the expenditures out of this project into the port operating fund (400) where all of the

assets reside. This reclass failed to also transfer the revenue received to cover those expenses, thus making the project look like it had excess funding at the end of 2017. In 2018, we received additional grant funding and the expenditures were classified as capital assets and they were subsequently moved out of this project. However, we were aware of the issues associated with the 2017 audit and made sure that the revenue was also reclassified with the expenditures. After we made the 2018 entry to move revenue/expenditures to capitalize the assets, the project expenditures exceeded revenues by \$447.26. A transfer of this amount was made from port reserves to close out this project.

### **Projects needing Council Authority to Close:**

#### *General Fund*

- 151-0727 – Mariner Park – last activity 2000
  - Reso 99-9 awarded a contract for professional environmental assessment services for Mariner Park. Memo 99-35 discusses project scope and includes a packet from the EVOS trustee council. The trustee council detailed a budget of \$95,350 for this project. Unsuccessful in tracking down an ordinance formally accepting any amount of money outside of the 1999 budget detailing the City of Homer receiving \$93,000 in a state grant. The budget also shows COH expending that full amount within the same year. However, we still have an open project balance of \$22,581.78. Given there was no additional funding on this project, City Council needs to determine where to appropriate this excess funding.
    - Finance recommendation: There is no guidance on where to transfer this money to, but it would seem appropriate to transfer \$22,581.78 to the Parks reserve. An argument can also be made to transfer to General Fund Fund Balance as there is the possibility that expenditures were incorrectly recorded to the General Fund instead of this project. This project was started and completed prior to our current accounting software, so we are limited on the amount of expenditure research we can perform.
- 151-0775 – City Hall Expansion & Remodel – completed 2013
  - Project was initially reported with a negative balance of \$583,068.18. However, there was a funding transfer that was missing. In 2019, we recorded this missing transfer of \$486,948 (per Ord 11-19(S)) and now the project has a negative balance of \$96,120.18.
    - Further complication: In 2010 the revolving energy fund was created and \$19,773 of that fund was created by a transfer from the “New City Hall”. We subsequently closed out the “New City Hall” into this project (151-0775) but never removed that \$19,773 in funding from the revolving energy fund. Ord 11-47 authorized a transfer of \$415,873 from the “New City Hall” into this project. The transfer was done, but for \$19,773 less than the authorized amount.
    - Finance recommendation: Clean up the \$19,773 shortage by transferring that amount from the revolving energy fund. If this is done, the project will have a negative balance of \$76,347.18 (expenditures exceeding revenues). Transfer

this amount from General Fund reserves (156-0375) as this was the additional funding source for this project.

- 151-0936 - Skyline Fire Station – Bulk of Work completed in 2014
  - Project was initially reported with a negative balance of \$110,732.09. However, there was a funding transfer that was missing. In 2019, we recorded a transfer of \$98,000 (per Ord 14-12(S)) and now the project has a negative balance of \$12,732.09. We have analyzed all of the project expenditures and they all appear to be related to this project. Given this amount is over CM authority and there is no additional authority to cover these project overruns, City Council needs to appropriate \$12,732.09 to close out this project.
    - Finance recommendation: Ord 14-12(S) provided additional funding from the General Fund Fund Balance, so it would seem appropriate to cover this overrun from this same funding source.

#### *Water/Sewer Fund*

- 215-0003 – Kach Dr III Water – completed 2017
  - All revenues have been properly booked for this project and expenditures exceed revenue by \$18,147.83. We did notice that the work on this project coincided with 215-0002 and most invoices were split between the two projects, so there is a possibility that some of these expenditures should have been recorded to the sewer side of the project.
    - Finance recommendation: It is not worth researching the split between the two projects, as both experienced overruns. Our recommendation is to close this project by transferring \$18,147.83 from Water reserves.
- 215-0815 – Bartlett/Hohe Reconstruction – bulk of work completed 2006
  - Ord 04-31 appropriated \$125,725.34 from HAWSP. Going into 2007 this project had an open balance of (\$162,768.32). In 2007, it was “closed” by a funding transfer from HAWSP for this amount. Project remained open in the books and an expenditure was booked here in 2011 for \$53,785.71. Public Works was able to find a memo to their project file detailing this expenditure (ADOT audited project years later and found costs that should have been billed to COH but never were). The expenditure was a legitimate cost to this project, but no funding was sought at the time to cover this additional expenditure. Also, Ord 04-31 was authorizing the RSA estimated amount with ADOT and did not match the actual estimated costs of the project (\$150,870.41). Project remains open for the amount of this expenditure (expenditures exceeding revenues by \$53,785.71).
    - Finance recommendation: Per Ord 04-31 authorizing use of HAWSP funds, close this project by transferring \$53,785.71 from HAWSP.
- 215-0829 – East End Road PVC Pipe Replacement – completed 2004
  - Ord 04-39 authorized an appropriation from HAWSP for \$180,000. The work on this project was completed prior to our conversion to Caselle, so we are limited on expenditure research. By everything we have found, the project expenditures exceeded revenues by \$15,276.00.

- Finance recommendation: Ord 04-39 appropriated funding from HAWSP to complete this project and with no other funding sources found transfer \$15,276 from HAWSP to close this project.
- 215-0832 – Sanitary Sewer Rehab – completed 2012
  - Journal entry was done in 2015 to rebalance projects 215-0832 and 215-0833. This journal entry was done incorrectly and now both balances are off by the same exact amount. 215-0832 has an additional \$20,299.16 in its balance.
    - Finance recommendation: Transfer \$20,299.16 to project 215-0833 to close out both projects.
- 215-0833 – Pressure Reducing Valve – completed 2011
  - Journal entry was done in 2015 to rebalance projects 215-0832 and 215-0833. This journal entry was done incorrectly and now both balances are off by the same exact amount. 215-0833 has a shortage of \$20,299.16 in its balance.
    - Finance recommendation: Receive transfer of \$20,299.16 from project 215-0832 to close out both projects.
- 215-0837 – Shellfish Ave/South Slope Water Main – bulk of work completed 2016
  - Revenue sources for this project included grants, loans and funding from HAWSP. While reviewing this project, we came across an expenditure (\$2,900) that was recorded to this project too late and was not able to be submitted to the grant agency for reimbursement. This late expenditure and project overruns combine to cause expenditures to exceed revenues by \$5,199.78.
    - Finance recommendation: Ord 15-20 appropriated funding from HAWSP to complete this project, so transfer \$5,199.78 from HAWSP to close out this project.

