



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

City of Homer Agenda

**City Council Regular Meeting
Monday, January 13, 2020 at 6:00 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Hansen-Cavasos requests excusal.

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minutes of December 9, 2019 and Special Meetings of December 16, 2019. City Clerk. Recommend adoption.
- b. Memorandum 20-001 from Deputy City Clerk Re: Liquor License Renewals for Oaken Keg#1832, The Alibi, Kharacters, and Grace Ridge Brewing. Recommend approval.
- c. Memorandum 20-002 from City Clerk Re: Travel Authorization for Councilmembers Smith and Lord to Attend the Alaska Municipal League Winter Legislative Conference held February 18-20, 2020 in Juneau, Alaska. Recommend approval.
- d. Memorandum 20-003 from Councilmember Lord Re: Request for PARCAC to Evaluate Parking Barrier Solutions at Karen Hornaday Park. Recommend approval.
- e. Ordinance 20-01, An Ordinance of the City Council of Homer, Alaska, Amending the FY 2020 Operating Budget to Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2020 Budget for Emergency Repairs to the Seawall. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020.
- f. Ordinance 20-02, An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone Lot 9 Tract A, Nils O Svedlund Subdivision Amended

Excluding any Portion within Lot 9A Thomas Shelford Subdivision '68 Addition a Portion of the Residential Office (RO) Zoning District to Central Business (CBD) Zoning District. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-006 from City Planner as backup

- [g.](#) Ordinance 20-03, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.70.040, Permit Terms to Require an As-Built Survey be Submitted to the City Planner After Completion of any Building or Structure. Planning Commission. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-007 from City Planner as backup

- [h.](#) Ordinance 20-04, An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing \$20,825 Additional Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project. City Manager/Public Works Director. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

Memorandum 20-005 from Public Works Director as backup

- [i.](#) Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager. Recommended dates Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- [j.](#) Resolution 20-001, A Resolution of the City Council of Homer, Alaska Confirming the Appointment of Elizabeth Walton as Treasurer and Jenna De Lumeau as Deputy Treasurer for the Calendar Year 2020. City Manager. Recommend adoption.
- [k.](#) Resolution 20-002, A Resolution of the City Council of Homer, Alaska Confirming the City Manager's Appointment of Rick Abboud as the Acting City Manager for the Calendar Year 2020. City Manager. Recommend adoption.
- [l.](#) Resolution 20-003, A Resolution of the City Council of Homer, Alaska Adopting an Alternative Allocation Method for the FY 2020 Shared Fisheries Business Tax Program and Certifying that this Allocation Method Fairly Represents the Distribution of Significant Effects of Fisheries Business Activity in the Cook Inlet Fisheries Management Area. City Manager. Recommend adoption.
- [m.](#) Resolution 20-004, A Resolution of the Homer City Council Approving an Economic Development and Tourism Marketing Agreement between the City of Homer and the Homer Chamber of Commerce. City Manager.

- [n.](#) Resolution 20-005, A Resolution of the Homer City Council Adopting the Commercial Waste Disposal Permit and Water Filling Station Permit as Part of the Public Utility System Application Process. City Manager. Recommend adoption.
- [o.](#) Resolution 20-006, A Resolution of the City Council of Homer, Alaska Authorizing the City Accept a Land Transfer from the Nature Conservancy for a 2.62 Acre Parcel on the Western Side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID Number 18103007, and Authoring the City Manager to Negotiate and Execute the Appropriate Documents. City Manager. Recommend adoption.

Memorandum 20-004 from PARCAC as backup

VISITORS

- a. Homer Foundation - Mike Miller, Executive Director (10 minutes)

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

- a. Worksession Report
- b. Committee of the Whole Report
- c. Mayor's Report
- d. Borough Report
- e. Library Advisory Board
- f. Planning Commission
- g. Economic Development Advisory Commission
- h. Parks Art Recreation and Culture Advisory Commission
- i. Port and Harbor Advisory Commission
- j. Americans with Disabilities Act Compliance Committee
- k. Right of Way Policy Evaluation Team

PUBLIC HEARING(S)

- [a.](#) Ordinance 19-55, An Ordinance of the City Council of Homer, 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.

Ordinance 19-55(S), An Ordinance of the City Council of Homer, Alaska 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~~ **2.08.030 Composition of Governing Body-Terms of Office** to Clarify the Time for **Election** Certification of a Regular and Special Election. Evensen/Hansen-Cavasos.

- [b.](#) Ordinance 19-58, An Ordinance of the City Council of Homer, Alaska, Transferring \$3,101,082 from the Utility Operations Fund (200) to the HAWSP Fund (205) to Correct the Misallocation of Beginning Fund Balance for the Utility Fund when Converting from an Enterprise Fund to a Special Revenue Fund. Mayor. Recommended dates Introduction December 9, 2019, Public Hearing and Second Reading January 13, 2020
- [c.](#) 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. Introduction December 9, 2019 Public Hearing and Second Reading January 13, 2020.

Ordinance 19-57(S), 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. Introduction December 9, 2019 Public Hearing and Second Reading January 13, 2020.

Memorandum 20-011 from Acting Finance Director as backup

- [d.](#) 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. Introduction December 9, 2019. Public Hearing and Second Reading January 13, 2020.

ORDINANCE(S)

CITY MANAGER'S REPORT

- [a.](#) City Manager's Report
- b. Bid Report (informational only)

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum 20-008 from Councilmember Aderhold re: Request for a Legal Opinion Concerning the Seawall
- [b.](#) Memorandum 20-009 from City Manager re: Travel to Juneau to Advocate for Alaska Marine Highway System.
- [c.](#) Memorandum 20-010 from City Manager re: Next Steps for City Manager Search

RESOLUTIONS

- a. Resolution 20-007, A Resolution of the City Council of Homer, Alaska Opposing the State's Repeal of Alaska Administrative Code 5 AAC 95.310 which would Remove the Prohibition on Personal Watercraft Use in the Fox River Flats and Kachemak Bay Critical Habitat Areas and Affirming the Deleterious Consequences for Community and Economy if Personal Watercraft are Allowed in Kachemak Bay. Evensen.
- b. Resolution 20-008, A Resolution of the Homer City Council Designating Homer Spit Amended Lot 31, Known as Seafarer's Memorial, as Green Space and Adopting a Land Management Policy that Preserves Lot 31 for Wildlife and as a Natural Agent for Erosion Mitigation. Evensen.
- c. Resolution 20-009, A Resolution of the Homer City Council Approving an Automatic Aid Agreement and Operational Plan between Anchor Point Fire and Emergency Medical Service Area and the City of Homer Volunteer Fire Department for Fire Response Services and Authorizing the City Manager to Execute the Appropriate Documents. Smith.

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 27, 2020 at 6:00 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 19-35 a Regular Meeting of the Homer City Council was called to order on December 9, 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

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 19-55**, 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. Ordinance 16-01(A)(S) Amending HCC 2.08.030 Composition of Governing Body – Terms of Office; Excerpt of Minutes from Regular Meetings on January 11, 2016 and January 25, 2016 and Memorandum 16-003 from City Clerk dated January 4, 2016 re: Amendments to Election Procedures as backup **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. Corrected Barter Agreement Contract document with Exhibits A and B **Announcements / Presentations / Reports** I. City Council Travel add item iv. Travel Report from Councilmember Lord re: AML Conference November 2019 **City Manager's Report** City Manager's Letter of Resignation and Memorandum 19-163 from City Manager re: City Manager Search – Next Steps **Resolutions** 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. PWSRCAC letter to Regulatory Commission of Alaska as backup.

The agenda as amended approved by consensus of the Council.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Larry Slone, city resident, expressed his appreciation for the thorough travel reports provided in the Council on the AML Conference, he was impressed by the extent and quality of the reports. He segued into comments about city employees, their job descriptions, and how the descriptions don't give much room for putting out extra effort.

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.

City Clerk Jacobsen read the consent agenda.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. South Kenai Peninsula Opioid Task Force Quarterly Update (10 Minutes)

Jay Bechtol, South Peninsula Behavioral Health Services Director and Task Force member, reported on the South Kenai Peninsula Opioid Task Force Five-Year Strategic Plan and Operating Priorities that were developed through a planning process with the Foraker Group. Their three Community Goals include reducing stigma, focus on prevention, and increase

access to effective, affordable treatment, and their Operating Priority is to improve Task Force Capacity. Kathleen Totemoff, Program Manager for Ninilchik Traditional Council Medication Assistance Treatment Program, commented regarding their treatment options available in the area. They focus primarily on opioids, but treat other substance use disorders as well with the use of medication, counselling, and peer recovery support. They have offices in Ninilchik and Homer, and Monday's are intake days, so people in need of services can walk in on Monday's to connect with Peer Recovery Support Specialists and a counselor, and reviewed some of the services available. Contact SKPOpioidTaskForce@gmail.com for more information.

b. Homer Chapter of the Kenai Peninsula Homeless Connect Project - Derotha Ferraro (10 Minutes)

Derotha Ferraro and Cinda Martin presented on Project Homeless Connect. It is a one day event on Wednesday, January 29th at the United Methodist Church from 9am to 4pm; it's a one stop event for housing and program enrollment, support for homeless and near homeless; and there is one goal to help end homelessness by helping those already homeless or near homeless achieve stability by accessing needed resources in a convenient one stop location. Ms. Ferraro provided an overview of the history of the nationwide program that started in San Francisco 15 years ago and Soldotna began their program in 2015. She explained there isn't an official homeless count in Homer, but the Food Pantry client numbers are growing, last year's average was 125 families, up to 175-200 this year. She provided a list of offerings at the event, local organizers, and current needs. More information is available at www.sphosp.org and on Facebook.

c. 2019 Salmon Season Update - Nate Burga and Norm Darch (10 Minutes)

Nate Burga, Plant Manager for Pacific Star Seafoods and Norm Darch fisherman and small business owner, both members of the Alaska Salmon Alliance (ASA), explained ASA 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. They provided information from oceanomics.org on port values on the peninsula and a comparison with 10 other US ports. In looking at the overall season ranking from 2010 to 2019, from the ADF&G website, there is a downward trend which isn't a healthy indicator of where things are headed. They reviewed the 2019 sustainable escapement goal for the Kenai River and there was a significant over escapement of 548,157 fish. He reviewed a chart that broke down the over escaped fish at an average of 5.5 pounds per fish, to get the over escapement in pounds. He explained the missed value per fisherman, per processor, and overall for the Kenai Peninsula.

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

a. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolution 19-089 regarding derelict vessel removal, Memorandum 19-159 regarding an easement vacation, Ordinance 19-57 regarding City Wide project closeouts, and Ordinance 19-58 regarding HAWSP funds.

b. Worksession Report

City Manager Koester reported Council discussed plans for their retreat being held at the Kachemak Bay Campus on January 11th at 8:00 a.m.

c. Special Meeting Report

d. Mayor's Report

Mayor Castner reported on attending the Homer Chamber of Commerce Tree Lighting event last week.

d. Borough Report

Kelly Cooper, Borough Assembly President, thanked all of the responders for their work today during the heavy rainfall. She reported the ordinance for private streets and gated subdivisions has been postponed to February 25th. The material site permit ordinance failed, has been reconsidered, and will come back at the beginning of January. The Assembly discussed the mutual aid agreement and this year there is another one that's an automatic aid agreement from Homer Volunteer Fire Department to Anchor Point. She's concerned about that and resources being drawn down, it should be coming to the Council soon and the City can cancel it with notice. They passed a resolution to match the AML resolution to request the legislature approve a coastal infrastructure general obligation bond for ports and harbors for the 2020 election, and resolution supporting transportation priorities to be considered for grant funding. ILC submitted a grant to get their voucher program going again. They looked at an ordinance for junk and abandoned vehicles, and they're expecting our Representative to introduce a bill at the State level for the abandoned vehicle fund to be funded. The Anadromous Streams Act provides for a staff review every 5 years and the Mayor has requested a workgroup for that. The Mayor vetoed the Kenai Peninsula Tourism and Marketing Council funding and the Assembly overrode the veto, but they have to bring the Assembly their results and a bill. Homer High School is getting a new boiler, and they received a presentation on their audit showing they are \$4 million in the black.

e. Library Advisory Board

Kate Finn, Library Advisory Boardmember, reported the Board meets tomorrow to discuss an endowment fund, and they'll be meeting with the Council in January to discuss the proposed fund. She commented regarding the upcoming Library facility tour, reported on the Library Giving Tree, and thanked Spenards, the Friends, and the Homer Bookstore for their efforts.

f. Planning Commission

Franco Venuti, Planning Commission Chair, reported the Commission deliberated and denied CUP 19-07 regarding parking by the Seafarers Memorial, and adopted findings to support the denial. He noted it's a seasonal issue that deserves further consideration. The Commission vacated and easement, reviewed ordinances regarding a zoning map for the central business district, amending permits to require an asbuilt, and establishing a moratorium while considering a medical district. They also recommended approval of preliminary plats for Fairview Subdivision and Virginia Lynn replat. He recognized City Planner Abboud, Deputy City Planner Engebretsen, and Planning Technician Brown for all the do for the Commission, as well as Deputy City Clerk Krause. He thanked the Council for their support and wished everyone Merry Christmas and a safe holiday season.

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.

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

Mayor Castner announced the motion postponed on the floor from November 25th and opened the floor for discussion.

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

Councilmember Lord recalled at the last meeting there was discussion about the appropriateness of using the HART fund for this project.

LORD/ADERHOLD MOVED TO AMEND TO CHANGE THE EXPENDITURE PLANNING RESERVES.

There was no discussion.

VOTE (secondary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Brief discussion ensued regarding the importance of ensuring the City gets an appropriate technical assessment and not a sales pitch from a consultant. It was noted rationale included with the budget amendment addresses the intent for the Spit Parking Study, and a more detailed scope of work will be incorporated into the request for proposals that will be submitted.

VOTE (primary amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

No other amendments were proposed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-51 BY READING OF TITLE ONLY AS AMENDED.

Mayor Castner thanked everyone for their work in adopting the two year budget. He thinks it's wise and progressive, and he thanked staff for all of their work in preparing to take this big step.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

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

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-080 BY READING OF TITLE ONLY.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Resolution 19-081(S), A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, **Animal Shelter 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.

LORD/EVENSEN MOVED TO ADOPT RESOLUTION 19-081(S) BY READING OF TITLE ONLY.

SMITH/VENUTI MOVED TO AMEND THE FEE SCHEDULE TO DELETE THE SECTION REFERENCING SALE OF VEHICLE EXCEEDING NOISE LIMITS.

Councilmember Smith noted this is the section at the bottom of page 211. He discussed this with the Police Chief and learned this was an amendment from an issue that came up in another city, but has not resulted in any citations in our community. It isn't very well defined and the Chief is on board with removing it.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was no further discussion.

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

Motion carried.

- 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

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

VENUTI/ADERHOLD MOVED TO ADOPT ORDINANCE 19-53 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Venuti explained this ordinance corrects some minor discrepancies that were discovered in the original ordinance 18-43(S). She acknowledged the written public comments from a business owner on the spit, but the voters approved the change so it will be going forward.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Mayor Castner opened the public hearing.

Karin Marks, city resident, commented in support of Ordinance 19-54(S-2)(A). It's been a long journey to get to this and she thinks all the work has developed a well-defined ordinance and an opportunity to get the best bang for our buck.

LORD/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 19-54(S-2)(A) FOR 19-54 (S)(A)

There was no discussion on the motion to substitute.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There were comments of appreciation for all the work that has gone into this and for the Economic Development Commission's willingness to work collaboratively through the questions and iterations.

ADERHOLD/LORD MOVED TO AMEND LINE 35 TO TAKE OUT THE PHRASE PUBLIC PARKING SOLUTIONS.

Councilmember Aderhold commented we need to have a conversation about public parking solutions, but she doesn't think we want it to be part of the scope of work for wayfinding and streetscapes. Councilmembers Lord and Smith concurred.

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

Motion carried.

Mayor Castner called for a break at 7:46 p.m. and called the meeting back to order at 7:56 p.m.

- 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.

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

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-56 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Mayor Castner commented regarding use of the funds allocated in Free Main Allowance for the costs involved in the working through the tariff filing.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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.

VENUTI/SMITH MOVED TO INTRODUCE ORDINANCE 19-57 BY READING OF TITLE ONLY.

In response to questions City Manager Koester explained a there will be a substitute ordinance at the next meeting that cleans up some of the confusing verbiage and adds more projects to be booked in 2019.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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

VENUTI/LORD MOVED TO INTRODUCE ORDINANCE 19-58 BY READING OF TITLE ONLY.

Councilmember Lord noted Council had discussed this at Committee of the Whole and she anticipates having some amendments at the next meeting.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Koester announced she has submitted her resignation as she has accepted a position with the City and Borough of Juneau. She provided a memo that suggests some next steps forward, and Council agreed to hold a special meeting on December 16th at 5:00 p.m. to discuss next steps.

In response to questions, City Manager Koester said she will contact Representative Vance about scheduling a meeting before the next session begins, and there was brief discussion regarding the Bay crest properties

Councilmember Lord requested Council discuss the Seawall next steps at their next Committee of the Whole.

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

At the request of the Mayor, City Manager Koester explained that since the passage of Resolution 19-073(S), which placed a moratorium on all clearing, cutting, and brushing in rights of way while a committee made up of council and staff looks at right of way clearing policy, recent wind events have downed some trees and created safety hazards. She doesn't feel she can authorize Public Works to clear without approval from Council. This memo requests approval for a situation on Mt. Augustine Drive where a tree is threatening a parked car, and another on East Bayview where trees have already fallen and others are threatening to. She requested Council also consider adding clearing around the bridge on Spruceview at Woodard Creek, which was requested by DOT after a recent inspection.

Mayor and Council discussed the issue and Mayor Castner felt that if Council could just authorize the City Manager to make the exceptions she deems appropriate, realizing the intent of the motion was to stop the wholesale clearing of rights of way.

LORD/VENUTI MOVED TO AUTHORIZE THE RECOMMENDATIONS IN MEMORANDUM 19-160 WITH ADDITION THAT THE CITY MANAGER MENTIONED AS WELL AS AUTHORIZE THE CLEARING OF TREES DEEMED TO BE NECESSARY FOR SAFETY.

There was further discussion supporting the need for clearing due to wind issues that create safety hazards.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 19-088 BY READING OF TITLE ONLY.

Councilmember Aderhold commented this is relative because Homer is a spill effected community from the Exxon Valdez oil spill, we have community members who fish the Prince William Sound waters, and we have representation on the Prince William Sound Regional Citizens Advisory Council (PWSRCAC). She doesn't want to see another oil spill or anything that affects the natural resources we depend on. The information related to the docket came from a letter that PWSRCAC sent to the RCA, which was included in the supplemental packet.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Michael Armstrong, non-resident commenting as Editor of the Homer News, commented in support of an open hiring process when they're considering next steps in looking at City Manager candidates.

Robert Archibald, city resident and President of PWSRCAC, thanked Council for adopting Resolution 19-088 and shared that the organization ran their letter through legal review. He's shocked to learn City Manager Koester is leaving. He'll miss her because she's very efficient, and he wished her the best of luck.

Larry Slone, city resident, commended the Mayor for managing the meeting well tonight, and said he was also surprised to hear the City Manager is leaving. He disagrees with the opioid task force comments equating moral disapproval with illicit drug use. Moral disapproval has a valid function to help guide and constrain certain social acts that are detrimental to the individual and to society.