*Port and Harbor Fund*

- 415-0935 – Port and Harbor Building (Harbormasters Office) – bulk of work completed 2015
  - Project expenditures exceeded revenues by \$108,068.29. We have analyzed all of the project expenditures and they all appear to be related to this project. Given this amount is over CM authority and there is no additional authority to cover these project overruns, City Council needs to appropriate \$108,068.29 to close out this project.
    - Finance recommendation: Ord 14-06(A) setup a loan from the General Fund fund balance. Ord 14-05 provided a local match from the Port reserves, so it would seem appropriate to cover this overrun from this same funding source.

**Projects Currently Open that Should be Closed:**

This section details the list of projects currently open in our books that Finance has determined should be closed. We made this determination either through age of project, lack of activity within project, and by speaking with various COH staff regarding project status. The open balance listed for these projects is preliminary and has not been thoroughly analyzed. Finance has only reconciled these numbers to the overall fund balance, but that is the extent of the review. Finance still has to verify that all funding transfers and expenditures have been accurately recorded.

## General Fund

- 151-0275 – Special Fund – last activity 2012
  - Balance \$924,403.63
    - Finance thoughts: This fund was established as a “loan” account for general fund projects. This fund would essentially loan money to various projects if they were lacking a funding source. Ord 04-24(A) references the use of this fund for the Animal Shelter project (151-0728). However, we have been unable to find any document establishing the fund itself. We are working with the Clerk’s Office to find any relevant documents associated with the creation and purpose of the fund. There has been no activity on this fund since 2012, so we are clearly no longer using this fund for its original intent. Council could continue using this fund for its original use or we could disband it and direct this money to another use.
- 151-0718 – Homer Energy Audits – last activity 2012
  - Balance \$95,230.00
    - Finance thoughts: Ord 10-28(S) accepts and appropriates a grant of \$227,800 for energy efficiency and conservation measures. There is an additional transfer of funding from a variety of funds (revolving energy loan fund, sewer reserves, and port reserves) totaling \$619,267. Still researching this transfer and working to find any other document(s) containing authority or purpose.
- 151-0721 – Consortium Library – last activity 2013
  - Balance \$110,436.44
    - Finance thoughts: This project alongside 151-0722 and 151-0723 are connected to record revenues and expenditures associated with the library expansion, move and construction of the new building. More research needs to be done.
- 151-0722 – Library Building – last activity 2015
  - Balance \$14,880.74
    - Finance thoughts: This project alongside 151-0721 and 151-0723 are connected to record revenues and expenditures associated with the library expansion, move and construction of the new building. More research needs to be done.
- 151-0723 – Library Expansion – last activity 2002
  - Balance \$40,574.95
    - Finance thoughts: This project alongside 151-0721 and 151-0722 are connected to record revenues and expenditures associated with the library expansion, move and construction of the new building. More research needs to be done.
- 151-0728 – Animal Shelter – completed 2006
  - Balance \$45,227.62
    - Finance thoughts: This project appears to have been setup to track revenues and expenditures associated with the construction of the animal shelter. This project also received loans from the special fund, so we will need to research this relationship further.
- 151-0735 – Jack Gist Park – completed



- Balance (\$89,757.14)
- 151-0736 – Fire Small Grants – completed 2007
  - Balance (\$14,890.40)
- 151-0741 – Ocean Drive Bluff Erosion – last activity 2007
  - Balance (\$501,713.64)
    - Finance thoughts: This expenditures recorded to this project is associated with the lawsuit costs regarding the seawall. We are still researching to ensure all revenues and expenditures were properly recorded for this project.
- 151-0776 – Karen Hornaday Park Improvements Phase I – bulk of work completed 2014
  - Balance (\$12,292.55)
- 151-0785 – 2004 Homeland Security (Fire) – completed 2005
  - Balance (\$5,557.91)
- 151-7002 – Waddell Way Road Improvements – bulk of work completed 2016
  - Balance (\$31,583.61)
- 151-7004 – Frisbee Ct Paving SAD – bulk of work completed 2017
  - Balance (\$175,041.93)

*Water/Sewer Fund*

- 215-0835 – Water System Distr/Storage Imp – completed 2014
  - Balance \$21,077.88
- 215-0859 – E End Road W/S Expansion – completed 2006
  - Balance (\$524,613.79)
- 215-0865 – Design Water Treatment Plant – completed 2011
  - Balance \$427,556.51

*Port and Harbor Fund*

- 415-0910 – Reimbursement Billings for Damages – completed 2013
  - Balance (\$51,823.14)
    - Finance thoughts: This project was established to record repair costs associated with damages experienced to the ferry dock. We are still researching to ensure all revenues and expenditures were properly recorded for this project. More to come.
- 415-0920 – Homer Small Boat Harbor Floats (Denali Commission) – completed 2015
  - Balance (\$1,581,953.47)
    - Finance thoughts: This project was established to record grant revenue, bond revenue, city match funds and expenditures associated with the small boat harbor floats. Finance is still researching to ensure that all of the revenue and expenditures were properly recorded for this project. Our initial suspicion is that there is an entry missing to properly account for the bond. There is no indication that this project was overspent to this magnitude.
- 415-0921 – DWD Expansion Improvements – completed 2018
  - Balance (\$864.88)
- 415-0931 – Harbor Restrooms/Shelter/Guard Shack – completed 2016
  - Balance \$129,223.09

**Recommendation:**

Close all projects detailed in the “Needing Council Authority to Close” section, per the Finance recommendations provided. All members of management (Council and administration) need to remain actively engaged in this process. Detailed procedures/policies need to be developed to prevent this situation from occurring again in the future.