Kate Finn, city resident said she'll miss City Manager Koester. She thanked Councilmember Lord for participating in Lunch with a Councilmember and encouraged people to come to the library for the event.

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen had no comments.

COMMENTS OF THE CITY MANAGER

City Manager Koester thanked everyone for all the congratulations.

COMMENTS OF THE MAYOR

Mayor Castner commented regarding a memorandum he provided the Planning Commission regarding the HAWSP, alerting them of making recommendations when the moratorium is lifted, and about using HART funds for a Master Storm Water Plan. He talked about when he was on a selection committee when City Manager Wrede was hired and it was a very open process. When City Manager Koester was hired, that wasn't so much the case. He is a proponent for the upcoming hiring process to be an open process.

COMMENTS OF THE CITY COUNCIL

Councilmember Hansen-Cavasos thanked City Manager Koester and announced the girls wrestling team took first place at the Grace Christian Wrestling Tournament.

Councilmember Aderhold wished everyone happy holidays.

Councilmember Smith commented December 21st is Share the Spirit set up at the high school, and encouraged those who can't attend to contribute something. He wished everyone Merry Christmas or any other holiday you may wish to celebrate.

Councilmember Evensen thanked City Manager Koester and wished everyone happy holidays and happy anniversary to his wife.

Councilmember Venuti shared that she's sad City Manager Koester is leaving but knows she loves adventures. She challenged the other members to bring wool socks to donate to Project Homeless Connect and she's glad they passed the budget, it was a huge undertaking, and now she won't have to carry her big binder around. She encourage the community to help lighten the holidays for others and wished everyone Merry Christmas.

Councilmember Lord said she excited for Solstice, encouraged everyone to hold on a bit longer when the days start getting longer, and she appreciates the all the lights around town. She's excited for City Manager Koester and new adventures ahead. She's pleased to see Set Free was able to close on a place, she hopes it will be a good facility for them, and wished it hadn't been so difficult. The Nutcracker was awesome, she thanked the Mayor and other who put forth huge effort for the show. For the special meeting on the 16th she asked to bring forward a resolution regarding the Kachemak Bay Critical Habitat Management Plan proposed amendments.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the

meeting at 8:43 p.m. The 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.

Melissa Jacobsen, MMC, City Clerk

Adjourn:_____

Session 19-36 a Special Meeting of the Homer City Council was called to order on November 25, 2019 by Mayor Ken Castner at 4:30 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

ABSENT: HANSEN-CAVASOS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN

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)

Larry Slone, city resident, commented the City Attorney did a good job preparing the response to the temporary restraining order. In light of the situation of conflicting rules between city code and state statutes they did a good job in making the two harmonize. He's disappointed it turned out this way personally, but the Attorneys did an excellent job and it's an appropriate resolution of the scenario.

PENDING BUSINESS

NEW BUSINESS

- a. Memorandum 19-165 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)

LORD/ADERHOLD 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).

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

Motion carried.

Council adjourned into executive session at 4:39 p.m. and Mayor Castner reconvened the meeting at 4:54 p.m.

Councilmember Lord reported City Council met in executive session and City Attorney Gatti briefed the Council on Thomas Stroozas vs. City of Homer and received direction from Council.

COMMENTS OF THE AUDIENCE

David Lewis, city resident, noted comments at a prior meeting the the hiring process for City Manager Koester was not an open process and commented that the hiring process was done in the open and it was above board.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 4:56 p.m. The next Regular Meeting is Monday, January 13, 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.

Melissa Jacobsen, MMC, City Clerk

Approved:_____

Session 19-37 a Special Meeting of the Homer City Council was called to order on November 25, 2019 by Mayor Ken Castner at 5:00 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

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

LORD/EVENSEN 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)

Robert Archibald, city resident, commented in support of Resolution 19-091 and addressed the resolution he provided as a laydown that was approved by the Kachemak Bay State Parks Citizens Advisory Board on the issue. He noted Resolution 19-091 should address rescinding regulation 5AAC95.310 which deals with rescinding the prohibition of personal watercraft in Kachemak Bay.

Roberta Highland, city resident, commented in support of Resolution 19-091. There are so many people who appreciate not having jet skis in Kachemak Bay.

Patricia Cue, borough resident, commented in support of 19-091. She believes Governor Dunleavy's actions ignore or democratic processes and favor special interests. She reviewed steps that have been taken since 1999 favoring the ban of personal watercraft in the Kachemak Bay Critical Habitat Area. She'd like to know why he's decided to overturn the decision and what lead to the decision, and why he failed to reach out to people in this community who've worked to protect this vital eco-system.

Dorle Harness, resident in Little Tutka Bay, commented in support of Resolution 19-091. She supports keeping the personal watercraft ban in place. Kachemak Bay is the only marine environment habitat in Alaska that has this ban and it's important to maintain the ban for the marine life and the people who live in the bay.

Rick Harness, resident in Little Tutka Bay, commented in support of Resolution 19-091. We worked hard to get the ban in place and maintain it. There is plenty of information why we shouldn't let this ban be repealed and the public comment time is too short. He has an eco-tourism business that, along with others, will be negatively impacted.

Bob Shavelson, Advocacy Director for Cook Inletkeeper, commented in support of Resolution 19-091. He provided copies of and addressed an internal ADF&G staff memo from November 19, 2019, an ADF&G memo dated May 9, 2019, and his correspondence with Rick Green of ADF&G and addressed the lack of process for the preconceived outcome of repealing the prohibition of personal watercraft in Kachemak Bay.

Penelope Haas, borough resident, commented in support of Resolution of 19-091, and also shared her concerns that appropriate process is not being followed regarding the repeal of the prohibition. She also provided information from meetings she's attended regarding the issue.

Dick Dunn, Little Tutka Bay resident, commented in support of Resolution 19-091 and shared some personal experience with hearing jet skis in the bay, and the economic benefit of maintaining the prohibition for local business.

Josh Wisniewski, Kachemak Bay resident, commented in support of Resolution 19-091 to extend the public comment period to 90 days. As one who set nets across the bay and has worked at many communities on subsistence fisheries and ecological knowledge issues, he along with other set net fishermen are opposed to this proposed change and attempt to circumvent our existing critical habitat management plan process.

Leanna Stern, city resident, commented in support of Resolution 19-091

Dave Lyon, water taxi operator, commented in support of an extension of comment period, it's incredibly important. He added jet ski's themselves are a straw-man in the issue. The issue at stake is the potential of overturning a critical habitat area. The forces behind this are interested in overturning other critical habitat areas, using this as a precedent, and that's what concerns him.

Megan Pacer noted Resolution 19-091 refers to the proposed rule change to the Kachemak Bay Critical Habitat Area Management Plan revision, and this proposed repeal is being done separately of the management plan.

Kate Finn, city resident, commented in support of Resolution 19-091 and protecting the Kachemak Bay critical habitat area. She also noted an element of human concern in the danger of personal watercraft.

Steve Gibson, city resident, commented in support of Resolution 19-091 and extending the comment period to 90 days. He encouraged the Council themselves as interested participants open to coming to conclusions about this on the basis of received testimony. He thinks that will answer a lot of questions.

David Lewis, city resident, commented in support of Resolution 19-091.

PENDING BUSINESS

NEW BUSINESS

- a. Resolution 19-091, A Resolution of the City Council of Homer, Alaska Requesting the Alaska Department of Fish & Game Extend the Comment Period for Proposed Rule Change to the Kachemak Bay Critical Habitat Area Management Plan Revision to 90 Days; and that they Provide Information Supporting the Change and why it's not being Considered as Part of the Ongoing Revision Process for the Kachemak Bay Critical Habitat Area Management Plan. Lord.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 19-091 BY READING OF TITLE ONLY.

LORD/HANSEN-CAVASOS MOVED TO AMEND LINE 9 OF THE TITLE TO READ TO 5AAC95.310 OF THE ALASKA ADMINISTRATIVE CODE DEALING WITH THE PROHIBITION OF PERSONAL WATERCRAFT USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS AND STRIKE THE KACHEMAK BAY CRITICAL HABITAT AREA MANAGEMENT PLAN REVISION FROM LINES 9 AND 10.

Councilmember Lord noted this clarifies the intent and pointed out the resolution requests information on the process of the management plan revision that we've had City staff engaged in for several years, but haven't seen much come out of that.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was further discussion that the intent is to get to the concerns that have been addressed with regards to the process being used for proposed regulation change. It requests scientific and technical change in a timely manner, so the City and community can participate, extend the public input period to 90 days, and explanation why it isn't being considered through the habitat management revision process. It doesn't appear any kind of process is being followed.

LORD/SMITH MOVED TO AMEND LINE 29 TO SAY WHEREAS THE ALASKA DEPARTMENT OF FISH AND GAME RECENTLY OPENED A 30 DAY PUBLIC NOTICE PERIOD TO CHANGE RULES ADOPTED, THEN STRIKE RULES, AND INSERT TO CHANGE REGULATION 5AAC95.310 OF THE ALASKA

ADMINISTRATIVE CODE DEALING WITH THE PROHIBITION OF PERSONAL WATERCRAFT USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL HABITAT AREAS,

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

The resolution from the Kachemak Bay State Parks Citizens Advisory Board provided as a laydown was addressed and it was suggested adding some of their language to the City resolution, but no action was taken. There was also brief comment regarding prior Resolution 18-059 regarding the Board of Fish holding a special meeting to consider salmon enhancement that failed and the need to be consistent with these types of actions.

VOTE (main motion as amended): YES: ADERHOLD, HANSEN-CAVASOS, LORD, VENUTI, SMITH, EVENSEN

Motion carried.

- b. Memorandum 19-164 from City Manager re: Next Steps for City Manager Search

ADERHOLD/LORD MOVED TO PROCEED WITH ADVERTISING FOR THE CITY MANAGER POSITION.

Councilmember Aderhold commented there's a lot up in the air right now with our upcoming retreat and it's outcome, and number of other things like implementing the two year budget, addressing HAWSP, that it would be valuable to continue to work with City Manager Koester hopefully through the transition to a new city manager, with the schedule outlined in the memorandum.

Councilmembers agreed with those points, commented in support of the more aggressive timeline, and it was noted that bringing in an interim at this point would be more disruptive.

Mayor Castner explained he suggested the option to bring in an interim because he's concerned that there can't be a point where we have a void with no manager or interim. Regarding a review committee, he hopes Human Resources (HR) can handle the first part of the process and winnow out people who are clearly not qualified.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner opened the floor to suggested motions about process.

In response to questions, City Manager Koester explained regardless of whether a firm is hired to help with advertising, the position will be noticed nationally through different channels than a recruitment firm. A recruitment firm reaches out in other ways.

Mayor Castner said he would like motions.

LORD/ADERHOLD MOVED TO THAT WE DO THE ADVERTISING FOR THE POSITION IN HOUSE.

Councilmember Lord noted we have strong industry networks for City Managers in state and across the country so she supports advertising in house rather than spending a few thousand dollars to have someone else do it.

Upon further questioning, City Manager Koester added that our HR Department could handle all the interviewing and hiring process. The recruitment process would bring a different network of applicants through distributing faxes and emails advertising positions. If the preference is an Alaskan Manager it would probably be sufficient with in-house advertising and the wide net that would cast through ICMA (International City Managers Association).

There was discussion recognizing there are good Alaskan managers who may apply and also the potential benefits to using a recruitment firm to cast a wider net to hear from others who are well qualified and could bring their talents to Homer.

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

Motion failed.

SMITH/LORD MOVED TO HIRE A RECRUITMENT FIRM TO ADVERTISE AT A COST NOT TO EXCEED \$2,500.

There was discussion to confirm that this will be in addition to the in-house advertising.

VOTE: NO OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/EVENSEN MOVED TO DISCUSS THE QUESTIONS HR DIRECTOR BROWNING HAS RECOMMENDED IN HER MEMO AND MAKE ANY CHANGES.

There was no discussion on the motion to discuss and it passed by consensus.

Motion carried.

Councilmember Aderhold referenced HR Director Browning's memo on page 19 of the packet and suggested proposing a list of questions, some based on what's in the memo and some that are not.

ADERHOLD/HANSEN-CAVASOS MOVED TO INCLUDE THE QUESTION "WHAT DO YOU THINK ARE THE MOST IMPORTANT ELEMENTS OF THE CITY MANAGER POSITION"

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/VENUTI MOVED TO ADD THE QUESTION "DESCRIBE A PROFESSIONAL ACCOMPLISHMENT THAT YOU FEEL BEST DEMONSTRATES YOUR SKILL AS A CITY MANAGER.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/SMITH MOVED TO ADD A TWO PART QUESTION "A NEW POLICY IS INTRODUCED AT A CITY COUNCIL MEETING THAT YOU BELIEVE IS NOT IN THE BEST INTEREST OF THE CITY, HOW DO YOU PROCEED?" AND "A NEW POLICY IS TO BE IMPLEMENTED ORGANIZATION WIDE, YOU DO NOT AGREE WITH THIS NEW POLICY, HOW DO YOU DISCUSS THIS POLICY WITH YOUR STAFF?"

It was suggested this would be more appropriate as an interview question, not an application question. Councilmember Aderhold didn't oppose this an interview question instead. She thinks it will help identify how a City Manager would work with the Council and how they would work with staff. Council discussed the benefit of the questions and considered one on the application and one in the interview.

ADERHOLD/LORD MOVED TO AMEND TO REMOVE THE SECOND QUESTION.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO ADD THE QUESTION “WHAT IS YOUR PHILOSOPHY OF LEADERSHIP?”

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

SMITH/ADERHOLD MOVED TO ASK A QUESTION “PLEASE DESCRIBE YOUR EXPERIENCE OR TRAINING IN RELATIONSHIP TO NATURAL DISASTER RESPONSE.”

There was discussion that the job description doesn’t refer to emergency management so it may be worthwhile to add it and ask applicants for their statement of qualifications relative to the job description, similar to the City Attorney RFP.

Councilmember Smith concurred that if it’s included in the job description and as long as they understand and can speak to it.

The motion was withdrawn with the understanding it will be addressed in the job description.

LORD/ADERHOLD MOVED TO ADD THE QUESTION “IN REVIEWING THE JOB DESCRIPTION FOR THIS POSITION PLEASE HIGHLIGHT AREAS YOU BRING PARTICULAR EXPERIENCE.”

It was suggested this is encompassed in other questions. Councilmember Lord commented in her mind, this ties it back to the job description and that the applicant and they themselves have read it.

The motion was withdrawn upon the suggestion of rewording an existing question.

ADERHOLD/LORD MOVED TO AMEND A CURRENT QUESTION TO READ “DESCRIBE A PROFESSIONAL ACCOMPLISHMENT YOU FEEL BEST DEMONSTRATES YOUR SKILL TO BE THE CITY MANAGER OF HOMER, ALASKA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold noted the application only asks for education and not training and certifications.

ADERHOLD/ LORD MOVED TO ADD TRAINING AND CERTIFICATIONS TO THE APPLICATION.

There was brief discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Staff interjected in an effort to direct Council's discussion back to the questions in the City Manager's memorandum. There was discussion on process. Mayor Castner explained his understanding the first motion was a divided motion and they worked through the sub-motions and were now back to the main motion to examine the questions. He asked for a roll call vote.

YES: EVENSEN, HANSEN-CAVASOS, SMITH, LORD, VENUTI, ADERHOLD

Motion passes.

Mayor Castner noted Councilmember Smith's earlier comments about emergency management and asked for a motion.

SMITH/VENUTI MOVED THAT THE JOB DESCRIPTION ENCOMPASS EXACTLY WHAT WE JUST TALKED ABOUT.

Councilmember Smith reiterated it needs to be very clear to any applicant that natural disasters occur here so they can have an opportunity to respond to that.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

LORD/VENUTI MOVED TO AMEND WORKING CONDITION SECTION TO CLARIFY THAT ATTENDANCE IS REQUIRE AT CITY COUNCIL MEETINGS.

Mayor Castner asked if she intended to delete and other meetings. Councilmember Lord noted she liked what Councilmember Smith did in giving direction to staff without actually wordsmith it. That's what she'd like to do.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold suggested supplementing the knowledge section of the job description beyond just water and wastewater utility and port and harbor operations with police department and volunteer fire department. After discussion Council concurred to expand the section to include the volunteer fire department.

Council concurred that the HR department could do the initial review and first cut of applicants. In discussion of a four part process with HR doing the first cut and Council as a body do the second round of cuts in confidential mode, narrowing down to six to eight to interview telephonically and at that point the names become public, then narrow to the in person interviews. Some felt that releasing the names at the telephonic interviews was too soon, and they should wait until the final in person interviews. It was noted that telephonic interviews were done in public last time. Mayor Castner felt there was general consensus on a process and they could further fine tune it once they have a better idea of the candidate pool.

Councilmember Aderhold proposed supporting HR's aggressive timeline on page 18 of the packet, and the rest of the group concurred.

COMMENTS OF THE AUDIENCE

Wayne Aderhold, city resident, commented he thinks Council made the right move with not going to an interim manager, unless they need to.

Larry Slone, city resident, following the guideline established before for selection of the previous City Manager worked out successfully so you can't go wrong with that. He supports the notion of bringing on an Interim Manager because you can't control how events will turn out with potential applicants and unexpected barriers.

ADJOURNMENT

There being no further business to come before the Council Mayor Castner adjourned the meeting at 7:09 p.m. The next Regular Meeting is Monday, January 13, 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.

Melissa Jacobsen, MMC, City Clerk

Approved:_____



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 20-001

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: JANUARY 7, 2020

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATIONS FOR OAKEN KEG #1832, THE ALIBI, KCHARACTERS AND GRACE RIDGE BREWING

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: Package Store
 License #: 4162
 DBA Name: Oaken Keg #1832
 Service Location: 90 Sterling Hwy., Homer, AK 99603
 Licensee: Safeway, Inc.
 Contact Person: Robert Gordon

License Type: Beverage Dispensary
 License #: 1085
 DBA Name: Kharacters
 Service Location: 3851 Shelford, Homer, AK 99603
 Licensee: Wonderful, LLC
 Contact Person: Rondy Matthews

License Type: Beverage Dispensary
 License #: 98
 DBA Name: The Alibi
 Service Location: 453 E Pioneer Avenue, Homer, AK 99603
 Licensee: Mix Rocks, LLC
 Contact Person: Megan Palma

License Type: Brewery
 License #: 5433
 DBA Name: Grace Ridge Brewing
 Service Location: 3388 B Street, Homer, AK 99603
 Licensee: Grace Ridge Brewing, Inc.
 Contact Person: Donald P. Stea

RECOMMENDATION

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

Fiscal Note: Revenues



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: JANUARY 7, 2020

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR KHARACTERS, OAKEN KEG,
GRACE RIDGE BREWING AND THE ALIBI

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

License Type: Beverage Dispensary
License #: 98
DBA Name: The Alibi
Service Location: 453 E Pioneer Avenue, Homer, AK 99603
Licensee: Mix Rocks, LLC
Contact Person: Megan Palma

License Type: Beverage Dispensary
License #: 1085
DBA Name: Kharacters
Service Location: 3851 Shelford, Homer, AK 99603
Licensee: Wonderful, LLC
Contact Person: Rondy Matthews

License Type: Package Store
License #: 4162
DBA Name: Oaken Keg #1832
Service Location: 90 Sterling Hwy., Homer, AK 99603
Licensee: Safeway, Inc.
Contact Person: Robert Gordon

License Type: Brewery
License #: 5433
DBA Name: Grace Ridge Brewing
Service Location: 3388 B Street, Homer, AK 99603
Licensee: Grace Ridge Brewing, Inc.
Contact Person: Donald P. Stead



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

December 10, 2019

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Grace Ridge Brewing, Inc.
Business Name	:	Grace Ridge Brewing
License Type	:	Beverage Dispensary/Tourism-Duplicate
License Location	:	3388 B Street, Suite #2, Homer, AK 99603, City of Homer
License No.	:	5433
Application Type	:	License Renewal

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

JB/ts

Encl.

cc: graceridgebrewing@gmail.com; clerk@ci.homer.ak.us; DHenry@kpb.us;
SNess@kpb.us



Office of the Borough Clerk

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

Johni Blankenship, MMC
Borough Clerk

12/20/2019

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant : Mix Rocks Inc
Business Name : Alibi The
License Type : Beverage Dispensary
License Location : 453 E. Pioneer Ave, City of Homer
License No. : 98
Application Type : License Renewal
[PreviousText]

Dear Ms. Jacobsen,

This serves to advise that the Kenai Peninsula Borough has reviewed the above referenced application and has no objection.