**ORDINANCE REFERENCE SHEET**  
**2019 ORDINANCE**  
**ORDINANCE 19-58**

An Ordinance of the City Council of Homer, Alaska, Addressing Recommendation from the Altman Rogers & Company HAWSP Fund Balance Analysis Report.

Sponsor: Mayor

1. City Council Regular Meeting December 9, 2019 Introduction

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

3 Mayor

4 **ORDINANCE 19-58**

5  
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 TRANSFERRING \$3,101,082 FROM THE UTILITY OPERATIONS  
8 FUND (200) TO THE HAWSP FUND (205) TO CORRECT THE  
9 MISALLOCATION OF BEGINNING FUND BALANCE FOR THE UTILITY  
10 FUND WHEN CONVERTING FROM AN ENTERPRISE FUND TO A  
11 SPECIAL REVENUE FUND.

12  
13 WHEREAS, The Homer Accelerated Water and Sewer (HAWSP) Fund is made up of a  
14 combination of special assessment district (SAD) payments and a ¾% dedicated sales tax; and

15 WHEREAS, The HAWSP Fund is used to finance low interest loans for improvements  
16 initiated through special assessment districts, including a 25% City of Homer match; and

17 WHEREAS, Concerned with over extending the HAWSP Fund, on June 27, 2016 Homer  
18 City Council passed Resolution 16-074 placing a moratorium on all new water or sewer special  
19 assessment districts; and

20 WHEREAS, Pent up demand for water and sewer special assessment districts has  
21 motivated the Homer City Council to spend significant time and effort studying the HAWSP  
22 fund to work towards reestablishing the health of the fund and reinstating special  
23 assessment districts; and

24 WHEREAS, As part of those efforts, on October 14, 2019, Homer City Council approved  
25 Resolution 19-072 awarding a contract for third party accounting analysis of HAWSP history  
26 and reporting to the firm of Altman Rogers & Co., in the amount of \$12,800; and

27 WHEREAS, Altman & Rogers Co presented their findings to the Homer City Council  
28 during a worksession on November 25, 2019; and

29  
30 WHEREAS, Altman & Rogers Co. found, and management concurs, that in 2014 the City  
31 of Homer deobligated HAWSP related debt in the amount of \$1,580,014 and as such the HAWSP  
32 fund absorbed these costs; and

33  
34 WHEREAS, Altman & Rogers Co. found, and management concurs, that when the Water  
35 and Sewer Utility Fund was converted from an Enterprise Fund to a Special Revenue Fund in  
36 2010 the beginning fund balances for the Utility Operations and HAWSP funds were incorrectly  
37 reported and recommends a transfer of \$3,101,082 from Utility Operations (200) into HAWSP  
38 (205) to properly reflect fund balance.

40 NOW, THEREFORE, The City of Homer Ordains:

41

42 Section 1. That the fund balance between Utility Operations and HAWSP funds be  
43 correctly reported by transferring \$3,101,082, as follows:

44

45 Transfer From:

46 Fund Name:	Description:	Amount:
47 Utility Operations (200)	Transfers to	\$3,101,082

48

49 Transfer To:

50 Fund Name:	Description:	Amount:
51 HAWSP (205)	Transfers from	\$3,101,082

52

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

55

56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this \_\_\_\_ day of \_\_\_\_\_, 2020.

57

58 CITY OF HOMER

59

60

61 \_\_\_\_\_  
KEN CASTNER, MAYOR

62 ATTEST:

63

64

65 \_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

66

67 YES:

68 NO:

69 ABSTAIN:

70 ABSENT:

71

72 First Reading:

73 Public Hearing:

74 Second Reading:

75 Effective Date:

76

77 Reviewed and approved as to form:

78

79

80 \_\_\_\_\_  
Katie Koester, City Manager

81

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

80 \_\_\_\_\_  
Michael Gatti, City Attorney

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

## HAWSP Fund Balance Analysis

Altman Rogers & Co. was contracted to look at and analyze the HAWSP fund and to focus on the negative fund balance. It is our understanding that the HAWSP fund was created to account for sales tax in the amount of  $\frac{3}{4}$ 's of a percent "for the purpose of funding debt retirement of the sewer treatment plant improvements, and to the extent of revenues from such tax exceed such debt retirement obligations for the purposes of funding water and sewer systems."

Prior to 2002 the water and sewer enterprise funds were accounted for as individual funds, between 2002 and 2009 the funds were combined into one enterprise fund. In 2010 a decision was made and the water and sewer utility fund was converted from an enterprise fund to a special revenue fund. Upon this conversion the HAWSP fund was created with a beginning fund balance of (\$4,055,680). We reviewed previous audit information to determine if this beginning fund balance was reasonable. With the assistance from the City finance department we were able to obtain audit reports dating back to late 1980's. We concentrated our focus on the enterprise fund cash flow statements, due to the fact that we were trying to recreate the activity of the fund based on the modified accrual basis of accounting. We determined that the sales tax started being collected in late 1991 with the first full year of collections in 1992.

From 1992 to 2009 the water and sewer utility funds were accounted for as enterprise funds and as such based on the full accrual method of accounting. We recreated the activity for those years from the cash flow statements as if they would have been accounted for on the modified accrual basis of accounting (see attached spreadsheet). Based on this analysis the beginning fund balance at 1/1/10 should have been (\$954,958). We looked at the accounting records from the City's accounting system from 2005 (when the accounting software was converted) through 2009 when the fund was converted from an enterprise fund to a special revenue fund. Upon looking at those reports as well as previous audit reports it appears that there was an error made in the beginning fund balance allocation between operations and HAWSP. This appears to have been caused by the combination of the water and sewer utility into one fund as well as the recording of yearly activity when the fund was an enterprise fund. Based on our analysis we recommend that a transfer between operations and HAWSP is made in the amount of \$3,101,082.

During review of the fund activity from 2010 to current we came across one unusual transaction. In 2014 there was a debt deobligation of \$1,580,014. There was a decision made to stop pursuing collections of amounts due from state or federal agencies (see email). Amounts related to these transactions had been recorded as an increase in fund balance in previous years. The debt deobligation was recorded in the same fund that the related revenue was accounted for previously. A decision should be made if this write off of accounts receivable should be accounted for in the HAWSP fund or should the non collection be covered by the reserve fund. If the council decides that the short fall be covered by the reserve fund a transfer should be made from the reserve fund to the HAWSP fund.



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Manager

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[citymanager@cityofhomer-ak.gov](mailto: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: December 4, 2019  
SUBJECT: December 9 City Manager's Report

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### **Alaska Municipal Manager Association/ Alaska Municipal League Travel Report**

What an action packed week we had in Anchorage for AML! I was pleased so many members of Council and the Mayor could make it; we were well represented. I flew up Sunday morning to attend a planning meeting for Alaska Municipal Management Association (AMMA) and the 4th quarter meeting of the Southern Kenai Peninsula Managers. The Peninsula Manager meeting focused on regional alignment and the organizational structure of the Remote Sellers Tax governing body. Monday I helped lead a New Manager Orientation which was a great success; Managers of all stages turned out to provide support to our colleagues. We know that our communities are successful when their managers feel supported and have the tools they need to do their job. The afternoon session included a representative from our national organization, International City Manager Association (ICMA), presenting on implicit bias and a session on how to gain support in your community for projects. I learned some great tips on how to make sure the outspoken few don't derail a municipal priority.

All day Tuesday was spent "in the basement" on various professional development activities (where the managers are relegated to – AML likes to joke that it is because we represent the foundation of our municipalities...) Topics ranged from a panel discussion on council-manager relations to a joint session with the attorneys regarding the perils of social media (we have a social media guide on our website, if you are interested). During the business meeting, we reinforced our support of rural managers with a robust scholarship program for attendance to AMMA; appointed committees to work on conference planning, professional development and communications; and elected a board of directors for 2020. Along with many of you, I was fortunate enough to drop in on the Clerks dinner that evening and honor the Alaska Municipal Clerks Conference incoming president, Melissa Jacobsen.

Wednesday and Thursday were full days with breakout sessions and keynotes that many of you also attended (along with some City Council packet prep since AML falls on packet deadline). Highlights for me included the PERS reform policy group where municipalities discussed the threat of increased contribution rates and the bold proposals to reduce the unfunded liability and a panel on cyber security that made me aware of some other aspects where we are vulnerable to electronic manipulation, such as fraudulent electronic payments. I was on a panel that discussed city manager-council relations and felt proud to have many councilmembers and the Mayor in attendance. I hope I accurately represented some of the things we have right when it comes to 8 people working together for the betterment of our community and the

inherent different roles and responsibilities. I was also able to meet twice in person with City Attorney Gatti on various issues.



A major accomplishment of AML over the last year has been the formation of a Remote Sellers Tax (RST) governing board and signing of an agreement. Thus far, 15 municipalities have signed onto the agreement to create a central collection point for online sales tax transaction, including the City of Homer and Kenai Peninsula Borough (who has been a leader in the conversation). I am pleased that three members of the Peninsula were elected to the governing board: Scott Bloom, City Attorney for Kenai; Brandi Harborough, Finance Director for the Kenai Peninsula Borough; and Stephanie Queen, City Manager for Soldotna. I am confident that with this strong Peninsula representation, the interest of the Peninsula and cities that do not collect their own sales tax will be heard. Mayor Castner was able to participate in a ceremony signing the RST agreement. The collaboration and cooperation of so many different municipalities in such a short amount of time is truly impressive. Though there is much work to be done, it looks promising that at some point in 2020 municipalities will be collecting sales tax from online sales.

Those who attended AML were able to connect with innumerable colleagues and friends from across the state. Homer made a great showing at the Block Party table (thanks to Councilmembers Aderhold, Venuti and Lord for collecting different pieces to showcase Homer— see photo to the right). Homer was also generous at the auction held at AML, donating many lovely handcrafted and artistic items from our area to provide scholarships for Mayors attending from rural communities.

### **Meeting with ADOT on Baycrest Subdivision**

While in Anchorage for AML, Mayor Castner arranged for a meeting with ADOT and Baycrest subdivision advocate Scott Adams and asked that I attend. On Thursday, November 21, we met with Public Information Officer and Special Projects Coordinator for the Central Region Jill Reese, Group Chief for Central Region Highway Design James Amundesen, and Hydrologist Paul Janke. The City has long advocated that ADOT redirect the runoff from Sterling Highway that collects in the beehive on the downslope of the highway (Resolution 18-008). During the meeting, the State maintained their position that the natural drainage patterns of the area were not altered with the highway improvements and that redirecting the flow from the beehive, as the City has suggested, would expose the State to potential unknown liability. While the City was not able to make headway on mitigating the outflow from the beehive, I appreciated the frankness of the ADOT employees, the time they have spent visiting and working on Baycrest, and their genuine concern for the residents that are experiencing damage due to slope instability in the neighborhood.





## **December 12<sup>th</sup> Travel to Anchorage with Harbormaster Hawkins**

Next week, Harbormaster Hawkins and I have arranged meetings in Anchorage with various organizations to advance Homer priorities. Our meeting with Todd Vanhove (ADOT&PF Chief of Planning Central Region) and Joselyn Biloon (ADOT&PF Kenai Area Planner) will focus on the large vessel harbor and erosion on the Spit; the meeting with Ms. Biloon and Scott Thomas (ADOT&PF Central Traffic and Safety Engineer) will discuss Spit parking issues, Pioneer Ave., crosswalks, and other bike/pedestrian issues; and our meeting with Engineer Ronny McPherson at HDR will also discuss the large vessel harbor. While in Anchorage, we will take advantage of an in-person meeting with City Attorney Gatti and his colleague Cindy Cartledge to review the large vessel harbor funding packet and financing options. I am hopeful this jam-packed, whirlwind of a trip will continue progress being made on all of these projects and will provide a summary in my next manager's report.