Should you have any questions, or need additional information, please do not hesitate to let us know.

Sincerely,

Johni Blankenship, MMC
Borough Clerk

Encl.

cc: meganpalma74@gmail.com; DCooper@kpb.us; SNess@kpb.us



December 16, 2019

City of Homer

Kenai Peninsula Borough

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

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	4162
Licensee:	Safeway, Inc		
Doing Business As:	Oaken Keg #1832		

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



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Oaken Keg #1832	License Number:	4162
License Type:	Package Store		
Examiner:	<i>HANDI</i>	Transaction #:	1208118

Document	Received	Completed	Notes
AB-17: Renewal Application	12/9	<i>12/9</i>	
App and License Fees	12/9	<i>12/9</i>	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a	11/8	<i>11/8</i>	
Late Fee			

Names on FP Cards:	Vivekanand Sankaran
--------------------	---------------------

	Yes	No
Selling alcohol in response to written order (package stores)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)? <i>updated email and tel.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

LGB 2 Response:

- Waive
 Protest
 Lapsed
 Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Package Store License

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

Alcohol and Marijuana Control Office

550 W 7th Avenue, Suite 1600

Anchorage, AK 99501

alcohol.licensing@alaska.gov

https://www.commerce.alaska.gov/web/amco

Phone: 907.269.0350

What is this form?

This renewal license application form is required for all individuals or entities seeking to apply for renewal of an existing package store 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.

Table with 4 columns: Field Name, Value, License #, Value. Fields include Licensee (Safeway Inc.), License Type (Package Store), Doing Business As (Oaken Keg #1832), Premises Address (90 Sterling Highway), Local Governing Body (City of Homer), and Community Council (None).

Table with 4 columns: Field Name, Value, State, Value, ZIP, Value. Fields include Mailing Address (PO BOX 29096 MS 6531), City (PHOENIX), State (AZ), and ZIP (85038).

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.

Table with 4 columns: Field Name, Value, Contact Phone, Value. Fields include Contact Licensee (ROBERT GORDON), Contact Phone (208-395-3856), and Contact Email (ROBERT.GORDON@SAFEWAY.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.

Table with 4 columns: Field Name, Value, Contact Phone, Value. Fields include Name of Contact (NASC TAX), Contact Phone (623-869-3573), and Contact Email (NASC.TAX@SAFEWAY.COM).



Form AB-17b: 2020/2021 Package Store 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 #:	39147F (SAFEWAY INC.)
-----------------------	-----------------------

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:	PLEASE SEE ATTACHED OFFICERS LIST			
Title(s):	Phone:	% Owned:		
Mailing Address:				
City:	State:	ZIP:		

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

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

SAFEWAY INC.
ENTITY #39147F
Officers List

Name of Official:	ALBERTSONS COMPANIES INC
Title(s):	SHAREHOLDER
Mailing Address:	5918 STONERIDGE MALL ROAD, TAX DIVISION, PLEASANTON, CA 94588-3229
Phone:	925-467-3700
% Owned	100%

Name of Official:	VIVEK SANKARAN
Title(s):	PRESIDENT
Mailing Address:	250 E PARKCENTER BLVD, BOISE, ID, 83706
Phone:	208-395-6200
% Owned	0%

Name of Official:	GARY MORTON
Title(s):	ASSISTANT SECRETARY, TREASURER, VICE PRESIDENT
Mailing Address:	250 E PARKCENTER BLVD, BOISE, ID, 83706
Phone:	208-395-6200
% Owned	0%

Name of Official:	ROBERT GORDON
Title(s):	DIRECTOR, SECRETARY
Mailing Address:	250 E PARKCENTER BLVD, BOISE, ID, 83706
Phone:	208-395-6200
% Owned	0%

AMCO
DEC - 9 2019



Form AB-17b: 2020/2021 Package Store 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.

Section 5 – License Operation

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

The license was regularly operated continuously throughout each year. 2018 2019

The license was regularly operated during a specific season each year. 2018 2019

The license was only operated to meet the minimum requirement of 240 total hours each calendar year. 2018 2019
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. 2018 2019
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-17b: 2020/2021 Package Store Renewal License Application

Section 6 - Written Orders

Written orders in calendar years 2020 and 2021: Yes No

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2020 and/or 2021?

Section 7 - 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 8 - Certifications

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

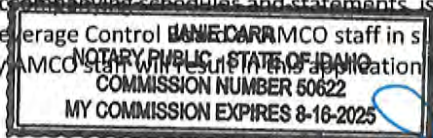
I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

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.

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 (ABC) Board in support of this application and understand that failure to do so by any deadline given to me by AMCO staff will result in the application being returned to me as incomplete.

Janice Carr
Signature of licensee



Janice Carr
Signature of Notary Public

Printed name of licensee _____ Notary Public in and for the State of Idaho

My commission expires: 8/16/2025

Subscribed and sworn to before me this 6 day of December, 2019

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

License Fee:	\$ 1500.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1800.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

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

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	SAFEWAY INC.

Entity Type: Business Corporation

Entity #: 39147F

Status: Good Standing

AK Formed Date: 11/7/1986

Duration/Expiration: Perpetual

Home State: DELAWARE

Next Biennial Report Due: 1/2/2022

Entity Mailing Address: DANIELLE KNIGHT, PO BOX 20, BOISE, ID 83726-0020

Entity Physical Address: 11555 DUBLIN CANYON RD, PLEASANTON, CA 94588

Registered Agent

Agent Name: JILL MCLEOD

Registered Mailing Address: 1031 W 4TH AVE STE 600, ANCHORAGE, AK 99501

Registered Physical Address: 1031 W 4TH AVE STE 600, ANCHORAGE, AK 99501

Officials

Show Former

AK Entity #	Name	Titles	Owned
	ALBERTSONS COMPANIES, INC.	Shareholder	100.00
	GARY MORTON	Assistant Secretary, Treasurer, Vice President	
	LISA GRAY	Director	
	ROBERT GORDON	Director, Secretary	
	ROBERT MILLER	Director	
	VIVEK SANKARAN	President	

Filed Documents

Date Filed	Type	Filing	Certificate
11/07/1986	Creation Filing		
2/01/1988	Biennial Report		
1/12/1990	Biennial Report		
12/13/1991	Biennial Report	Click to View	
12/31/1993	Biennial Report	Click to View	
12/11/1995	Biennial Report	Click to View	
12/19/1997	Biennial Report	Click to View	
1/25/2000	Biennial Report	Click to View	
2/04/2002	Biennial Report	Click to View	
2/02/2004	Biennial Report	Click to View	
1/03/2006	Biennial Report	Click to View	
3/03/2008	Biennial Report	Click to View	
12/18/2009	Biennial Report	Click to View	
12/23/2011	Biennial Report	Click to View	
7/30/2014	Biennial Report	Click to View	
2/17/2015	Change of Officials	Click to View	
5/13/2015	Change of Officials	Click to View	
5/13/2015	Agent Change	Click to View	
10/14/2015	Certificate of Compliance		Click to View
2/26/2016	Biennial Report	Click to View	
10/17/2017	Certificate of Compliance		Click to View
11/03/2017	Biennial Report	Click to View	
11/15/2017	Agent Change	Click to View	
6/06/2018	Change of Officials	Click to View	

Date Filed	Type	Filing	Certificate
12/05/2018	Certificate of Compliance		Click to View
10/03/2019	Biennial Report	Click to View	

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December 13, 2019

City of Homer

Kenai Peninsula Borough

Via Email: clerk@cityofhomer-ak.gov ; jblankenship@kpb.us ; Dhenry@kpb.us ; JRodgers@kpb.us ;
joanne@borough.kenai.ak.us ; tshassetz@kpb.us

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	98
Licensee:	Mix Rocks, LLC		
Doing Business As:	The Alibi		

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,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	The Alibi	License Number:	98
License Type:	Beverage Dispensary		
Examiner:	RANDI	Transaction #:	

Document	Received	Completed	Notes
AB-17: Renewal Application	10/16	10/16	
App and License Fees	10/16	10/16	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

LGB 1 Response:

Waive
 Protest
 Lapsed

LGB 2 Response:

Waive
 Protest
 Lapsed



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:	Mix Rocks, LLC	License #:	98
License Type:	Beverage Dispensary		
Doing Business As:	The Alibi		
Premises Address:	453 E Pioneer Ave		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		
Mailing Address:	453 E Pioneer 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:	Megan Palma	Contact Phone:	907-362-1076
Contact Email:	meganpalma74@gmail.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 #:	131710
-----------------------	--------

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.

MP

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:	Megan Palma			
Title(s):	Member	Phone:	907-362-1076	% Owned: 50
Mailing Address:	453 E Pioneer			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Nelson Palma			
Title(s):	Member	Phone:	760-709-1009	% Owned: 50
Mailing Address:	453 E Pioneer			
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.

MP

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.

AMCO
OCT 16 2019



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 <u>this license</u> in the calendar years 2018 or 2019?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. MP

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. MP

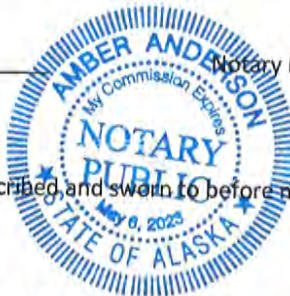
I certify on behalf of myself or of the organized entity that I understand that providing a false statement on this form or any other form provided by AMCO is grounds for rejection or denial of this application or revocation of any license issued. MP

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.

Megan Palma
Signature of licensee

Amber Anderson
Signature of Notary Public

Megan Palma
Printed name of licensee



Notary Public in and for the State of AK

My commission expires: 5-6-23

Subscribed and sworn to before me this 14th day of October, 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

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

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database
Download / Corporations / Entity Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Mix Rocks LLC

Entity Type: Limited Liability Company

Entity #: 131710

Status: Good Standing

AK Formed Date: 11/22/2010

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2022

Entity Mailing Address: 453 E PIONEER, HOMER, AK 99603

Entity Physical Address: 453 E PIONEER, 453 E PIONEER, HOMER, AK 99603-1076

Registered Agent

Agent Name: Megan Palma

Registered Mailing Address: 453 E. PIONEER, HOMER, AK 99603

Registered Physical Address: 453 E. PIONEER, HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	megan j palma	Member	50.00
	Nelton Palma Jr	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
11/22/2010	Creation Filing	Click to View	
12/13/2010	Initial Report	Click to View	
2/23/2012	Biennial Report	Click to View	
10/20/2013	Biennial Report	Click to View	
1/02/2014	Agent Change	Click to View	
4/02/2016	Biennial Report	Click to View	
10/10/2017	Biennial Report	Click to View	
10/06/2019	Biennial Report	Click to View	

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December 4, 2019

City of Homer

Via Email: clerk@cityofhomer-ak.gov

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	1085
Licensee:	Wonderful, LLC		
Doing Business As:	Kharacters		

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



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:	Wonderful LLC	License #:	1085
License Type:	Beverage Dispensary		
Doing Business As:	Kharacters		
Premises Address:	3851 Shelford		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		
Mailing Address:	1154 Kenneth way		
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:	Rondy Matthews	Contact Phone:	907-299-3519
Contact Email:	rondy0013@gmail.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 using the following site:** <https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10005047
-----------------------	----------

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:	Randy E Matthews			
Title(s):	President member	Phone:	907-299-3519	% Owned: 50%
Mailing Address:	1154 Krueh way			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Kelly E Matthews			
Title(s):	Sec member	Phone:	907-299-3350	% Owned: 50%
Mailing Address:	1154 Krueh way			
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.

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-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.

Signature of licensee

Randy Matthews
Printed name of licensee



Kayla
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5/12/2021

Subscribed and sworn to before me this 22nd 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):					<u>2800.00</u>



December 5, 2019

City of Homer & Kenai Peninsula Borough

Via Email: clerk@cityofhomer-ak.gov
jblankenship@kpb.us
dhenry@kpb.us
jrodgers@kpb.us
sness@kpb.us
joanne@borough.kenai.ak.us
tshassetz@kpb.us

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Brewery	License Number:	5433
Licensee:	Grace Ridge Brewing, Inc.		
Doing Business As:	Grace Ridge Brewing		

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, Interim-Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Grace Ridge Brewing	License Number:	5433
License Type:	Brewery		
Examiner:	John	Transaction #:	201901175014

Document	Received	Completed	Notes
AB-17: Renewal Application	11/7/19	11/7	
App and License Fees	11/7/19	11/7	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement			
AB-25: Supplier Cert (WS)			
AB-29: Waiver of Operation			
AB-30: Minimum Operation			
AB-33: Restaurant Affidavit			
COI / COC / 5 Star			
FP Cards & Fees / AB-08a			
Late Fee			

Names on FP Cards:	
--------------------	--

	Yes	No
Selling alcohol in response to written order (package stores)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mailing address and contact information different than in database (if yes, update database)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response:

Waive
 Protest
 Lapsed

LGB 2 Response:

Waive
 Protest
 Lapsed



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:	Grace Ridge Brewing, Inc.	License #:	5433
License Type:	Brewery		
Doing Business As:	Grace Ridge Brewing		
Premises Address:	3388 B Street		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		
Mailing Address:	3388 B STREET STE 2		
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:	DONALD P. STEAD	Contact Phone:	907-399-5222
Contact Email:	GRACERIDGE BREWING @ GMAIL.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 #:	10028849
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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:	DONALD STEAD				
Title(s):	PRESIDENT	Phone:	907-399-5222	% Owned:	80
Mailing Address:	1401 CANDLELIGHT CT.				
City:	HOMER	State:	ALASKA	ZIP:	99603

Name of Official:	SHERRY STEAD				
Title(s):	VICE PRESIDENT	Phone:	907-399-5200	% Owned:	5
Mailing Address:	1401 CANDLELIGHT CT.				
City:	HOMER	State:	ALASKA	ZIP:	99603

Name of Official:	MEAGAN STEAD				
Title(s):	SECRETARY	Phone:	925-698-7204	% Owned:	5
Mailing Address:	76205 N. GROSSCOP RD.				
City:	WEST RICHLAND	State:	WASHINGTON	ZIP:	99353

Form AB-17: 2020/2021 Renewal License Application
Section 2
Additional Ownership Information

Name of Official: Steven Stead
Title : Director
Phone: 541-829-9408
%Owned: 5
Mailing Address: 76205 N. Grosscup Rd.
West Richland, WA 99353

Name of Official: Scott Stead
Title : Executive Director
Phone: 907-756-3710
%Owned: 5
Mailing Address: 1401 Candlelight Ct.
Homer, AK 99603



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.

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-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? Yes No

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? Yes No

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. Yes No

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. Yes No

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. Yes No

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.

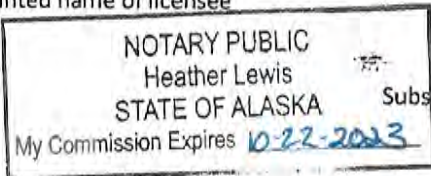
[Signature]
Signature of licensee

[Signature]
Signature of Notary Public

DONALD P. STEAD
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 10-22-2023



Subscribed and sworn to before me this 4 day of November, 2019.

Seasonal License? Yes No

If "Yes", write your six-month operating period: _____

License Fee:	\$ 1000.00	Application Fee:	\$ 300.00	TOTAL:	\$ 1300.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Grace Ridge Brewing, Inc.

Entity Type: Business Corporation

Entity #: 10028849

Status: Good Standing

AK Formed Date: 4/16/2015

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2021

Entity Mailing Address: 3388 B ST., HOMER, AK 99603-7905

Entity Physical Address: 3388 B ST., HOMER, AK 99603

Registered Agent

Agent Name: Don Stead

Registered Mailing Address: P.O. BOX 2159, HOMER, AK 99603

Registered Physical Address: 1401 CANDLELIGHT COURT, HOMER, AK 99603

Officials

AK Entity #	Name	Titles	Owned	Show Former
	DONALD STEAD	Director, President, Shareholder	80.00	
	MEAGAN STEAD	Director, Secretary, Shareholder	5.00	
	SCOTT STEAD	Director, Shareholder	5.00	
	SHERRY STEAD	Director, Shareholder, Vice President	5.00	
	STEVEN STEAD	Director, Shareholder, Treasurer	5.00	

Filed Documents

Date Filed	Type	Filing	Certificate
4/16/2015	Creation Filing	Click to View	Click to View
6/08/2015	Initial Report	Click to View	
12/15/2016	Biennial Report	Click to View	
4/27/2019	Biennial Report	Click to View	

[Close Details](#)

[Print Friendly Version](#)



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 20-002

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JANUARY 6, 2020

SUBJECT: TRAVEL AUTHORIZATION FOR COUNCILMEMBERS SMITH AND LORD TO ATTEND THE ALASKA MUNICIPAL LEAGUE WINTER LEGISLATIVE CONFERENCE HELD FEBRUARY 18-20, 2020 IN JUNEAU, ALASKA

The Alaska Municipal League Winter Legislative Conference in Juneau, Alaska February 18-20, 2020. Councilmember Smith would like to attend and Councilmember Lord will be in Juneau on behalf of the APHA and requests Conference Registration Fee only.

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

Meetings include Alaska Conference of Mayors, AML Board, committees and meeting with Legislators.

Cost estimates for travel include round trip airfare from Homer to Juneau \$600 and room rates at \$149 per night. Per Diem is \$58 per day, for three meals. Conference cost is \$125.