## **Draft Summary Report for Low-Impact Development Planning for the City of Homer Published**

Ordinance 19-018 approved the acceptance of a Low Impact Development Planning grant from the Alaska Department of Environmental Conservation, the purpose of which is to study the benefits of green infrastructure in Homer. Public Works has been working with Kinney Engineering to complete the study and the draft Summary Report has been completed and submitted to the grant agency for review and comment. The draft study's preliminary conclusion is that green infrastructure can protect runoff water quality and reduce "hard infrastructure" costs to the community. The study is available for public review at the City's Public Works web-site: <https://www.cityofhomer-ak.gov/publicworks/city-homer-study-integrate-green-infrastructure-stormwater-master-plan>. There you will also find a link to the "story map" that is intended to provide the public with an interactive, concise, and informative narrative regarding the study. The final summary report will be complete in June 2020.

## **Meeting with Representative Vance**

Councilmember Smith arranged a meeting with Representative Vance and her staff, Lauren Simpson, with the objective of getting them both up to speed on the Large Vessel Harbor Expansion project so they can be our advocates with the State and others. Bryan did a great job giving Representative Vance talking points to emphasize the regional nature of the project and its importance to the state-wide economy. I appreciate her taking the time to champion this project and will keep her and her staff in the loop as we move forward.

## **Meeting with Homer Foundation Executive Director**

I had the opportunity to meet with Mike Miller, Executive Director of the Homer Foundation, and learn about some of the exciting initiatives they are working on. I think it would be valuable for the Council to hear from Mr. Miller as the steward of the City of Homer endowment and grant program and head of an organization that has its finger on the pulse of our non-profit community. I will invite him to provide an update to Council as a visitor during an upcoming meeting in January.

Enc:

FY2019 3<sup>rd</sup> Quarter Report

Homer Police Station Progress Report

Quarterly General Fund  
Expenditure Report  
For Quarter Ended September 30, 2019

	<b>Amended FY19 Budget</b>	<b>Actual As of 9/30/19</b>	<b>Budget Remaining</b>	<b>% Budget Used</b>
<b>Revenues</b>				
Property Taxes	\$ 3,406,952	\$ 1,932,413	\$ (1,474,539)	56.72%
Sales and Use Taxes	5,408,322	4,129,092	(1,279,230)	76.35%
Permits and Licenses	34,963	30,097	(4,866)	86.08%
Fines and Forfeitures	24,865	19,868	(4,997)	79.90%
Use of Money	34,346	147,057	112,711	428.17%
Intergovernmental	569,700	373,050	(196,651)	65.48%
Charges for Services	610,305	353,048	(257,257)	57.85%
Other Revenues	-	40,643	40,643	100%
Airport	148,732	162,221	13,488	109.07%
Operating Transfers	2,012,178	1,406,585	(605,593)	69.90%
<b>Total Revenues</b>	<b>\$ 12,250,363</b>	<b>\$ 8,594,071</b>	<b>\$ (3,656,291)</b>	<b>70.15%</b>
<b>Expenditures &amp; Transfers</b>				
Administration	\$ 1,099,661	\$ 764,158	\$ 335,503	69.49%
Clerks	751,823	610,540	141,283	81.21%
Planning	374,333	267,675	106,658	71.51%
Library	932,402	627,251	305,151	67.27%
Finance	697,254	480,150	217,103	68.86%
Fire	1,059,435	731,325	328,110	69.03%
Police	3,259,226	2,365,650	893,576	72.58%
Public Works	2,779,148	1,905,668	873,480	68.57%
Airport	219,842	139,172	80,671	63.31%
City Hall, HERC	185,584	128,062	57,522	69.00%
Non-Departmental	94,000	94,000	-	100.00%
<b>Total Operating Expenditures</b>	<b>\$ 11,452,709</b>	<b>\$ 8,113,651</b>	<b>\$ 3,339,056</b>	<b>70.84%</b>
<b>Transfer to Other Funds</b>				
Leave Cash Out	\$ 85,232	\$ 85,232	\$ (0)	100%
Debt Repayment	-	-	-	-
Energy	10,703	10,703	-	100%
Adjusting Entries	-	-	-	0%
<b>Total Transfer to Other Funds</b>	<b>\$ 95,935</b>	<b>\$ 95,935</b>	<b>\$ (0)</b>	<b>100%</b>
<b>Total Transfer to Reserves</b>	<b>\$ 701,720</b>	<b>\$ 827,042</b>	<b>\$ (125,322)</b>	<b>118%</b>
<b>Total Expenditures &amp; Transfers</b>	<b>\$ 12,250,363</b>	<b>\$ 9,036,628</b>	<b>\$ 3,213,734</b>	<b>73.77%</b>
<b>Net Revenues Over (Under) Expenditures</b>	<b>\$ 0</b>	<b>\$ (442,557)</b>		

Quarterly Water and Sewer Fund  
Expenditure Report  
For Quarter Ended September 30, 2019