**AML Winter Meeting – Legislative Conference
February 18 – 20, 2020
Baranof Hotel, Juneau Alaska**

Tuesday, February 18, 2020

- 8am Breakfast (*included*)
- Welcome**
- Mayor **Beth Weldon**, City and Borough of Juneau
 - **Stu Graham**, Board President, Alaska Municipal League
 - **Nils Andreassen**, Executive Director, Alaska Municipal League
- 9:00am **Legislative Review**
- **Nils Andreassen**, Executive Director, Alaska Municipal League
 - **Dianne Blumer** and **Heather Brakes**, legislative consultants
- 10:00am **Break**
- 10:30am **2020 Budget Deep Dive**
- 12:00pm Lunch (*included*) - Invited speakers
- Senate leadership
- 1:00pm **2020 Bill Deep Dive**
- 2:30pm **Break**
- 3:00pm **ACoM membership meeting**
- Policy Positions
 - Business Meeting
- *Legislative meetings – arranged meetings specific to issues**
- 4:30pm Adjourn
- Dinner on your own



Wednesday, February 19, 2020

- 8:00am Breakfast (*included*)
- 9:00am **State of Alaska – Agency update and priorities**
- Noon Lunch (*included*) - Invited speakers
- House leadership
- 1:00pm Deep Dive - TBD
- 4:00pm Break and capitol visits
- 5:30pm **AML Legislative Reception**

Thursday, February 20, 2020

- 8am Breakfast (*included*)
- 9-12pm Deep Dive – TBD
- *Legislative meetings – arranged meetings specific to issues**
- Noon Lunch on your own
- 1-4pm **AML board meeting**
- 5:30pm Board of Directors dinner



Memorandum 20-003

TO: Mayor Castner and Homer City Council
FROM: Councilmember Lord
DATE: January 8, 2020
SUBJECT: Request for PARCAC to Evaluate Parking Barrier Solutions at Karen Hornaday Park

In 2018, the City Council passed Ordinance 18-37 funding traffic calming and safety improvements at Karen Hornaday Park. The project is substantially complete; the last stage is a gravel trail from the restroom south that will be completed in the spring.

The Karen Hornaday Park Master Plan calls for re-alignment and reconfiguration of the park access road. Until such time as funding is identified for that project, temporary improvements to direct pedestrians and vehicles were installed by Public Works with funding from Ordinance 18*-37. In some instances, creosote-coated telephone poles provided by HEA were put in place to act as a parking barrier to channel car and foot traffic. According to Public Works, they are the best option to use for this purpose because they can withstand the elements for a long time but can easily be removed. However, creosote is a known toxic substance, and may not be the best location given the number of children coming through this parking area. Also according to Public Works, other options considered for this purpose were concrete wheel stops (difficult to install in gravel and get abused by snow plows) and boulders (more expensive and can damage vehicles). A concrete curb and gutter combination would have been the best and permanent solution however both the budget for the Park's improvements and the recommendations made by the 2009 Master Plan do not allow for this work.

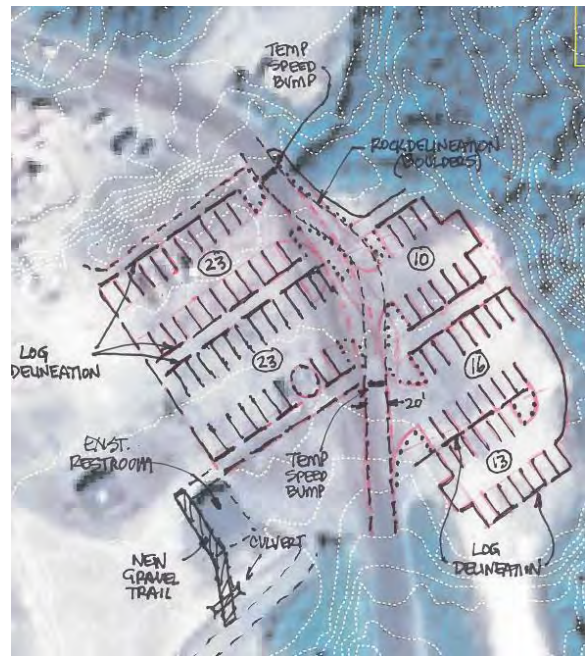
I would like the Parks, Art, Recreation, and Culture Advisory Commission (PARCAC) to evaluate parking barrier solutions that could be used to channel foot and car traffic, with specific consideration given to the potential impact to public health with the current creosote-treated poles. PARCAC can then weigh all the proposed options and provide feedback to Council that can be taken into consideration for current and future development work.

Enc:
October 2019 Progress Report on Karen Hornadady Parking Lot Access/Safety Improvements
Ordinance 18-37

PROGRESS REPORT **KAREN HORNADAY PARKING LOT ACCESS/SAFETY IMPROVEMENTS**

This project (sponsored by Councilmember Tom Stroozas) is substantially complete. The park access road has been realigned to provide traffic calming and encourage slower vehicular speed through the parking area below the campground. Boulders have been placed to delineate this realignment and create medians that protect pedestrians crossing the access road. Logs have been placed to better delineate the parking areas and create protected corridors for pedestrians moving from the parking lot to the park.

Speed limit and crosswalk signs will be installed this week to further delineate the new traffic patterns. Speed bumps and speed bump signage have been ordered and will be installed next spring to finish the improvements approved by the Council in the 2019 capital budget.



Original improvement plan



Looking north toward the campground



Looking south down the new access road realignment



Typical protected pedestrian access corridor

1 CITY OF HOMER
2 HOMER, ALASKA

Stroozas

3
4 ORDINANCE 18-37

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE 2018 CAPITAL BUDGET BY APPROPRIATING UP TO
8 \$48,590 FROM THE HOMER ACCELERATED ROADS/TRAILS PROGRAM
9 (HART) FOR TRAFFIC CALMING AND SAFETY IMPROVEMENTS ON
10 KAREN HORNADAY PARK ROAD.

11
12 WHEREAS, Karen Hornaday Park Improvements, Phase 2 is a project on the Capital
13 Improvements Plan that focuses on safe access to the Park by relocating the access road; and

14
15 WHEREAS, In 2012 the cost of relocating the access road was estimated at \$726,000; and

16
17 WHEREAS, Safety improvements such as traffic calming, parking lot improvements and
18 dedicated pedestrian corridors will greatly increase safety at a much lower cost without
19 prohibiting a future project that moves the road when funding becomes available; and

20
21 WHEREAS, Memorandum 18-041 from the Homer City Council requests the Parks Art
22 Recreation and Culture Advisory Commission (PARCAC) to generate recommendations for safety
23 access improvements at Karen Hornaday Park; and

24
25 WHEREAS, Recommended safety improvements from PARCAC included shifting the road
26 slightly east at the upper portion of the existing parking lot, defining the edges of the parking lots
27 with boulders, installing speed bumps and organizing parking; and

28
29 WHEREAS, The project should install permanent concrete stops and landscaping
30 shrubbery whenever possible to prolong the life span of the improvement and visual appeal; and

31
32 WHEREAS, PARCAC also recommended improving the trail on the west side of the access
33 road to ADA standards which is not addressed in this ordinance.

34
35 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

36
37 Section 1. The FY 2018 Capital Budget is hereby amended by appropriating up to \$48,590
38 from the Homer Accelerated Roads/Trails Fund (HART) for Karen Hornaday Park Traffic Calming
39 and Safety Improvements.

40
41

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
620-0375 (HART)	KHP Traffic Calming and Safety Improvements	\$48,590

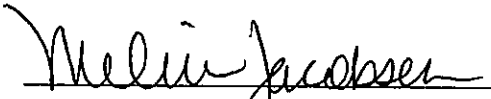
44 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
45 not be codified.

46
47 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 8th day of October, 2018.
48

49 CITY OF HOMER

50
51 
52 _____
53 DONNA ADERHOLD, MAYOR PRO TEM
54

55 ATTEST:

56
57 
58 _____
59 MELISSA JACOBSEN, MMC, CITY CLERK
60



61 YES: 5
62 NO: 0
63 ABSTAIN: 0
64 ABSENT: 1

65
66 First Reading: 8.13.18
67 Public Hearing: 8.27.18
68 Second Reading: 10.8.18
69 Effective Date: 10.9.18
70

71 Reviewed and approved as to form:

72
73 
74 _____
75 Katie Koester, City Manager
76

77 

Holly Wells, City Attorney

Date: 10.10.18

Date: 10.30.18

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-01

An Ordinance of the City Council of Homer, Alaska Amending the FY 2020 Operating Budget it Fund Anticipated Repairs to the Seawall by Establishing Authority in the 2020 Budget for Emergency Repairs to the Seawall.

Sponsor: City Manager

1. City Council Regular Meeting January 13, 2020 Introduction

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 20-01

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING THE FY 2020 OPERATING BUDGET TO FUND ANTICIPATED
REPAIRS TO THE SEAWALL BY ESTABLISHING AUTHORITY IN THE
2020 BUDGET FOR EMERGENCY REPAIRS TO THE SEAWALL.

WHEREAS, The Homer City Council adopted Emergency Ordinance 11-49(S) which created the Ocean Drive Loop Special Service District; and

WHEREAS, The Special Service District was created to raise tax revenues from benefited property owners to support maintenance and repair of the Seawall they own, which is located on their properties; and

WHEREAS, As a tax-exempt property owner along the Seawall, the City contributes \$10,000 annually to a Seawall Reserve Account for the City's portion of repairs to the Seawall; and

WHEREAS, Repairs to the Seawall have to be performed on an emergency basis in order to prevent further damage and remain in compliance with the Army Corps of Engineers permit for the Seawall; and

WHEREAS, Due to the unpredictability and the immediate need to do the repairs, the work is completed by East Road Services under the direction and supervision of the City Engineer, and

WHEREAS, Annual repairs to the Seawall are impossible to predict, yet past history offers a range from \$0 in 2013 to \$102,916 in 2017 with an average costs from 2015 to 2019 of \$42,804; and

WHEREAS, Under HCC 3.16.020, the maximum allowable procurement expense of \$10,000 can easily be exceeded due to one severe weather event; and

WHEREAS, In the event that the 2020 repairs exceed \$42,804 additional authority will be requested; and

WHEREAS, Based on linear feet, the property owners are responsible for 82% of the wall repairs and the City is responsible for 18% of the wall repairs; and

WHEREAS, The City and property owners are working together on long-term solutions to address the needs of the Seawall.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

45 Section 1. The Homer City Council hereby amends the FY 2020 Operating Budget by
46 appropriating \$42,804 from the Seawall Maintenance Reserve and Ocean Drive Loop Special
47 Service District accounts for the purpose of repairing and maintaining the seawall as follows:

48
49 Appropriation/Transfer From:

50	51 <u>Account</u>	52 <u>Description</u>	53 <u>Amount</u>
54	55 808-0375	56 Ocean Drive Loop Special Service District (82%)	57 \$35,099
58	59 156-0369	60 Seawall Maintenance Reserve	61 \$7,705

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

64 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of January, 2020.

65 CITY OF HOMER

66 _____
67 KEN CASTNER, MAYOR

68 ATTEST:

69 _____
70 MELISSA JACOBSEN, MMC, CITY CLERK

71 YES:

72 NO:

73 ABSTAIN:

74 ABSENT:

75 First Reading:

76 Public Hearing:

77 Second Reading:

78 Effective Date:

79 Reviewed and approved as to form.

80
81 _____
82 Katie Koester, City Manager

83 _____
84 Michael Gatti, City Attorney

85 Date: _____

86 Date: _____



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue

Homer, Alaska 99603

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(f) 907-235-3148

January 8th, 2020

Dear Ocean Drive Loop Service Area (ODLSA) Property Owners,

I am sending this letter as part of the annual update on Seawall maintenance expenditures and to keep you up to date regarding neighborhood and Council discussion regarding a potential major maintenance project. In 2019, the City hosted two meetings with property owners to discuss the state of the Seawall and the health of the fund used to cover maintenance expenses. This topic was then brought forward to City Council at their September 23rd, 2019 worksession.

Below provides a summary of major Seawall activities accompanied with photographs:

January 2019	Winter storms damaged wall; repairs completed (\$9,873)
February 2019	Neighborhood Seawall meeting
April 2019	City Council authorizes HDR Long Term Improvements Study (\$10,207), winter storms damaged wall; repairs completed (\$11,936)
May 2019	Draft HDR Study received
June 2019	Final HDR study completed
August 2019	Neighborhood Seawall meeting
September 2019	City Council worksession regarding Seawall



Figure 1 - January 2019, replacing vertical posts to allow installation of new horizontal timbers.



Figure 2 - January 2019 East Portion of Wall



Figure 3 - January 2019 West Portion of Wall



Figure 4 - January 2019 Middle of Wall



Figure 5 - HDR, Inc. inspection of wall to assess damage in support of recommending potential long term improvements

As of today, the remaining balance available for use totals \$102,153 (please see chart attached to letter). If we see another year like 2017, the fund would be wiped out. Rather than wait for emergencies to arise, we took a proactive step this past year by contracting with HDR, Inc. to provide an engineer's analysis of the wall in its current state and different maintenance approaches we could take to best protect the Seawall. The two most affordable concepts proposed were Armor Stone Scour Protection and Geotextile Container Scour Protection with preference given to armor stone. The current mil rate set for the ODLSA and the \$10,000 contribution from the City is not enough however to cover project costs. In an effort to assist the ODLSA in making a major maintenance project of this size possible, the City may have the option to work with the Alaska

Municipal Bond Bank (AMBB) to secure a general obligation bond to cover the project's expenses; the bond would be guaranteed by the mil rate and an annual contribution made by the City.

The Council has Seawall Update as a topic of discussion on their Committee of the Whole meeting on January 13th at 5PM in Cowles Council Chambers. At the regular City Council meeting starting at 6PM, the Council has on their agenda a request for a legal opinion from the City Attorney to help the City consider the financing of a capital improvement for the Seawall and associated questions that have been brought up to date by property owners. You are welcome to attend both meetings and provide public comment.

The severity of the winter storms should make finding a solution to the Seawall one of our top priorities. Thank you for joining with me in this effort.

Sincerely,



Katie Koester
City Manager

Seawall Maintenance Expenditures

	2012	2013	2014	2015	2016	2017	2018	2019*	Total
Seawall Maintenance Expenditures	\$38,292	\$0	\$0	\$3,126	\$30,328	\$102,916	\$44,594	\$33,054	\$252,310

Seawall Revenue (“Seawall Maintenance Fund”)

156-0369	2012	2013	2014	2015	2016	2017	2018	2019*	Total
Seawall Reserve Account (City)	\$70,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	\$140,000

808-0375	2012	2013	2014	2015	2016	2017	2018	2019*	Total
Mil rate deposits (ODLSA private property owners)	\$19,167	\$22,078	\$35,176	\$24,802	\$24,759	\$30,140	\$28,917	\$29,424	\$214,463

Remaining Balance for Future Seawall Maintenance

	2012	2013	2014	2015	2016	2017	2018	2019*	Total
Combined Seawall Revenue	\$89,167	\$32,078	\$45,176	\$34,802	\$34,759	\$40,140	\$38,917	\$39,424	\$354,463
Seawall Maintenance Expenditures	\$38,292	\$0	\$0	\$3,126	\$30,328	\$102,916	\$44,594	\$33,054	\$252,310

Remaining Balance: \$102,153

***Please note:** The above 2019 figures will be finalized once the City audit is completed by September 2020.

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-02

An Ordinance of the City Council of Homer, Alaska, Amending the Homer City Zoning Map to Rezone a Portion of the Residential Office (RO) Zoning District, Lot 9 Tract A, Nils O Svedlund Subdivision Amended Excluding any Portion within Lot 9A Thomas Shelford Subdivision '68 Addition to Central Business (CBD) Zoning District.

Sponsor: Planning Commission

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Memorandum 20-006 from City Planner as backup

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

3 Planning

4 **ORDINANCE 20-02**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA
7 AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF
8 THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT, LOT 9 TRACT A, NILS O
9 SVEDLUND SUBDIVISION AMENDED EXCLUDING ANY PORTION WITHIN
10 LOT 9A THOMAS SHELFORD SUBDIVISION '68 ADDITION, TO CENTRAL
11 BUSINESS (CBD) ZONING DISTRICT.
12

13 WHEREAS, Katherine Mitchell, land owner, filed a petition application seeking to amend
14 the zoning map to rezone 3916 Main Street in Homer, Alaska, T 6S R 13W SEC 20 Seward
15 Meridian HM 0540251A Nils O Svedlund Sub Amended Lot 9 Tract A Excluding any Portion
16 within Lot 9A Thomas Shelford Subdivision '68 Addition 69-741 from partially RO to CBD; and
17

18 WHEREAS, The Homer Planning Department reviewed the petition, found that the
19 petition application was complete and the criteria for amending the zoning map had been met;
20 and
21

22 WHEREAS, The Homer Planning Commission held a public hearing on the amendment
23 to the zoning map described herein on December 4, 2019 as required by Homer City Code
24 21.95.060(c); and
25

26 WHEREAS, The Homer Planning Commission found that (i) the proposed amendment
27 to the zoning map is consistent with the Homer Comprehensive Plan and will further specific
28 goals and objectives of the Plan; (ii) the proposed amendment to the zoning map applies a
29 zoning district that is better suited to the property that is the subject of the amendment than
30 the districts that the amendment will replace; and (iii) the amendment to the zoning map is in
31 the best interest of the public, considering the effect of development resulting from the
32 amendment, and the cumulative effect of similar development, on property within and in the
33 vicinity of the area subject to the amendment and on the community, including without
34 limitation effects on the environment, transportation, public services and facilities, and land
35 use patterns; and
36

37 WHEREAS, the City Council adopts the findings by the Homer Planning Commission and
38 has determined that these findings are sound.
39

40 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

41
42 Section 1. The Homer Zoning Map is amended to transfer the parcel listed on the
43 attached Exhibit A from RO zoning district to the CBD zoning district as shown on the attached
44 Exhibit B.

45
46 Section 2. The City Planner is authorized to note on the Homer Zoning Map the
47 amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

48
49 Section 3. This is a non-Code ordinance of a permanent nature and shall be noted in the
50 ordinance history of Homer City Code 21.10.030.

51
52 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2019.

53
54 CITY OF HOMER

55
56 _____
57 KEN CASTNER, MAYOR
58

59
60 ATTEST:

61
62 _____
63 MELISSA JACOBSEN, MMC, CITY CLERK
64

65 YES:

66 NO:

67 ABSTAIN:

68 ABSENT:

69

70 First Reading:

71 Public Hearing:

72 Second Reading:

73 Effective Date:

74

75 Reviewed and Approved as to form and content:

76

77 _____
78 Katie Koester, City Manager

79 _____
80 Michael Gatti, City Attorney

81 Date: _____

82 Date: _____



City of Homer

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Planning

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(p) 907-235-3106

(f) 907-235-3118

Memorandum 20-006 (Pl 20-01)

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD AICP, CITY PLANNER
DATE: JANUARY 6, 2020
SUBJECT: PROPOSED ZONING MAP AMENDMENT

The Homer Planning Commission has acted upon a request to rezone a lot currently found in the Residential Office District (RO) to Central Business District (CBD).

A petition was received by the Planning Office requesting a zoning change. The Applicant, Kate Mitchell, representing Hooligan Holdings, LLC (Nomar) proposes to have a lot located adjacent to the Nomar Building at 104 E Pioneer Ave and along Main Street rezoned to CBD from the current RO designation. The Applicant is proposing a business expansion and wishes to combine the adjacent lot to better support the proposed development that includes a building expansion and on-site housing.

The City Planner has reviewed the proposed amendment and the Planning Commission has held a public hearing on December 4, 2019 regarding this issue. No public testimony was provided. One email in support of the proposal was received after the hearing.

The rezone represents an expansion of the existing CBD District. The proposal supports many goals and objectives of the Homer Comprehensive Plan including those listed in Staff Report 19-98 and objectives that support Goal 1 of the Land Use Chapter, including action item 1-D-3, supporting strategies that include compact mixed-use development, higher density development and infill, which are all supported with this project.

The Planning Commission feels that the request to rezone a lot from RO to CBD is appropriate and is found to be supported in the Homer Comprehensive Plan. Through a vote of unanimous consent, six commissioners recommend that the City Council adopt the proposed zoning map amendment.