	Amended FY19 Budget	Actual As of 9/30/19	Budget Remaining	% Budget Used
<b>Revenues</b>				
Water Fund	\$ 2,116,651	\$ 1,913,053	\$ (203,598)	90.38%
Sewer Fund	1,722,014	1,396,204	(325,810)	81.08%
<b>Total Revenues</b>	<b>\$ 3,838,665</b>	<b>\$ 3,309,257</b>	<b>\$ (529,408)</b>	<b>86.21%</b>
<b>Expenditures &amp; Transfers</b>				
<u>Water</u>				
Administration	\$ 186,554	\$ 134,488	\$ 52,066	72.09%
Treatment Plant	634,642	441,934	192,708	69.64%
System Testing	27,400	17,886	9,514	65.28%
Pump Stations	97,019	65,908	31,111	67.93%
Distribution System	303,476	204,439	99,037	67.37%
Reservoir	29,047	15,337	13,710	52.80%
Meters	239,973	166,539	73,434	69.40%
Hydrants	189,233	136,388	52,844	72.07%
<u>Sewer</u>				
Administration	\$ 170,836	\$ 113,542	\$ 57,294	66.46%
Plant Operations	673,035	510,387	162,648	75.83%
System Testing	14,500	6,075	8,425	41.90%
Lift Stations	199,213	126,723	72,490	63.61%
Collection System	242,448	163,922	78,527	67.61%
<b>Total Operating Expenditures</b>	<b>\$ 3,007,375</b>	<b>\$ 2,103,567</b>	<b>\$ 903,809</b>	<b>69.95%</b>
Transfer to Other Funds				
Leave Cash Out	\$ 14,859	\$ 14,859	\$ -	100%
GF Admin Fees	517,046	517,046	-	100%
Debt Repayment	-	943	(943)	100%
Other	59,969	59,969	-	100.00%
<b>Total Transfer to Other Funds</b>	<b>\$ 591,874</b>	<b>\$ 592,817</b>	<b>\$ (943)</b>	<b>100.16%</b>
Transfers to Reserves				
Water	\$ 84,252	\$ 84,252	\$ -	100%
Sewer	155,164	155,164	-	100%
<b>Total Transfer to Reserves</b>	<b>\$ 239,416</b>	<b>\$ 239,416</b>	<b>\$ -</b>	<b>100%</b>
<b>Total Expenditures &amp; Transfers</b>	<b>\$ 3,838,665</b>	<b>\$ 2,935,800</b>	<b>\$ 902,865</b>	<b>76.48%</b>
<b>Net Revenues Over(Under) Expenditures</b>	<b>\$ (0)</b>	<b>\$ 373,457</b>		

Quarterly Port and Harbor Fund  
Expenditure Report  
For Quarter Ended September 30, 2019

	<b>Amended FY19 Budget</b>	<b>Actual As of 9/30/19</b>	<b>Budget Remaining</b>	<b>% Budget Used</b>
<b>Revenues</b>				
Administration	\$ 471,040	\$ 439,063	\$ (31,977)	93.21%
Harbor	2,958,349	2,495,727	(462,622)	84.36%
Pioneer Dock	363,326	238,936	(124,390)	65.76%
Fish Dock	553,500	517,261	(36,239)	93.45%
Deep Water Dock	262,500	193,136	(69,364)	73.58%
Outfall Line	4,800	4,800	-	100.00%
Fish Grinder	12,000	6,705	(5,295)	55.88%
Load and Launch Ramp	125,000	123,176	(1,824)	98.54%
<b>Total Revenues</b>	<b>\$ 4,750,515</b>	<b>\$ 4,018,803</b>	<b>\$ (731,712)</b>	<b>84.60%</b>
<b>Expenditures &amp; Transfers</b>				
Administration	\$ 642,204	\$ 519,184	\$ 123,020	80.84%
Harbor	1,328,754	924,372	404,382	69.57%
Pioneer Dock	72,980	52,038	20,942	71.30%
Fish Dock	622,087	471,076	151,011	75.73%
Deep Water Dock	104,600	58,414	46,186	55.84%
Outfall Line	6,500	2,831	3,669	43.55%
Fish Grinder	25,475	20,036	5,439	78.65%
Harbor Maintenance	416,161	300,262	115,898	72.15%
Main Dock Maintenance	41,000	25,609	15,391	62.46%
Deep Water Dock Maintenance	51,500	28,063	23,437	54.49%
Load and Launch Ramp	86,699	58,895	27,804	67.93%
<b>Total Operating Expenditures</b>	<b>\$ 3,397,959</b>	<b>\$ 2,460,781</b>	<b>\$ 937,179</b>	<b>72.42%</b>
<b>Transfer to Other Funds</b>				
Leave Cash Out	\$ 29,241	\$ 29,241	\$ -	100%
Debt Service	-	-	-	0%
GF Admin Fees	592,576	592,576	-	100%
Other	420,454	420,454	-	100%
<b>Total Transfer to Other Funds</b>	<b>\$ 1,042,271</b>	<b>\$ 1,042,271</b>	<b>\$ -</b>	<b>100.00%</b>
<b>Transfers to Reserves</b>				
Administration	\$ -	\$ -	\$ -	-
Harbor	-	-	-	-
Pioneer Dock	271,984	-	-	0%
Fish Dock	-	-	-	0%
Deep Water Dock	-	-	-	-
Outfall Line	-	-	-	-
Fish Grinder	-	-	-	-
Load and Launch Ramp	38,301	-	-	0%
<b>Total Transfer to Reserves</b>	<b>\$ 310,285</b>	<b>\$ -</b>	<b>\$ -</b>	<b>0%</b>
<b>Total Expenditures &amp; Transfers</b>	<b>\$ 4,750,515</b>	<b>\$ 3,503,051</b>	<b>\$ 937,179</b>	<b>73.74%</b>
<b>Net Revenues Over(Under) Expenditures</b>	<b>\$ 0</b>	<b>\$ 515,752</b>		

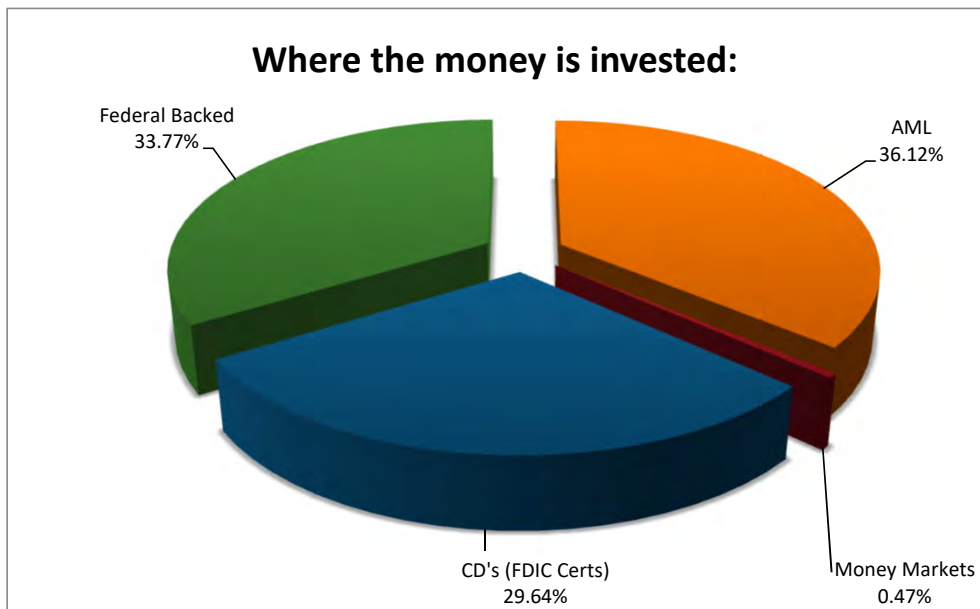
# CITY OF HOMER Treasurer's Report

As of:

**September 30, 2019**

<b>INVESTMENT BY INSTITUTION:</b>	<b>\$ Invested</b>	<b>% Of \$ Invested</b>
Alaska Municipal League	\$ 9,169,701	36%
Pro-Equities	\$ 16,350,377	64%
<b>Total Cash and Investments</b>	<b>\$ 25,520,078</b>	<b>100%</b>

<b>MATURITY OF INVESTMENTS:</b>		<b>AMOUNT</b>	<b>% Of Investment by Maturity Date</b>
1 to 30 Days	10/30/2019	\$ 9,179,392	35%
30 to 120 Days	1/28/2020	\$ 1,411,930	25%
120 to 180 Days	3/28/2020	\$ 381,755	7%
180 to 365 Days	9/29/2020	\$ 1,396,652	3%
Over 1 Year		\$ 13,134,311	29%
<b>TOTAL</b>		<b>\$ 25,504,041</b>	<b>100%</b>



These investments are made in accordance with the City of Homer's investment policy pursuant to Ordinance 93-14, Chapter 3.10. The balances reported are unaudited.



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Public Works

3575 Heath Street  
Homer, AK 99603

[publicworks@cityofhomer-ak.gov](mailto:publicworks@cityofhomer-ak.gov)

(p) 907-235-3170

(f) 907-235-3145

## Memorandum

TO: Katie Koester, City Manager  
FROM: Pat McNary, Project Manager  
DATE: December 3, 2019  
SUBJECT: NEW HOMER POLICE STATION – STATUS UPDATE

The purpose of this memo is to update the City Manager on progress made thus far on the police station project.

### **Contract Status:**

Phase 1 & 2 Contract, (site civil and final GMP), executed - \$6,064,758.00

### **Construction Status:**

Site work Commenced May 7, 2019.

Estimated completion date June 1, 2020

Contract Completion date June 15, 2020

Estimated % complete to date: 38.5%

Structure is complete. Civil work is to subgrade. Building is dried in, windows in, roofing complete. Interior framing complete. Mechanical and electrical rough-in in progress. Parking structure complete, roofing complete. No exterior finishes commenced.

Progress for several Milestone stages has proceeded ahead of original schedule. While this has the potential to accelerate completion, the Contractual Completion date remains the same.

### **Budget Status:**

Project budget: - \$7,500,000.00.

Costs to Date: - \$2,891,207.00

Balance to complete: - \$4,608,793.00

Project Completion: - 38.5%

Cornerstone payments through Pay Application #6 (October 2019) - \$1,893,527.00

Total Contingency: \$232,921.00. Contingency used to date: \$82,750.00.

Total Contingency Remaining: - \$150,171.00

35.5% of Contingency used to date.

Prepared by: Pat McNary  
Project Manager



# City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

Office of the City Manager

491 East Pioneer Avenue  
Homer, Alaska 99603

[citymanager@cityofhomer-ak.gov](mailto:citymanager@cityofhomer-ak.gov)

(p) 907-235-8121 x2222

(f) 907-235-3148

## Memorandum 19-160

TO: Mayor Castner and Homer City Council  
FROM: Katie Koester, City Manager  
DATE: December 4, 2019  
SUBJECT: Authority to Clear Hazardous Trees in the Right of Way on Mt. Augustine and E. Bayview

---

Resolution 19-073(S) passed by the Homer City Council on October 14<sup>th</sup>, 2019 established a moratorium on cutting, clearing or removal of trees and vegetation located within public rights of way between October 15, 2019 and May 1, 2020.

Since the last City Council meeting on November 25, 2019, the City of Homer has experienced a number of high wind events that have damaged trees and prompted homeowners to call Public Works requesting the removal of potentially dangerous trees in the right of way (ROW).

This memo seeks to obtain approval to clear trees in the ROW for two property owners who have requested City assistance and where Public Works has identified safety hazards if the damaged trees remain standing.

- 1) Removal of trees on Mount Augustine Drive that threaten a parked car and building.
- 2) Removal of trees on E. Bayview Avenue. During the wind storm over Thanksgiving, a tree from the Calhoun Street trail ROW fell onto E. Bayview doing some damage to a parked vehicle. A second tree fell between the house and a parked truck. Public works believes there are at least 3 additional trees in the E. Bayview ROW that could cause property damage and need to be removed as soon as possible.

With winter weather and the potential for storm events, the Public Works department may again find itself in the situation of having to deny requests from members of the public to perform work in the ROW until Council approval can be obtained at the next meeting, January 13<sup>th</sup>, 2020.