Attachments:

Draft Ordinance
Staff report and corresponding meeting minutes
Email testimony

Session 19-20, a Regular Meeting of the Planning Commission was called to order by Chair Venuti at 6:34 p.m. on December 4, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS DAVIS, VENUTI, BENTZ, PETSKA-RUBALCAVA, HIGHLAND
N SMITH

ABSENT: COMMISSIONERS BOS (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

BENTZ/HIGHLAND MOVED TO AMEND THE AGENDA TO ADDRESS PENDING BUSINESS ITEM A. STAFF REPORT 19-93 CUP 19-07 IMMEDIATELY AFTER AGENDA APPROVAL.

Commissioner Bentz stated for the record that at the last meeting the public hearing on CUP 19-07 was closed but because this is a quasi-judicial action the Commission cannot take any additional information or new evidence regarding CUP 19-07. Amending the agenda allows the Commission to complete the quasi-judicial action without being subjected to new information or evidence.

VOTE. (Amendment). NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair requested a motion to approve the agenda as amended.

HIGHLAND/BENTZ – SO MOVED.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti introduced the Pending Business Item A. by reading of the title into the record and requested action from the Commission.

SMITH/BENTZ MOVED TO DENY CONDITIONAL USE PERMIT 19-07 WITH THE FOLLOWING FINDINGS:

FINDING 6 THE COMMISSION FINDS THE PROPOSAL WILL CAUSE UNDUE HARMFUL EFFECT UPON DESIREABLE NEIGHBORHOOD CHARACTER AS DESCRIBED IN THE PURPOSE STATEMENT OF THE DISTRICT.

FINDING 7 THE PROPOSAL WILL BE UNDULY DETRIMENTAL TO THE HEALTH, SAFETY, OR WELFARE OF THE SURROUNDING AREA OR THE CITY AS A WHOLE.

FINDING 9 THE PROPOSAL IS CONTRARY TO THE APPLICABLE LAND USE GOALS AND OBJECTIVES OF THE COMPREHENSIVE PLAN.

Commissioner Bentz commented that she is in support of denial based on the testimony received, as well as several sections of the current policies including the Comprehensive Plan, Spit Comprehensive Plan, Hazard Mitigation Plan and the Kenai Peninsula Hazard Mitigation Plan.

City Planner Abboud clarified that the Decision and Findings will be on the agenda for the January 2, 2020 meeting and the Commission will still have the opportunity to review and amend and approve or not at that time.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

- A. Minutes of the November 6, 2019 Planning Commission Meeting
- B. Decisions & Findings Document for CUP 19-08, two duplexes at 4155 Pennock St.
- C. Utility Easement Vacation at 4097 Mattox Road, also known as lot 6A-1, and affecting lot 20A-1, of Virginia Lynn 2006 Replat, HM 2006020

Chair Venuti requested a motion to approve the Consent Agenda

HIGHLAND/SMITH – SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

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(p) 907-235-3106

(f) 907-235-3118

STAFF REPORT PL 19-98

TO: Homer Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Julie Engebretsen, Deputy City Planner
MEETING: December 4, 2019
SUBJECT: Draft Ordinance amending the Zoning Map to move the boundaries of the Central Business Zoning District

Requested Action: Conduct a public hearing and make a recommendation on the City Council on the proposed zoning map change.

Applicant: Katherine Mitchell, property owner
Location: 3916 Main Street, Homer AK
Parcel ID: 17719120
Size of Existing Lot: 0.49 acres
Zoning Designation: Residential Office
Existing Land Use: Vacant/parking
Surrounding Land Use: North: Residential/storage
South: Commercial/Retail, light manufacturing, office
East: Vacant
West: Residential/Vacant

Wetland Status: No mapped wetlands present
Flood Plain Status: Zone D, flood hazards undetermined
Utilities: Public utilities are available
Public Notice: Notice was sent to 51 property owners of 60 parcels as shown on the KPB tax assessor rolls.

GENERAL INFORMATION

This ordinance proposes a zoning map amendment to move the Central Business District Boundary north to encompass the subject lot. The applicant has expansion plans for the existing business to the south (Nomar) that will require the use of the subject lot as parking. The Residential Office District does not allow parking as a primary land use. (The expansion plans require a Conditional Use Permit and will be considered at a future Planning Commission meeting.)

HCC 21.95.060 Review by Planning Commission

a. The Planning Commission shall review each proposal to amend this title or to amend the official zoning map before it is submitted to the City Council.

b. Within 30 days after determining that an amendment proposal is complete and complies with the requirements of this chapter, the Planning Department shall present the amendment to the Planning Commission with the Planning Department's comments and recommendations, accompanied by proposed findings consistent with those comments and recommendations.

c. The Planning Department shall schedule one or more public hearings before the Planning Commission on an amendment proposal, and provide public notice of each hearing in accordance with Chapter 21.94 HCC.

d. After receiving public testimony on an amendment proposal and completing its review, the Planning Commission shall submit to the City Council its written recommendations regarding the amendment proposal along with the Planning Department's report on the proposal, all written comments on the proposal, and an excerpt from its minutes showing its consideration of the proposal and all public testimony on the proposal.

STAFF COMMENTS/RECOMMENDATIONS:

A completed application has been received and been reviewed per HCC 21.95.050 as attached. Planning Commission to conduct a public hearing, and make recommendation to the City Council.

Attachments

1. Planning Department review of HCC 21.95.050
2. Rezoning application
3. Public Notice
4. Aerial Map
5. Draft ordinance and attachments

Planning Department Review

HCC 21.95.050 Planning Department review of zoning map amendment. The Planning Department shall evaluate each amendment to the official zoning map that is initiated in accordance with HCC 21.95.020 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the comprehensive plan and will further specific goals and objectives of the plan.

Analysis: Comprehensive Plan:

- Chapter 4 Land Use Goal 4-A-5: Concentrate commercial uses in the downtown,
- Chapter 4 Goal 4-A-6: Support Pioneer Avenue beautification/revitalization efforts,
- Chapter 7 Economic Vitality Goal 2: Encourage the retention and creation of more year-round and higher wage employment
- Chapter 7 Goal 3: Identify and promote industries that show capacity for growth

Staff Finding 1: The proposed rezone is consistent with the comprehensive plan and will further the goals of chapters 4 and 7.

b. Applies a zoning district or districts that are better suited to the area that is the subject of the amendment than the district or districts that the amendment would replace, because either conditions have changed since the adoption of the current district or districts, or the current district or districts were not appropriate to the area initially.

Analysis: The subject lot has become a parking area to serve the office space on the adjoining lot. Parking lots are not a listed use in the Residential Office District, but are allowed as a primary use in the Central Business District. Expansion of the CBD to include the subject lot will allow for expanded business uses of the commercial property on Pioneer Avenue.

Staff Finding 2: Conditions are expected to change on the property directly south, necessitating additional parking to serve the mixed use commercial activities of the site.

c. Is in the best interest of the public, considering the effect of development permitted under the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns.

Analysis: The environment, transportation, public services, and land use patterns will not be more greatly affected by the development permitted in the CBD vs the Residential Office District.

- Commercial site development in both districts is regulated by the same section of city code: HCC 21.50.030.

- The subject location is located on the corner of W Pioneer Ave and Main Street, both of which are classified as collectors in the 2005 Homer Area Transportation Plan, part of the adopted comprehensive plan.
- Land use patterns in either district require a conditional use permit for uses over 8,000 square feet, or more than one building containing a permitted principle use on a lot. Direct impacts on adjacent lands are analyzed if a proposed development requires a conditional use permit.

Staff Finding 3: The rezoning of this 0.49 acre lot that is contiguous to the CBD is in the best interests of the public as it supports the concentration of commercial land uses within the core area of the community.

SEABRIGHT SURVEY+DESIGN

1044 East Road Suite A
Homer, Alaska 99603
(907) 299-1091
seabrightz@yahoo.com

November 12, 2019

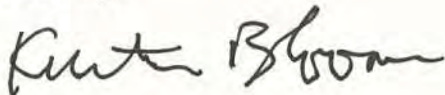
City of Homer
Planning Dept.
491 E. Pioneer Avenue
Homer, Alaska 99603

RE: NOMAR Rezone Application Submittal

Dear City Planners,

Please find enclosed the submittal for the Nomar Rezone Application. We have attached the application, petition and map for your review. Also, we have included a check for \$500 to cover the fee. Please call me anytime with comments or questions.

Cordially,



Kenton Bloom, PLS
Seabright Survey+Design

RECEIVED

NOV 14 2019

**CITY OF HOMER
PLANNING/ZONING**



City of Homer

www.cityofhomer-ak.gov

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

Rezoning Application

For Staff Use Only

Fee Amount: \$500	Received by: TPB 11/14/19	Planning Commission Public Hearing Date:
Date application accepted as complete:		HAPC approval or denial date:

APPLICANT INFORMATION

Name: Hooligan Holdings, LLC Kate Mitchell, Managing Member

Phone Number: 907-235-8363

Address: 104 East Pioneer Ave. Homer, AK 99603

Property Owner (if different than applicant)

Name: _____ Phone Number: _____

Address: _____

PROPERTY INFORMATION (if more than one lot, list on separate page)

Street Address: 104 East Pioneer Ave Lot size: 0.49 AC Tax parcel number: 17719120

Legal Description: Lot 9 Tract A Nils O.Svedlund Amended

Circle one: Is City water available? **YES/NO** City Sewer? **YES/NO** Electrical Service? **YES/NO**

What is the existing use of the property? Parking lot

What is the proposed use of the property? Retail/Manufacturing/Office and Residential (including parking)

What structures or land uses exist on the neighboring properties? (Examples: residential, commercial, vacant) List the zoning of these adjacent lots.

Structures/land use

Zoning

North: Residential/shop

Residential/ Office

South: Retail/Manufacturing/Office

East: Vacant

Residential/ Office

West: Vacant/Residential/Commercial

Residential/ Office

1. What is the public need and why is this rezone justified?

This rezone is needed as part of a property consolidation with the lot to the south. The rezone to Central Business District will put the entirety of the two lots into the same zoning.

2. Describe the benefits and detriments of this proposed rezoning to:

- (a) the community.
- (b) the neighboring landowners.
- (c) you, the property owner.

The benefits to the community are both the property being in conformance with City code and establishing the future uses of the property. The neighbors will benefit from the upgraded property development and improved parking. The owner benefits as being in conformance with City code will support the proposal to add a second floor to NOMAR and add a four-plex to the northerly portion of the property.

There are no detriments to this proposed rezone.

3. Can the proposed land use be developed in a manner that is compatible with development in adjacent zoning districts? If so, how? What effect will this change have on the surrounding properties?

The proposed land use is in harmony with development adjacent to the property. The biggest change will be the property improvement. Little change or impacts are expected to effect surrounding properties.

4. Can the existing public facilities, services, and utilities accommodate the proposed use without any detrimental affect on adjacent zoning districts? If so, how?

All utilities and public access are existing and available

5. Would rezoning to a district allowing the proposed use permit other uses, which would not be compatible with adjacent land use?

The CBD is adjacent to the south. The RO is to the north, east and west. There is no issue with compatibility that we know of. The proposed improvements are in alignment with permitted uses

6. How does this proposal relate to the Comprehensive Plan and purposes of the zoning regulations?

We feel that the zoning change is in harmony with the Comprehensive Plan

7. How would the proposed change affect the public health safety and welfare of the surrounding area?

We feel the overall impact will be to enhance public health and safety in the surrounding area by giving the property a facelift including a well lit area to park.


OTHER REQUIREMENTS

1. The applicant shall provide a map showing the area to be rezoned.
2. The applicant shall provide a petition, signed by a majority of the landowners within the proposed zoning area saying that they support the proposed change.


I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

Owner of record Lessee Contract purchase duly authorized to act for a person who has the following legal interest, _____ and that the owner of record is knowledgeable of this application if I am not the owner. I also understand that this item will be scheduled for the Planning Commission Agenda only if all application materials are submitted.

Applicant Signature:



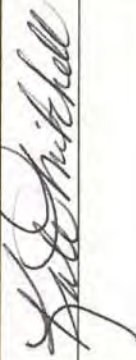
Property Owner Signature:



Petition

Proposed amendment:	<p>The at 104 E. Pioneer Ave. consists of one parcel which is 0.49 acres. Currently the parcel is zoned Residential Office. This request is to change the zoning of the entire property, Lot 9 Nils O. Svsedlund Amended to the Central Business District.</p>	
HCC 21.95.020 (e) (3) (a)	<p>"Each person signing this petition represents that the signer is a record owner of the lot whose description accompanies the signature; that the signer is familiar with the proposed zoning map amendment and the current zoning district of the lot; and that the signer supports the City Council's approval of the amendment."</p>	
Statement of Justification	<p>Click here to enter text.As a natural part of the growth and development of the downtown area, Nomar is expanding with a second story addition. This parcel is being replatted with Lot 8 into a single unified parcel. This will enable additional parking and a residential four-plex to be constructed.</p>	

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Printed Name	Signature of Property Owner or Designated Representative	Legal Description	Tax parcel number
Kate Mitchell		LOT 9 TRACT A NILS O. SVEDLUND AMENDED	17719120

MY SIGNATURE MEANS I AM IN FAVOR OF THIS AMENDMENT

99

☆ NILS O SVEDLUND SUB AMD

17719120

**Private
Accessory Building**

Owner:
HOOLIGAN HOLDINGS LLC
104 E PIONEER AVE
HOMER, AK 99603

[Add to Results](#) | [View Additional Details](#)



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100

PUBLIC HEARING NOTICE
&
NOTICE OF SUBDIVISION

Public notice is hereby given that the City of Homer will hold a public hearing by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, 491 East Pioneer Avenue, Homer, Alaska, on the following matter:

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE OFFICIAL ZONING MAP BY EXPANDING THE CENTRAL BUSINESS DISTRICT TO INCLUDE THE HALF-ACRE LOT DIRECTLY NORTH OF 104 E. PIONEER AVENUE KNOWN AS LOT 9, TRACT A, AMENDED PLAT OF NILS O. SVEDLUND SUBDIVISION W ½, NW ¼, SEC. 20, T. 6 S., R. 13 W., S.M., HM 0540251. THE LOT IS CURRENTLY ZONED RESIDENTIAL OFFICE DISTRICT.

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within 500 feet of a proposed subdivision and are invited to comment.

The proposed subdivision under consideration is described as follows:

NOMAR 2019 REPLAT PRELIMINARY PLAT

A public meeting will be held by the Homer Advisory Planning Commission on Wednesday, December 04, 2019 at 6:30 p.m. at Homer City Hall, Cowles Council Chambers, 491 East Pioneer Avenue, Homer, Alaska.

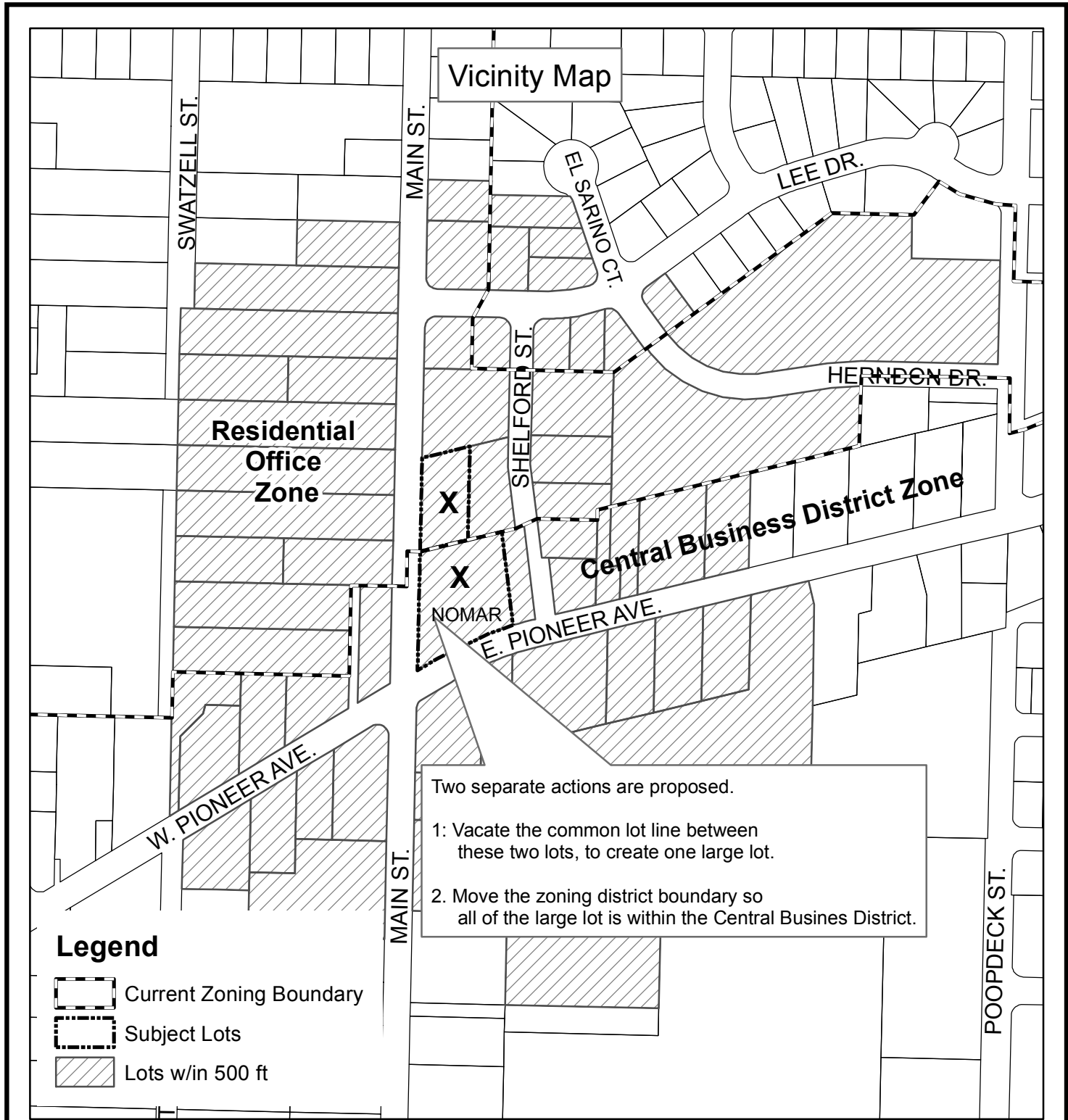
Anyone wishing to present testimony concerning these matters may do so at the meeting or by submitting a written statement to the Homer Advisory Planning Commission, 491 East Pioneer Avenue, Homer, Alaska 99603, by 4:00 p.m. on the day of the meeting.

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 500 FEET OF PROPERTY.

.....

VICINITY MAP ON REVERSE



Two separate actions are proposed.

- 1: Vacate the common lot line between these two lots, to create one large lot.
2. Move the zoning district boundary so all of the large lot is within the Central Business District.

Legend

- Current Zoning Boundary
- Subject Lots
- Lots w/in 500 ft



City of Homer
Planning and Zoning Department

November 19, 2019

**Request for a lot line change,
and zoning change**

Shaded lots are w/in 500 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.*

NOTES

1. THE FRONT 15 FEET ALONG THE RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF SIDE LOT LINES (UNLESS NOTED OTHERWISE) IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.

2. THIS LOT IS SERVED BY CITY OF HOMER WATER AND SEWER.

3. THIS LOT IS SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE PARENT PLATS AND THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PRIOR TO DEVELOPMENT ACTIVITIES.

NOTARY'S ACKNOWLEDGMENT

FOR: _____

ACKNOWLEDGED BEFORE ME THIS

DAY OF _____, 2019

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES _____

LEGEND

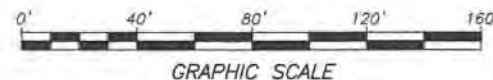
- ① FND 2" AC 1301S 1992
- ② FND 3/4" IRON PIPE
- ⊗ FND ETCHED "X" ON UTILITY BOX
- (C) COMPUTED FROM RECORD BEARINGS & DISTANCES
- (F) FIELD BEARINGS & DISTANCES
- (R) RECORD BEARINGS & DISTANCES
- ▨ SLOPES OF 20% OR GREATER (KPB GIS)
- OVERHEAD POWERLINE
- UTILITY POLE
- - - EDGE OF GRAVEL
- EDGE OF PAVEMENT

PLAT APPROVAL

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

BY: _____ AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

DATE: _____



LOT 46
BUNNELL'S SUBD.
HM 0000049

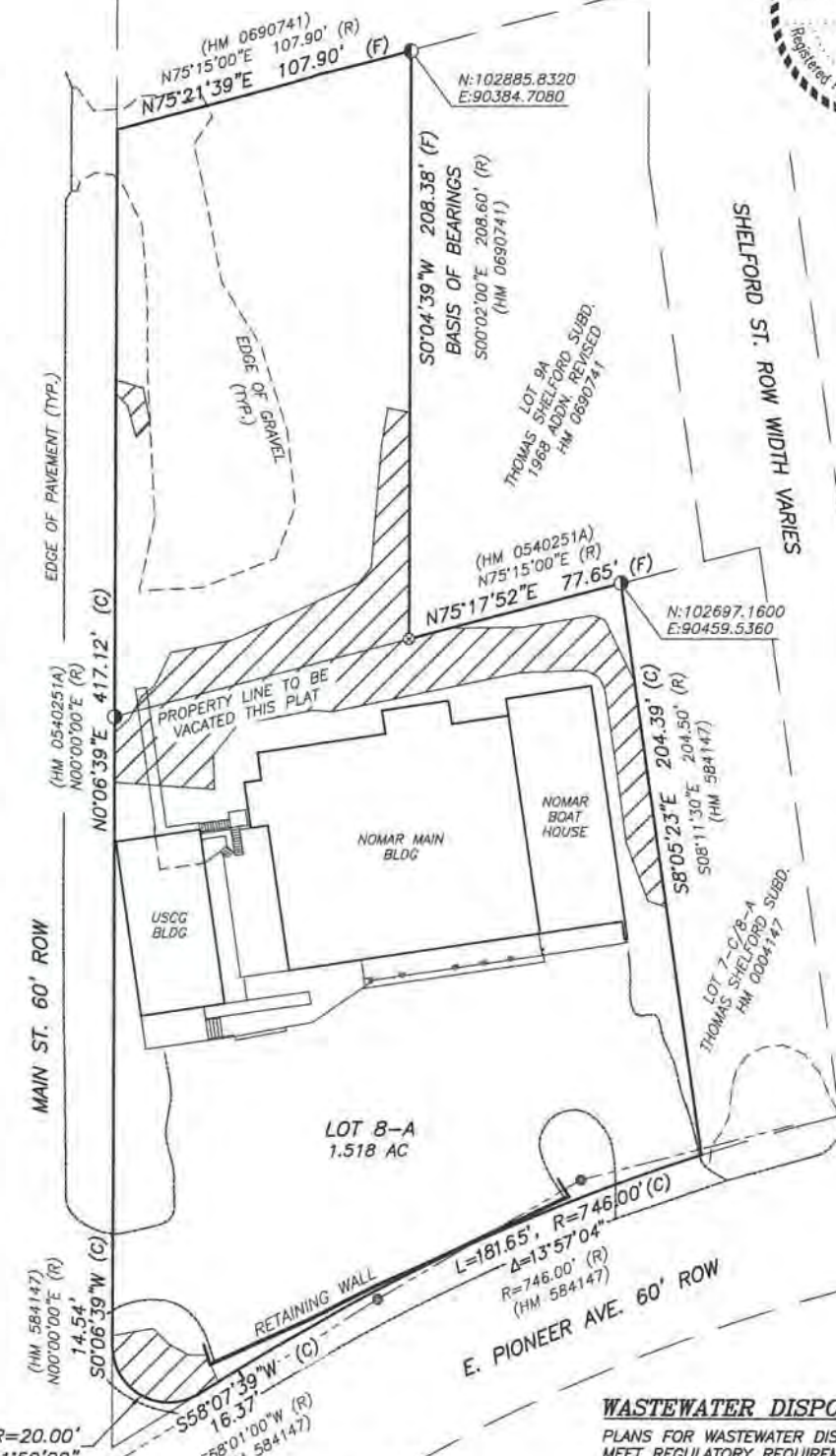
LOT 47
BUNNELL'S SUBD.
HM 0000049

LOT 48
BUNNELL'S SUBD.
HM 0000049

LOT 49
BUNNELL'S SUBD.
HM 0000049

LOT 55A BUNNELL'S
RESUBD. LOT 55
HM 0790026

LOT 7H
THOMAS SHELFORD
SUBD. 1968 ADDN.
REVISED
HM 0690741

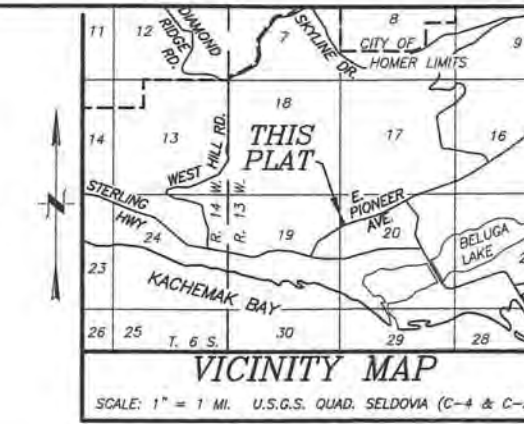


L=42.58', R=20.00'
(C) Δ=121°59'00"
ROW CURB RETURN
PURCHASED BY AK DOT
RECORDING NO. XXX-XXX

WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

KENTON T. BLOOM, P.L.S. 7968-S



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT HOOLIGAN HOLDINGS LLC IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT ON BEHALF OF HOOLIGAN HOLDINGS LLC I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

SIGNATORY
HOOLIGAN HOLDINGS LLC
104 E. PIONEER AVE.
HOMER, AK 99603

GPS CONTROL DATA

- BASIS OF COORDINATES FOR THIS SURVEY IS FROM GPS STATIC OBSERVATIONS TAKEN ON THE MONUMENT POSITIONS AS SHOWN ON THIS PLAT. NAD83 ALASKA STATE PLANE GRID COORDINATES OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NGS PUBLISHED VALUES FOR USC&GS TRISTATION "HOMAIR".
- TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING USC&GS TRISTATION "HOMAIR" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -1°17'13.4". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986696.
- THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON USC&GS TRISTATION "HOMAIR" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

HOMER RECORDING DISTRICT KPB FILE NO. 2019-XXX

NOMAR 2019 REPLAT

A REPLAT OF NILS O. SVEDLUND SUBD. AMENDED LOTS 8 & 9 TRACT A (HM 0540251A) EXCLUDING ANY PORTION WITHIN LOT 8A THOMAS SHELFORD SUBD. (HM 584147) & LOT 9A THOMAS SHELFORD SUBD. 1968 ADDN. (HM 0690741), LOCATED WITHIN THE NW 1/4, SEC 20, T. 6 S., R. 13 W., CITY OF HOMER, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

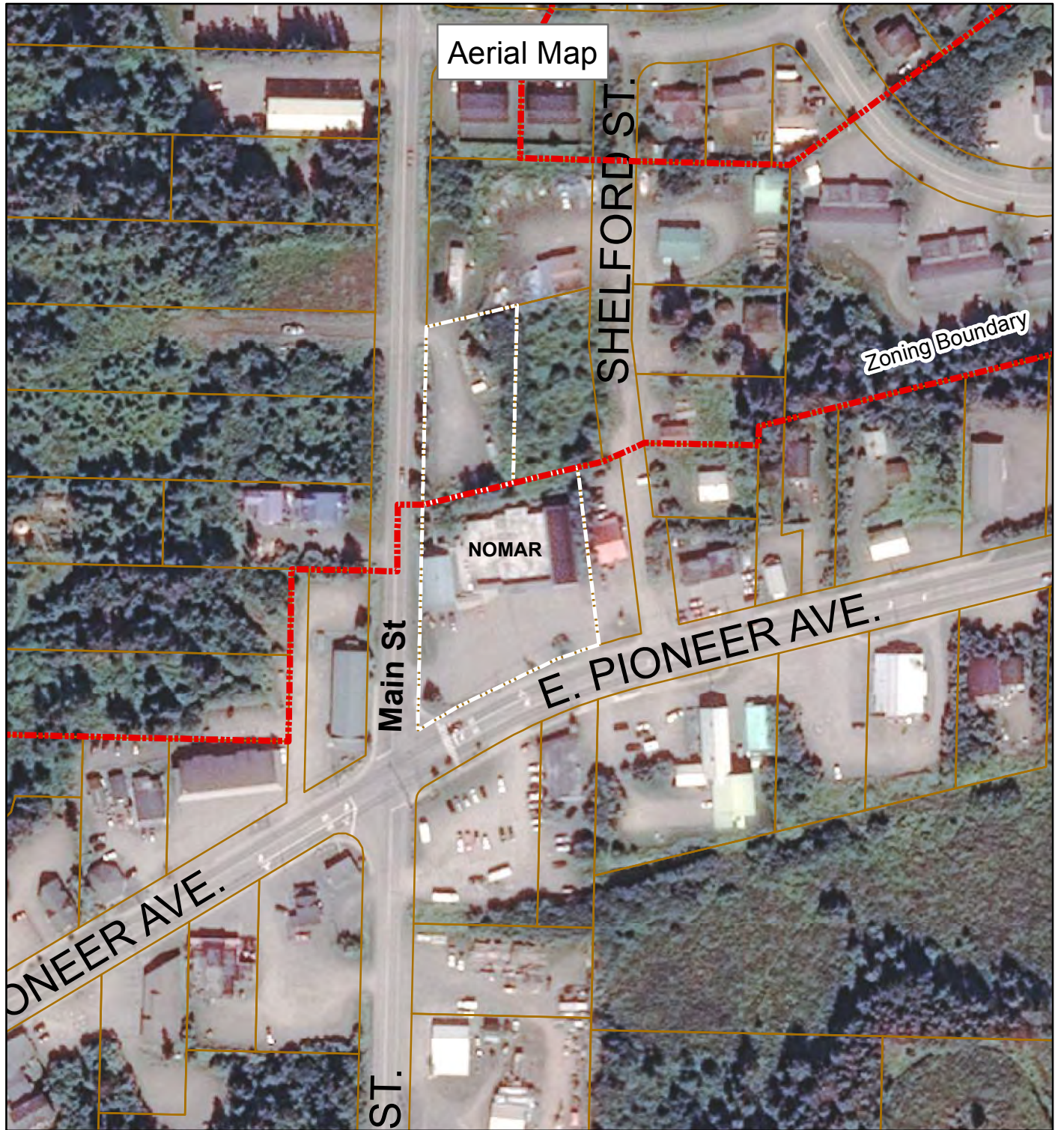
CONTAINING 1.518 ACRES

**SEABRIGHT SURVEY + DESIGN
KENTON T. BLOOM, P.L.S.**

1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1091

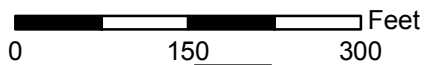
CLIENT: HOOLIGAN HOLDINGS LLC
104 E PIONEER AVE. HOMER, AK 99603

DRAWN BY: KK	CHKD BY: KB	JOB #2019-43
DATE: 11/2019	SCALE: 1"=40'	SHEET #1 OF 1



City of Homer
 Planning and Zoning Department

November 19, 2019



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**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 20-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT TO CENTRAL BUSINESS (CB) ZONING DISTRICT

WHEREAS, Katherine Mitchell, land owner, filed a petition application seeking to amend the zoning map to rezone 3916 Main Street in Homer, Alaska, LEGAL T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 9 TRACT A EXCL ANY PTN WITHIN LOT 9A THOMAS SHELFORD SUB '68 ADDN 69-741 from partially RO to CBD; and

WHEREAS, the Homer Planning Department reviewed the petition, found that the petition application was complete and the criteria for amending the zoning map had been met; and

WHEREAS, the Homer Planning Commission held a public hearing on the amendment to the zoning map described herein on _____, 2019 as required by Homer City Code 21.95.060(c); and

WHEREAS, The Homer Planning Commission found that (i) the proposed amendment to the zoning map is consistent with the Homer Comprehensive Plan and will further specific goals and objectives of the Plan; (ii) the proposed amendment to the zoning map applies a zoning district that is better suited to the property that is the subject of the amendment than the districts that the amendment will replace; and (iii) the amendment to the zoning map is in the best interest of the public, considering the effect of development resulting from the amendment, and the cumulative effect of similar development, on property within and in the vicinity of the area subject to the amendment and on the community, including without limitation effects on the environment, transportation, public services and facilities, and land use patterns; and

WHEREAS, the City Council adopts the findings by the Homer Planning Commission and has determined that these findings are sound;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer Zoning Map is amended to transfer the parcel listed on the attached Exhibit A from RO zoning district to the CB zoning district as shown on the attached Exhibit B.

Section 2. The City Planner is authorized to note on the Homer Zoning Map the amendments enacted by this ordinance as required by Homer City Code 21.10.030(b).

Section 3. This is a non-Code ordinance of a permanent nature and shall be noted in the ordinance history of Homer City Code 21.10.030.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
2020.

CITY OF HOMER

Ken Castner, MAYOR

ATTEST:

Melissa Jacobsen, CMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

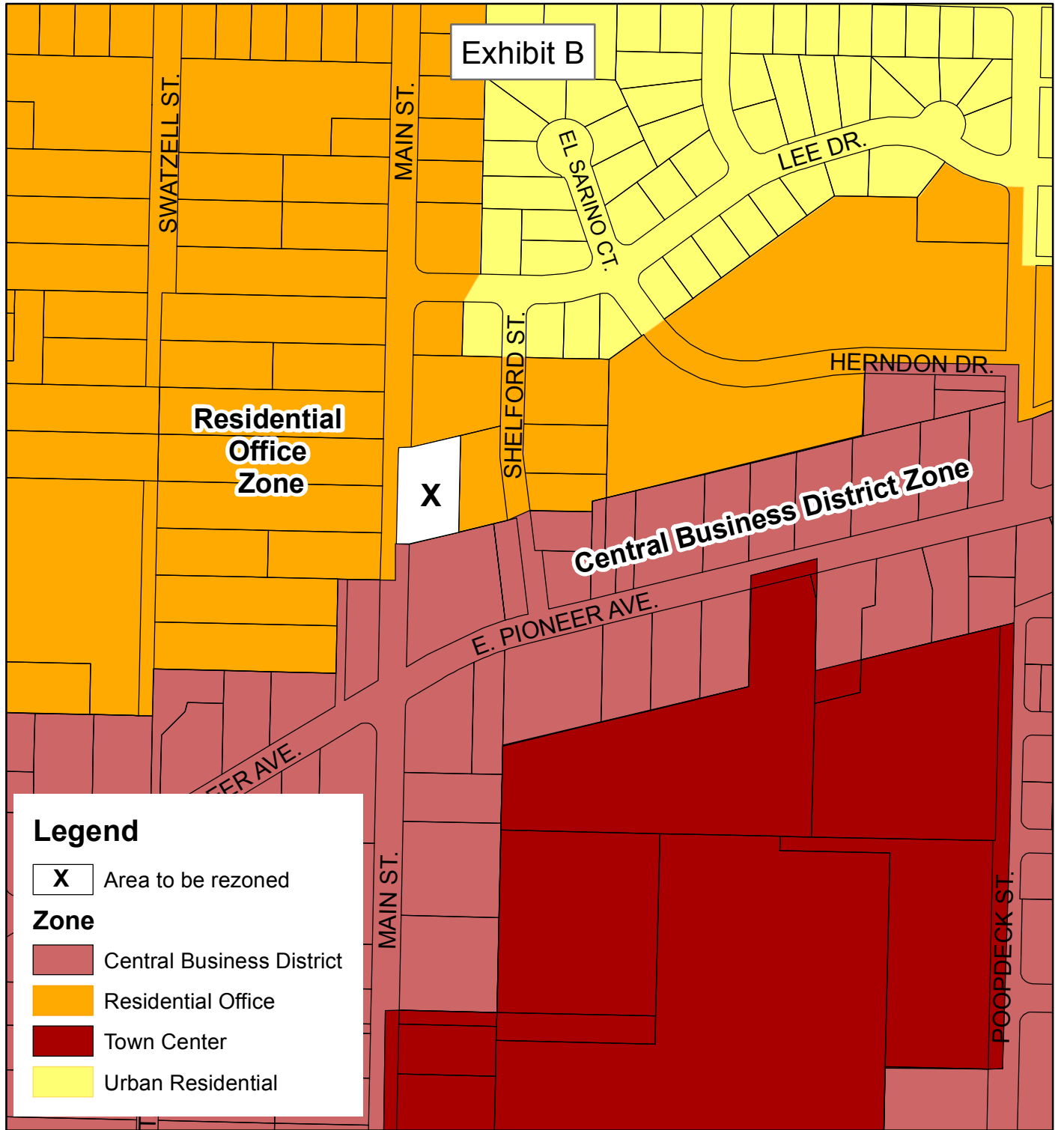
Effective Date:

Exhibit A

Tax Parcel 17719120. Rezone from Residential Office District to Central Business District.

Legal Description: T 6S R 13W SEC 20 SEWARD MERIDIAN HM 0540251A NILS O SVEDLUND SUB AMD LOT 9 TRACT A EXCL ANY PTN WITHIN LOT 9A THOMAS SHELFORD SUB '68 ADDN 69-741

Exhibit B



Legend

X Area to be rezoned

Zone

Central Business District

Residential Office

Town Center

Urban Residential



City of Homer
Planning and Zoning Department

November 26, 2019

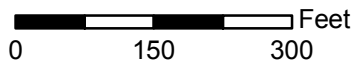


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City of Homer
 Planning and Zoning Department

November 19, 2019



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A. Staff Report 19-95, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-95 and commented further on the following:

- HAWSP Analysis report at Council was interesting
- No further notice of appeals on Medical Clinics
- Commissioner Training is available February 9, 2019
 - o Commissioner Petska Rubalcava and Bentz were interested in attending
 - o Commissioner Davis was out of state at the time
- Council passed the moratorium on Conditional Use Permits for Professional Offices or Medical Clinics in the Residential Office District
- Natural Hazards folks will be attending the January 16th meeting

Commissioner Davis will attend the January 13, 2020 Council meeting and requested some guidance on what he should speak about. Commissioner Highland will attend the January 27th Council meeting.

Commissioner Smith expressed that he did not attend the November 25th meeting as he had just returned from vacation.

PUBLIC HEARING(S)

A. Staff Report 19-96, A request to vacate a 33 foot wide section line easement across 4097 Mattox Road, also known as Lot 6A-1 Virginia Lynn 2006 Replat, HM 2006020

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

City Planner Abboud provided a summary of Staff Report 19-96 for the Commission.