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

Aderhold

3  
4 **RESOLUTION 19-088**

5  
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 COMMENTING ON REGULATORY COMMISSION OF ALASKA  
8 DOCKET NO. P-19-017 IN THE MATTER OF THE JOINT  
9 APPLICATION FILED BY BP PIPELINES (ALASKA) INC., AND  
10 HARVEST ALASKA, LLC FOR APPROVAL OF THE TRANSFER OF A  
11 CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY NO. 311  
12 AND OPERATING AUTHORITY THEREUNDER FROM BP PIPELINES  
13 (ALASKA) INC. TO HARVEST ALASKA, LLC.  
14

15 WHEREAS, BP Pipelines (Alaska) Inc. (BPPA) and Harvest Alaska, LLC (owned by Hilcorp  
16 Alaska, LLC) have applied to the Regulatory Commission of Alaska (RCA) for joint approval of  
17 the transfer of a certificate of public convenience and necessity and operating authority  
18 thereunder from BPPA to Harvest Alaska, LLC, and the RCA has assigned the matter Docket No.  
19 P-19-017; and  
20

21 WHEREAS, Some residents of the City of Homer make their livelihoods in the waters of  
22 Prince William Sound and in the Alaska oil and gas industry, making safe and environmentally  
23 sound operations of oil and gas infrastructure of paramount importance to our residents; and  
24

25 WHEREAS, Residents of the City of Homer were impacted by the Exxon Valdez oil spill  
26 that occurred in Prince William Sound in March 1989; and  
27

28 WHEREAS, The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC)  
29 was formed under the Oil Pollution Act of 1990 in the aftermath of the Exxon Valdez oil spill;  
30 and  
31

32 WHEREAS, The City of Homer is a member of the PWSRCAC; and  
33

34 Whereas, The mission of the PWSRCAC is to promote environmentally safe operation of  
35 the Valdez Marine Terminal and associated tankers; and  
36

37 WHEREAS, The continued safe and transparent operation of the Valdez Marine Terminal  
38 and associated tankers are of utmost importance to the residents of the City of Homer; and  
39

40 WHEREAS, The Trans-Alaska Pipeline, Valdez Marine Terminal, and tanker loading and  
41 escort operations are operated by Alyeska Pipeline Service Co.; and  
42



43 WHEREAS, If approved by the RCA, BPPA's operational responsibilities to Alyeska  
44 Pipeline Service Co. would be transferred to Harvest Alaska, LLC; and

45  
46 WHEREAS, Comments by Hilcorp Alaska, LLC representatives assert that Harvest  
47 Alaska, LLC and/or Hilcorp Alaska, LLC intends to reduce operating costs, which would likely  
48 adversely impact funding for programs and personnel dedicated to safety, maintenance, and  
49 quality control for the Valdez Marine Terminal and associated tankers; and

50  
51 WHEREAS, In PWSRCAC's comments to RCA on Docket No. P-19-017, the organization  
52 documents a history by Hilcorp Alaska, LLC of regulatory noncompliance and safety and  
53 environmental incidents which include the death of an employee in 2018, the near deaths of  
54 three rig personnel in 2015, and a 2017 gas leak in Cook Inlet that remained unrepaired for  
55 more than four months while it leaked roughly 100,000 cubic feet of natural gas per day; and  
56 more recently, Hilcorp Alaska, LLC is reportedly responsible for a 302-gallon crude spill on  
57 August 3, 2019 and a 126-gallon crude spill on October 20, 2019; and according the Alaska  
58 Department of Environmental Conservation records, over the course of its operations in  
59 Alaska, which began in 2012, Hilcorp Alaska, LLC is responsible for more than 90 crude oil spills  
60 or discharges; and

61  
62 WHEREAS, The RCA has the authority under AS 42.06 to prescribe such requirements as  
63 are necessary for the safety, accommodation, and convenience of the public and of the  
64 pipeline's users and to place terms and conditions on the transfer of operating authority  
65 sufficient to ensure the best interest of the public is protected.

66  
67 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, provides the  
68 following comments to the RCA on Docket No. P-19-017 in the matter of the joint application  
69 filed by BPPA and Harvest Alaska, LLC for approval of the transfer of a certification of public  
70 convenience and necessity No. 311 and operating authority thereunder from BPPA to Harvest  
71 Alaska, LLC:

- 72 • Hold Harvest Alaska, LLC to the same high standard as BPPA for its portion of the  
73 management of Alyeska Pipeline Service Co. and the operation of the Trans-Alaska  
74 Pipeline, Valdez Marine Terminal, and tanker loading and escort operations.
- 75 • Ensure that existing dismantlement, removal, and restoration requirements of the  
76 Trans Alaska Pipeline and Valdez Marine Terminal remain in place or are improved  
77 upon.
- 78 • Require public access to information sufficient to assess whether the transfer of  
79 operating authority from BPPA to Harvest Alaska, LLC is in the best interest of the  
80 public.
- 81 • Require terms and conditions sufficient to ensure the transfer of operating authority is  
82 in the public's best interest.
- 83 • Establish conditions for approval of the Application consistent with the  
84 recommendations set forth in these comments and specifically incorporating those

85 conditions suggested in the 1999 Charter for Development of the Alaskan North Slope  
86 between the State of Alaska, BP, and ARCO relating to ongoing obligations to maintain  
87 programs, personnel, and resources to safely and reliably operate the Valdez Marine  
88 Terminal and associated tankers.

- 89 • An oil company’s social license to operate in Alaska requires placing environmental,  
90 employee, contractor, and public safety above all else.

91  
92 PASSED AND ADOPTED by the Homer City Council this 9<sup>th</sup> day of December, 2019.

93  
94 CITY OF HOMER

95  
96  
97  
98 \_\_\_\_\_  
99 KEN CASTNER, MAYOR

100 ATTEST:  
101  
102  
103 \_\_\_\_\_  
104 RENEE KRAUSE, MMC, DEPUTY CITY CLERK

105  
106 Fiscal note: N/A