Gary Nelson surveyor and representative for the applicant came forward and provided the reason for the application, noting the encroachments and that he was available for questions.

Chair Venuti opened the public hearing seeing no one in the audience to provide testimony he closed the public hearing and opened the floor to questions from Commission.

The Applicant and Staff address the following issues, and question from the Commission:

- How long the applicant had owned the property

HIGHLAND/BENTZ MOVED TO ADOPT STAFF REPORT 19-96 AND RECOMMEND APPROVAL OF VACATING THE NORTHERN 33 FOOT PORTION OF A SECTION LINE EASEMENT

Brief discussion on the Excerpt from Kenai Peninsula Housing Initiative, Inc. objection.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- B. Staff Report 19-98, An Ordinance amending the Homer City Zoning Map; to rezone a portion of the Residential Office Zoning District to Central Business Zoning District

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

City Planner Abboud provided a summary of Staff Report 19-98 for the Commission.

Chair Venuti opened the public hearing seeing no one in the audience he closed the public hearing and opened the floor to questions from the Commission.

There were no questions from the Commission and Chair Venuti requested a motion.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 19-98 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING THE HOMER CITY ZONING MAP TO REZONE A PORTION OF THE RESIDENTIAL OFFICE ZONING DISTRICT TO CENTRAL BUSINESS ZONING DISTRICT TO COUNCIL.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

- C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure.

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

City Planner Abboud provided a summary of Staff Report 19-99 for the Commission.

Chair Venuti opened the Public Hearing seeing no one in the audience coming forward to provide testimony he closed the hearing.

The Commission discussed the following points with input from the City Planner:

- Requiring As-builts after construction will not prevent encroachments
- Providing assistance to the public to assure that it constructs a proposed structure within the property lines
- General points during previous meetings on when to require as-builts

Chair Venuti requested a motion.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-99 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN ASBUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE TO COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-97 for the Commission.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Smith inquired if this property would be considered within the area under a moratorium.

City Planner Abboud responded that it is considered within that area designated but the moratorium does not apply to this action.

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

BENTZ/RUBALCAVA MOVE TO ADOPT STAFF REPORT 19-97 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT WITH COMMENTS 1 AND 2:
1. DEPICT A FIFTEEN FOOT UTILITY EASEMENT ALONG ALL ADJACENT RIGHTS-OF-WAY.
2. REMOVE PLAT NOTE STATING, "THERE ARE NO WET AREAS ON THE PROPERTY."

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. Staff Report 19-101, Section-line Easement Vacation Plat Preliminary Plat associated with Virginia Lynn 2006 Replat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-101 noting that the Kenai Peninsula Borough informed the Planning Staff that a Preliminary Plat review is required.

Gary Nelson, surveyor for the applicant provided some clarification on the action requested to vacate the section line noting that it was a small holdover section.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and opened the floor to questions from the Commission.

Commissioner Davis requested some clarification on the process of vacating the section line easement and then doing a preliminary plat after the fact.

City Planner Abboud tried to provide some clarification of the process and stated that if this action was done in error it can be corrected after the fact. He reiterated that the Planning staff received the direction from the Borough.

Mr. Nelson provided information that the Department of Natural Resources requires the action by plat.

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

BENTZ/SMITH MOVED TO ADOPT STAFF REPORT 19-101 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO VACATE THE SECTION LINE EASEMENT ACROSS LOT 6A-1 VIRGINIA LYNN 2006 REPLAT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

C. Staff Report 19-100, Nomar 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-100 from the Commission noting the review of the nonconforming status.

There was no applicant present.

Chair Venuti opened the Public Comment period. Seeing no one come forward to comment he closed the comment period and open the floor for questions from the Commission.

There was no questions from the Commission.

Chair Venuti requested a motion.

RUBALCAVA/DAVIS MOVED TO ADOPT STAFF REPORT 19-100 AND RECOMMEND APPROVAL OF THE PRELIMINARY PLAT TO REMOVE A COMMON LOT LINE WITH THE FOLLOWING COMMENT:

1. DEDICATE A 15 FOOT UTILITY EASEMENT ALONG RIGHTS-OF-WAY WHERE BUILDINGS DO NOT ENCROACH

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

- B. Staff Report 19-98, Medical Zoning District

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-98 and noted the number of CUP's for medical facilities in the area and the recently approved moratorium. He did note that he plans to inventory the number of multi-family and single family residences in the Hohe/Main Street area so that they have better data available.

Discussion ensued by the Commission and City Planner Abboud on the following topics:

- Defining the borders of the proposed district
- If a conditional use permit would or would not be required
- Traffic Impact to the area with the existing medical services versus multi-family structures, etc.
- Potential Land Value and appeal to investors but there are some considerations on the amount of vehicles that would impact the area
- The fabric of the neighborhood is already interjected with medical facilities
- Proposed discussion on parking design to facilitate a residential feel
- Landscaping designs and alternatives
- Stormwater runoff
- Do not go east past Hohe since that is smaller lots and fairly residential
- What impact would there be if they leave it RO but allow Medical Clinics outright
- Review Medical Districts in similar communities
- Changing to a Mixed Use District zoning
- Defining the term Medical Clinic versus Professional Office
- Adding Small Café's or similar businesses
- Creating a guiding statement on why they are creating a Medical District
- This is a symptom of existing problems and this is to address those issues of parking

Further comment from the Commissioners on the following was conducted:

- Articulate it as proactive to create long term solutions and respond to residents' concerns
- This issue has been identified in the previous Comprehensive Plans to address anticipated growth in services
- Possibly promoting second Medical District near or in the area of SVT since it was apparent that they would eventually run out of space

City Planner Abboud will draft a document and bring it back before the Commission for additional work.

Chair Venuti called for a 5 minute recess at 8:39 p.m. The meeting was called back to order at 8:42 p.m.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. City Manager Report for November 25, 2019 City Council Meeting
- B. Letters from Paul Sayer & Jonathon Young

COMMENTS OF THE AUDIENCE

Chair Venuti read into the record a Memorandum from Mayor Castner regarding the HAWSP fund into the record at his request:

"I am sorry I can't attend your meeting this evening as there are two topics that I hope to enlist your immediate interest. I spoke today with your Chairman, Rick and Julie so they might add some comments to this memo. Please take note of an ordinance being introduced at Monday's meeting that re-establishes the HAWSP Fund which is the Homer Accelerated Water and Sewer Projects. There will shortly be money and a dependable revenue stream coming into the Fund. For many years the fund had been living in negative territory which has negated any new projects for expanding the city's infrastructure. That will change in early 2020. This means new SAD's (Special Assessment Districts) and requests from Public Works. You may want to examine the utility of maximizing the leverage of low interest loans as opposed to paying cash other than the SAD match.

Second, I am determined to try and help the Baycrest Subdivision from sliding into Cook Inlet. I have drafted a project proposal to place a storm water drainage system involving proper catchment and discharge features upon further consideration of the topic of current hillside drainage and ditching I believe it should be more comprehensive and city-wide. I have set aside some scoping study money in the 2019 budget and perhaps the Planning department can get together with the Public Works and a smart consultant for a day and draft an outline then precede an expensive planning document. Thank you, for thinking about this, I will try to attend your next meeting.

City Planner Abboud responded to the Mayor's commented that they may have reached critical mass and can now consider applying for funding. He then commented on the HAWSP

analysis and the actual process of the SAD's. He expressed his concerns on the cost of expansion versus the number of actual properties that sign on to receive services adding additional expense burden to the city.

Chair Venuti noted that there were many areas of the city that that did not have the ability to hook up to city water and sewer.

A brief discussion on HAWSP ensued regarding the previous discussions by the Commission and City Planner Abboud will forward those previous staff reports that were presented on the subject to the Commission in response to question from Commissioner Davis and Chair Venuti's statement.

Commissioner Highland asked about the extension of water services outside city limits and if the Regulatory Commission had approved that for the city and if that money was part of the funds the Mayor was referring to for the HAWSP.

City Planner Abboud did not have any updated information about that at this time on the action but then stated that the Water and Sewer Funding was the result of the Analysis that was done on the HAWSP and cleaning up the projects.

Commissioner Bentz directed the Commission to the second item from the Mayor on addressing the natural hazards and hazard overlay zone and expanding that citywide and recommended having the Mayor attend the meeting on January 16th when they have the people from DGGs come and that questions to address at that meeting is how the information they do have can be applied; what information do we need; what do we need a consultant to do; do we need to have the consultant find funding sources for a comprehensive stormwater master plan and hazards mitigation or overlay maps; is there already established funding sources for those things? How can we maximize the impact and move forward without leap frogging and piecing things together.

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Highland inquired about the process for the CUP on the Spit Parking and then referenced the parking study that was recommended in the Spit Comprehensive Plan and wondered if this commission was supposed to do that.

City Planner Abboud responded that he thought that was directed at the Port according to the Plan. He did note that Council did present a budget request for funding a Parking Study. He noted that everyone was so hot for the parking and that they needed to define the goal.

Commissioner Highland opined that Port and Harbor should have consulted with the Planning Commission before this CUP since in her opinion it was not the best solution and now they have spent a lot of money and now they have no solution. Then that leads to the next question, if she would have participated in this discussion at the Post & Harbor

Commission would she have had to excuse herself from the CUP action when it was brought before this Commission.

City Planner Abboud responded that was a good question, noting the awkwardness of the whole situation.

Commissioner Petska-Rubalcava questioned conflict of interest on the ordinance for asbuilt requirements if her father came in to testify to the ordinance. Would she have to excuse herself?

City Planner Abboud provided clarification that generally there is the consideration of monetary gain or loss and bias. That can be a bit trickier but if it is in your best interest there may be a conflict. He then proceeded to explain the process to the Commission as a whole.

Commissioner Petska-Rubalcava then asked if she would have a conflict with the Plats since she is paid whether they are approved or not.

City Planner Abboud explained that technically they are not approving the Plats, but generally if she is paid over \$1000 to conduct the work, it could be perceived that she may have a conflict.

Commissioner Bentz informed the Commission that she would miss the January 15th meeting and possibly the first meeting in February. She will confirm that absence with the City Planner.

Commissioner Smith commented on the replacement of new exterior lighting fixtures after painting his house and his concerns with the downward lighting not providing enough light during winter. He wanted to report that they worked beautifully and provided the necessary light he needed to back into his driveway with no problems.

Commissioner Davis had no comments.

Chair Venuti commented that it was a good meeting. He then expressed some concerns about a quorum for the first meeting in February. He noted it was a good meeting couple of bumps to start, but good meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:10 p.m. The next regular meeting is scheduled for Wednesday, December 4, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____

From: Jamie <1jamiesutton@gmail.com>
Sent: Friday, December 27, 2019 1:19 PM
To: Travis Brown
Subject: 104 E. Pioneer Ave

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

I appreciate that the Nomar Building and property have asked for Re-Zoning and for a Conditional Use Permit to add a second story and more parking.

I am the owner of the Homer Theatre and I heartily endorse both applications and I wish them good luck.

And Thanks you to the Planning Department and the City Council for all of their hard work and for making Homer better.

Jamie

Jamie Sutton
Homer Theatre
106 W. Pioneer, Homer, AK
907-235-2142 (cabin)
907-235-1969 (theatre)

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-03

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.70.040, Permit Terms to Require an As-Built Survey be Submitted to the City Planner After Completion of any Building or Structure.

Sponsor: Planning Commission

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Memorandum 20-007 from City Planner as backup

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

3 Planning
4 Commission

5 **ORDINANCE 20-03**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO
9 REQUIRE AN AS-BUILT SURVEY BE SUBMITTED TO THE CITY
10 PLANNER AFTER COMPLETION OF ANY BUILDING OR
11 STRUCTURE.
12

13 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective A,
14 Encourages establishment of a clear, coordinated regulatory framework that guides
15 development, includes implementation strategies to review rules and regulation options with
16 consideration of operational constraints and community acceptance; and
17

18 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective B includes
19 encouraging high quality buildings and site design; and
20

21 WHEREAS, Creating a requirement for the submission of an as-built survey encourages
22 diligence and adherence to site plans; and
23

24 WHEREAS, It is in the interests of the Planning Commission and Homer citizens to
25 ensure that improvements are built as approved by the Planning Department; and
26

27 WHEREAS, An as-built survey provides a useful documentation of improvements and
28 compliance with city code.
29

30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:
31

32 Section 1. Homer City Code 21.70.040 is hereby adopted to read as follows:
33

34 21.70.040 Permit terms.

35 a. A zoning permit shall include a deadline that allows the applicant a reasonable
36 amount of time in which to complete the work authorized by the permit. If the work is
37 not completed within the time allowed, the City Planner may grant one reasonable
38 extension for good cause shown. No additional extension will be granted, except upon
39 the approval of the Commission for good cause shown.
40

41 b. A zoning permit ~~for a multiple family dwelling or~~ for a building or structure ~~for~~
42 ~~commercial or industrial use~~ shall require the applicant to submit to the City Planner

43 **an as-built survey, completed by a licensed surveyor, of the location, foundation,**
44 **dimensions, and proximity to all lot lines of all buildings and structures covered**
45 **by the permit,** promptly after completion of the work.

46
47 ~~1. An as-built survey, completed by a licensed surveyor, of the location, foundation,~~
48 ~~dimensions, and proximity to all lot lines of all buildings and structures covered by the~~
49 ~~permit;~~

50
51 ~~2. An as-built schematic of the completed building(s) and structure(s) showing at least~~
52 ~~the perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and~~

53
54 ~~3. Proof of compliance with applicable building, plumbing, electrical, mechanical and~~
55 ~~other such codes adopted by the State of Alaska.~~

56
57 Section 2: This ordinance is of a permanent and general character and shall be included
58 in the City Code.

59
60 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
61 2019.

62
63 CITY OF HOMER

64
65
66 _____
67 KEN CASTNER, MAYOR

68
69 ATTEST:

70
71 _____
72 MELISSA JACOBSEN, MMC, CITY CLERK

73
74
75 YES:

76 NO:

77 ABSTAIN:

78 ABSENT:

79
80 First Reading:

81 Public Hearing:

82 Second Reading:

83 Effective Date:

84

85 Reviewed and approved as to form:

86

87

88

89 _____
Katie Koester, City Manager

90

91 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

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Planning

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(f) 907-235-3118

Memorandum 20-007 (Pl 20-02)

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABOUD AICP, CITY PLANNER
DATE: JANUARY 6, 2020
SUBJECT: REQUIRING AN AS-BUILT SURVEY TO BE SUBMITTED TO THE CITY PLANNER AFTER THE COMPLETION OF ANY BUILDING OR STRUCTURE.

The Planning Commission requested information regarding permitting processes that the Planning Office administers with a mind to see if there might be better ways to ensure that structures are built to permit specifications.

Permitting requirements were the subject of 10 meetings and 3 worksessions of the Commission. A public hearing was held at the Commission's meeting of December 4, 2019. No public comment was received at the hearing. After a significant amount of investigation and research that included an internal review, reviews of other similar communities, and testimony from construction professionals at worksessions, the Commission wishes to forward a recommendation to the Council.

In consideration of the City of Homer's current zoning regulations, which do not include building inspection or a building department, the Commission supports a requirement to provide an as-built survey after completion of a structure. This is intended to warrant more accountability that a finished structure will not deviate from approved plans. The Commission also removed redundancies found in code, including permitting requirements that are the responsibility of other agencies, which the Planning Office has no capability to enforce.

The Commission moved with the unanimous consent of the six commissioners present at the public hearing to recommend that the City Council adopt the requirement of submitting an as-built survey upon completion of any structure.

Attachments:

Ordinance

Staff reports and corresponding meeting minutes



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Staff Report PL 19-10

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: February 6, 2019
SUBJECT: City Permitting Process

Introduction

As Homer Planning Commissioners, you are accustomed to the process for review and approval of Conditional Use Permits in a public hearing setting. You rely on staff to process the applications and ensure their compliance in the field. As with CUPs, construction projects have an application and approval process that requires compliance with the terms of a Zoning Permit.

The goal of this staff report is to provide an overview of the permitting process, with an emphasis on application requirements. First, we'll first review the application requirements of City code and compare them to the current permit application forms. Second, we'll review the zoning permit requirements of City code and take look at our current review, approval, and follow-up process.

Application Requirements

The following attached excerpts of City code stipulate application requirements:

- CUP application requirements
- Zoning Permit application requirements
- Site plan & right-of-way access requirements.

Application Forms

I have attached our CUP application form and our zoning permit application form.

Application & review

Many of the applications that come in are incomplete to some degree. Missing items will be identified at the front counter and the applicant will be asked to provide additional information. Once staff determines the application is complete, staff will review the permit and issue a zoning permit within 7-10 days. HCC 21.70 "Zoning Permit" stipulates the process for permit review, approval, and the terms of the permit.

I have included our current unofficial internal permitting checklist that we use as a template for reviewing permits. An updated zoning permit application has the potential to make it easier for relevant information to be identified and obtained. I have attached a working draft zoning permit application.

Permit follow-up

Although we do not have a specific field inspection schedule or procedure, staff will follow up on zoning permits in the field periodically throughout the year. The site is inspected for compliance with the zoning permit, and the permitting system is updated to include a note and photograph. If the project is substantially complete and appears to be consistent with the site plan and permit, the permit will be closed out. If the project hasn't begun or is partially complete, a note will be made in the permitting system, and it will be followed up at a future date. For projects that were approved by CUP, the approved site plan and conditions will be reviewed and verified in the field. If deficiencies are noted, the property owner will be notified. Typically, the notification will be in writing and will start a dialogue to establish expectations and a timeframe for compliance.

Requested Action

Zoning Permit application requirements can vary widely depending on the type of project and its location. You can see from the internal review checklist that there are a multitude of other permits that may be required and many City standards that may apply. Please provide staff with direction as to what items you would like to go into further detail. For example, do you want to know more about permitting commercial projects? residential? Would you like to see examples of stormwater plans or approved zoning permits?

Attachments

HCC 21.70.020 (Zoning Permit) Application
HCC 21.71.020 Application for conditional use permit
HCC 21.73 Site Plans and Right-of-Way Access
CUP application form
Zoning Permit application form
Internal permit review checklist
Draft zoning permit application update

21.70.020 Application.

a. Only the owner or lessee of the lot or a person authorized in writing by the owner or lessee may apply for a zoning permit. The City Planner may require the applicant to submit proof of authority to apply for a zoning permit.

b. All applications for zoning permits shall be on forms furnished by the City. The application shall require the following information:

1. The name, residence address, and mailing address of the applicant, the owner of the lot, and any lessee of the lot.
2. The legal description and street address of the lot.
3. A narrative description of the intended use of the lot, building, or structure.
4. The zoning code use classification under which the permit is sought.
5. If construction or a new or changed use under a zoning permit will change the quantity or location of required off-street parking, a survey, plat, or plan, drawn to a scale of not less than one inch equals 20 feet showing the actual dimensions of the lot, the exact location of the buildings and structures erected or to be erected thereon, adjacent street rights-of-way, utility easements and facilities, building setbacks, drainage, parking lot ingress and egress points, driveways, parking lot aisles, and the number and location of off-street parking spaces and loading spaces. Where off-site parking will be provided to meet a requirement for off-street parking, a similar survey, plat or plan also shall be provided for the off-site parking, accompanied by the document required by HCC 21.55.060(d). A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
6. For new buildings or structures, or for changes to the exterior dimensions of existing buildings or structures, the survey, plat, or plan required by subsection (b)(5) of this section also plan and elevation drawings of the buildings and structures erected or to be erected thereon. A site plan prepared according to Chapter [21.73](#) HCC may be substituted for the survey, plat, or plan required by this subsection.
7. Copies of any building permits or other permits required by applicable Federal, State or local law or regulations.
8. Copies of approved plans or other submittals that may be required by code, such as, but not limited to, traffic impact analysis, development activity plan, and stormwater plan.
9. Such additional information as the City Planner shall require to enable the City Planner to

determine whether the application satisfies the requirements for issuance of a permit.

10. The applicant's signed certification that all the information contained in the application is true and correct. [Ord. 09-12(A) § 4, 2009; Ord. 08-29, 2008].

21.71.020 Application for conditional use permit.

a. An application for a conditional use permit shall be submitted to the City Planner on a form provided by the City. The application shall include:

1. Name and mailing address of the owner of the subject lot.
2. Name and mailing address of the applicant for the permit.
3. A legal description and the street address of the subject lot.
4. A narrative description of all proposed uses and structures, specifically identifying those that require conditional use permit approval.
5. A level one or higher site plan prepared according to Chapter [21.73](#) HCC. In addition to the requirements of Chapter [21.73](#) HCC, the site plan shall show the location of all outdoor areas to be used for the conditional use.
6. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots.
7. All additional information (including any permits, plans and analyses) required by other provisions of the zoning code applicable to the proposed use within the subject zoning district.
8. Any additional information the City Planner may require to determine whether the application satisfies the criteria for issuance of a permit.
9. If the applicant is not the owner of the subject lot, the owner's signed authorization granting applicant the authority to (a) apply for the conditional use permit and (b) bind the owner to the terms of the conditional use permit, if granted.
10. The applicant's signed certification that all the information contained in the application is true and correct.

b. The City Planner will determine if the application is complete. If not complete, the City Planner will advise the applicant what corrective actions should be taken to complete the application. [Ord. 08-29, 2008].

**Chapter 21.73
SITE PLANS AND RIGHT-OF-WAY ACCESS**

Sections:

- [21.73.010](#) Site plan – General.
- [21.73.020](#) Site plan – Level one.
- [21.73.030](#) Site plan – Level two.
- [21.73.100](#) Right-of-way access plan – General.
- [21.73.110](#) Right-of-way access plan – Level one.
- [21.73.120](#) Right-of-way access plan – Level two.
- [21.73.130](#) Right-of-way access plan – Level three.
- 21.73.200 Visibility at intersections.

21.73.010 Site plan – General.

- a. When a site plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a site plan prepared in conformance with this chapter.
- b. The level of site plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

21.73.020 Site plan – Level one.

A level one site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. The precise location of the lot boundaries and all setbacks and easements.
- b. The precise location and dimensions of all existing and proposed structures, including any proposed changes to the exterior dimensions of existing structures.
- c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed changes to exterior dimensions of existing structures.
- d. Existing site features and conditions, including topography, drainage, streams, water bodies, wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of vegetation.
- e. The precise location of all existing and proposed structures in relation to existing and proposed streets and other rights-of-way.
- f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of the site and to and from all parking areas.
- g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.
- h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and

where other means of access have not been provided, access easements may be required.

- i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display elevation changes and cut and fill quantities.
- j. The location of the site in relation to other existing uses on neighboring properties. [Ord. 08-29, 2008].

21.73.030 Site plan – Level two.

A level two site plan shall show on a survey, map or plan of the subject property, drawn to a scale of not less than one inch equals 20 feet, all of the following:

- a. All information required by HCC [21.73.020](#)(a) through (e);
- b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns into and out of all loading berths or areas;
- c. Turning radius for vehicles;
- d. The location and proposed screening of open storage areas;
- e. Basic floor plans and location of all existing and proposed structures;
- f. Location of utilities;
- g. Proposed signs and lighting;
- h. The location of the site in relation to residential uses and other existing industrial uses on adjacent properties;
- i. Location of snow storage. [Ord. 08-29, 2008].

21.73.100 Right-of-way access plan – General.

- a. When a right-of-way access plan is required by other provisions of the zoning code, the applicant shall submit to the City Planner for approval a right-of-way access plan prepared in conformance with this chapter.
- b. The level of right-of-way access plan required is specified in the applicable zoning district regulations. If the level is not specified, a level one plan is required. [Ord. 08-29, 2008].

21.73.110 Right-of-way access plan – Level one.

A level one right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.

b. Any access roads and frontage roads shall conform to the policies of the Master Roads and Streets Plan and the ordinances of the City. [Ord. 08-29, 2008].

21.73.120 Right-of-way access plan – Level two.

A level two right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Entrances onto arterials and collectors shall be minimized, and individual businesses shall share access to rights-of-way whenever reasonable.
- c. Any access roads and frontage roads shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].

21.73.130 Right-of-way access plan – Level three.

A level three right-of-way access plan shall conform to all of the following:

- a. Show all points of access to rights-of-way.
- b. Vehicular Circulation and Access.
 1. Street access shall be limited to one entrance and one exit per street. One combined entrance/exit is encouraged to facilitate traffic movement on adjacent streets.
 2. To minimize turning movements onto adjacent public roads, developers are encouraged to provide internal circulation systems that connect to adjacent developments. When several adjacent lots front one street it is preferred that they share one driveway or street access. Site design shall continue internal vehicular ways in order to reduce the number of driveway and curb cuts onto the Sterling Highway. Curb cuts onto the Sterling Highway shall be kept to an absolute minimum.
 3. Facilities and access routes for deliveries, service and maintenance shall be separated when practical from public access routes and parking areas.
- c. Where applicable, frontage roads shall conform to the Master Roads and Streets Plan, the Transportation Plan, and the ordinances of the City.
- d. The plan shall require visibility clearance according to HCC 21.73.200. [Ord. 08-29, 2008].



City of Homer

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Planning

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Applicant
 Name: _____ Telephone No.: _____
 Address: _____ Email: _____

Property Owner (if different than the applicant):
 Name: _____ Telephone No.: _____
 Address: _____ Email: _____

PROPERTY INFORMATION:
 Address: _____ Lot Size: _____ acres KPB Tax ID # _____
 Legal Description of Property: _____

For staff use:
 Date: _____ Fee submittal: Amount _____
 Received by: _____ Date application accepted as complete _____
 Planning Commission Public Hearing Date: _____

Conditional Use Permit Application Requirements:

1. A Site Plan
2. Right of Way Access Plan
3. Parking Plan
4. A map showing neighboring lots and a narrative description of the existing uses of all neighboring lots. (Planning can provide a blank map for you to fill in).
5. Completed Application Form
6. Payment of application fee (nonrefundable)
7. Any other information required by code or staff, to review your project

Circle Your Zoning District

	RR	UR	RO	CBD	TCD	GBD	GC1	GC2	MC	MI	EEMU	BCWPD
Level 1 Site Plan	x	x	x			x			x			x
Level 1 ROW Access Plan	x	x							x			
Level 1 Site Development Standards	x	x										
Level 1 Lighting			x	x	x	x	x	x	x	x	x	
Level 2 Site Plan			x	x	x		x	x		x	x	
Level 2 ROW Access Plan			x	x	x		x	x		x	x	
Level 2 Site Development Standards			x*	x	x	x	x	x			x	
Level 3 Site Development Standards									x	x		
Level 3 ROW Access Plan						x						
DAP/SWP questionnaire				x	x	x	x	x			x	

Circle applicable permits. Planning staff will be glad to assist with these questions.

Y/N Are you building or remodeling a commercial structure, or multifamily building with more than 3 apartments? If yes, Fire Marshal Certification is required. Status: _____

Y/N Will your development trigger a Development Activity Plan?
Application Status: _____

Y/N Will your development trigger a Storm water Plan?
Application Status: _____

Y/N Does your site contain wetlands? If yes, Army Corps of Engineers Wetlands Permit is required. Application Status: _____

Y/N Is your development in a floodplain? If yes, a Flood Development Permit is required.

Y/N Does your project trigger a Community Design Manual review?
If yes, complete the design review application form. The Community Design Manual is online at: <http://www.ci.homer.ak.us/documentsandforms>

Y/N Do you need a traffic impact analysis?

Y/N Are there any nonconforming uses or structures on the property?

Y/N Have they been formally accepted by the Homer Advisory Planning Commission?

Y/N Do you have a state or city driveway permit? Status: _____

Y/N Do you have active City water and sewer permits? Status: _____

1. Currently, how is the property used? Are there buildings on the property? How many square feet? Uses within the building(s)?

2. What is the proposed use of the property? How do you intend to develop the property? (Attach additional sheet if needed. Provide as much information as possible).

CONDITIONAL USE INFORMATION: Please use additional sheets if necessary. HCC21.71.030

- a. What code citation authorizes each proposed use and structure by conditional use permit?
- b. Describe how the proposed uses(s) and structures(s) are compatible with the purpose of the zoning district.
- c. How will your proposed project affect adjoining property values?
- d. How is your proposal compatible with existing uses of the surrounding land?
- e. Are/will public services adequate to serve the proposed uses and structures?
- f. How will the development affect the harmony in scale, bulk, coverage and density upon the desirable neighborhood character, and will the generation of traffic and the capacity of surrounding streets and roads be negatively affected?
- g. Will your proposal be detrimental to the health, safety or welfare of the surrounding area or the city as a whole?
- h. How does your project relate to the goals of the Comprehensive Plan?
The Comprehensive Plan are online,
- i. The Planning Commission may require you to make some special improvements. Are you planning on doing any of the following, or do you have suggestions on special improvements you would be willing to make? (**circle each answer**)
 1. Y/N Special yards and spaces.
 2. Y/N Fences, walls and screening.
 3. Y/N Surfacing of parking areas.
 4. Y/N Street and road dedications and improvements (or bonds).
 5. Y/N Control of points of vehicular ingress & egress.
 6. Y/N Special provisions on signs.
 7. Y/N Landscaping.
 8. Y/N Maintenance of the grounds, buildings, or structures.

- 9. Y/N Control of noise, vibration, odors, lighting, heat, glare, water and solid waste pollution, dangerous materials, material and equipment storage, or other similar nuisances.
- 10. Y/N Time for certain activities.
- 11. Y/N A time period within which the proposed use shall be developed.
- 12. Y/N A limit on total duration of use.
- 13. Y/N Special dimensional requirements such as lot area, setbacks, building height.
- 14. Y/N Other conditions deemed necessary to protect the interest of the community.

PARKING

- 1. How many parking spaces are required for your development? _____
If more than 24 spaces are required see HCC 21.50.030(f)(1)(b). _____
- 2. How many spaces are shown on your parking plan? _____
- 3. Are you requesting any reductions? _____

Include a site plan, drawn to a scale of not less than 1" = 20' which shows existing and proposed structures, clearing, fill, vegetation and drainage.

I hereby certify that the above statements and other information submitted are true and accurate to the best of my knowledge, and that I, as applicant, have the following legal interest in the property:

CIRCLE ONE: Owner of record Lessee Contract purchaser

Applicant signature: _____ Date: _____

Property Owner's signature: _____ Date: _____



City of Homer Planning & Zoning

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Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us

Zoning Permit Application

Applicant's name: _____ Telephone No.: _____ Cell: _____

Address: _____ Email: _____

Property Owner (if different than the applicant):

Name: _____ Telephone No.: _____ Cell: _____

Address: _____ Email: _____

PROPERTY INFORMATION:

Address: _____ Lot Size: _____ acres KPB Tax ID # _____

Legal Description of Property: _____ Zoning: _____

Meets density in the Zoning district? Y/N _____ In the Bridge Creek Watershed Protection District? Y/N _____

Describe the proposed use/structures: _____

Value of the improvements \$ _____ Public water/sewer permit number _____ Well Septic

Driveway permit number _____

For staff use:

Date: _____ Fee submittal: Amount _____
Received by: _____ Date application accepted as complete _____ Finance Code 21-2106

Y / N Wetlands? Parcels with designated **Wetlands** require Army Corp of Engineer approval.

The **Fill standards** apply to "new fill" and address slope stabilization, sedimentation and erosion. Please verify that your project meets these standards:

T/F NA The fill is free of demolition material like concrete, asphalt, garbage and hazardous materials.

T/F There is no disposing of organic debris from other lots.

T/F NA The slope of the fill shall not exceed 50% or 1:2 as in a one foot rise to a two feet run.

T/F No fill will be placed closer than five (5) feet from the side or rear lot lines.

T/F No organic debris including stumps will be used to support structures.

Fill for the project will be a maximum depth of _____ feet over _____% or less of the lot. If you intended to fill to a depth greater than 3 ft over 25% or more of the lot a Grading Plan is required and must be approved by the City prior to issuance of a Zoning Permit.

The **Drainage standards** aim to preserve the natural drainage patterns. At a minimum:

T / F There will be no adverse impact to other properties. HCC 21.50.020(c)(1)

T / F All exposed soils will be revegetated within 16 months of initial earthwork. HCC 21.50.020(c).

The **Slope Standards** apply to activity that disturbs the existing land surface including clearing, grading and filling.

Y / N Is the average slope of your lot greater than 15%? (A rise of 15 ft to 100 ft run)

Y / N Is clearing, grading, excavating and/or filling taking place within 40 ft of the top, or 15 ft of the toe of a steep slope (45%), bluff, coastal bluff or ravine? HCC 21.44.030(c)

If **YES** to either of the two above, a site plan for Slope Development Plan is required, HCC 21.44.050.

A **Development Activity Plan** is required when your development exceeds ONE of these standards.

1. Land clearing or grading of 10,000 SF or greater;
 2. The cumulative addition of 5,000 square feet or greater of impervious surface area. . "Impervious" includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, asphalt.
 3. Grading, filling or excavating involving the movement of 1,000 cubic yards of material;
 4. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 (over 3, up one) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 5 feet;
 5. Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site;
 6. Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
-

A **Storm Water Plan** is required when your development exceeds ONE of these standards.

1. An impervious surface coverage that is greater than 60 percent of the lot area.
2. The creation of cumulative addition of 25,000 square feet or greater of impervious surface area.
3. Land disturbing activity of one acre or greater;
4. Grading, fill or excavation involving the movement of 10,000 cubic yards of material;
5. Grading activities that will result in a temporary or permanent slope having a steepness of 3:1 and having a total slope height, measured vertically from toe of slope to top of slope, exceeding 10 feet.

HOW TO DRAW A SITE PLAN AND BUILDING ELEVATIONS

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

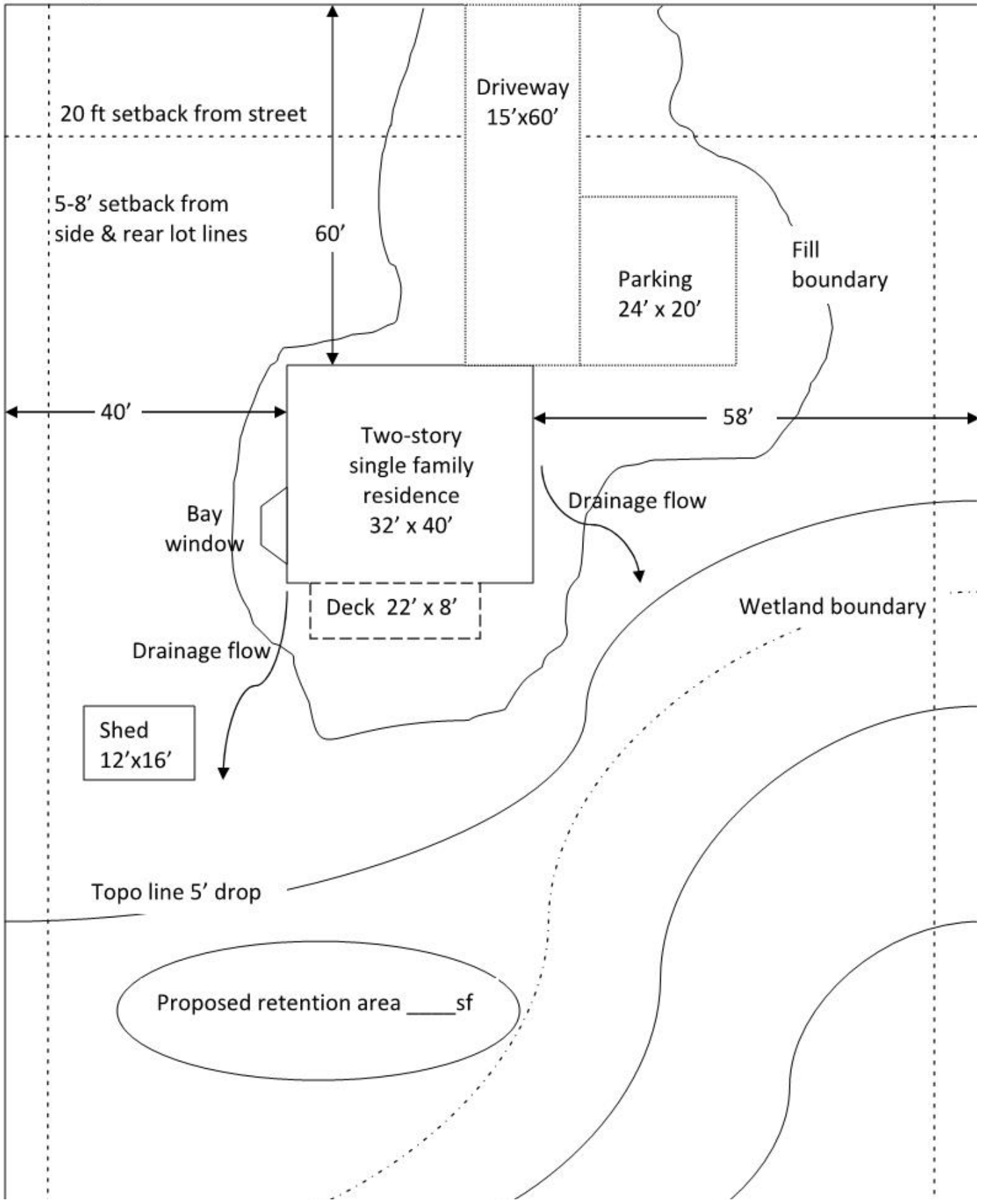
Drawing your own site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise for drainage, lighting and landscaping plans.

Below is a checklist of items that should be on your site plan. For items that do not apply to your project simply indicate: Not Applicable (NA).

- 1. Scale factor. For example 1" = 20 ft.
- 2. North arrow
- 3. All property lines and their dimensions
- 4. Proposed and existing structures, additions and their distances from the property lines.
- 5. Setbacks: All property lines which abut a road require a 20 ft building setback.
Care should be taken to measure from the property lines, NOT the road. Side and rear setback range from 5 ft – 8 ft depending on the number of stories.
- 6. Fill & grading area from the toe of the slope. Fill to be setback 5' from side and rear property lines.
Include the fill area from the toe of the slope and include fill depth, length and width. (L x W x D)
- 7. Well and septic location
- 8. Topography
- 9. Drainage directional flow arrows
- 10. Building dimensions
- 11. Cantilevers, decks, exterior stairways, bay windows
- 12. Adjacent roads
- 13. Driveway. If a shared driveway submit agreement.
- 14. Parking spaces, 9' x 19' per space.
- 15. Decks, bay windows, cantilevers, exterior stairways
- 16. Wetland boundary

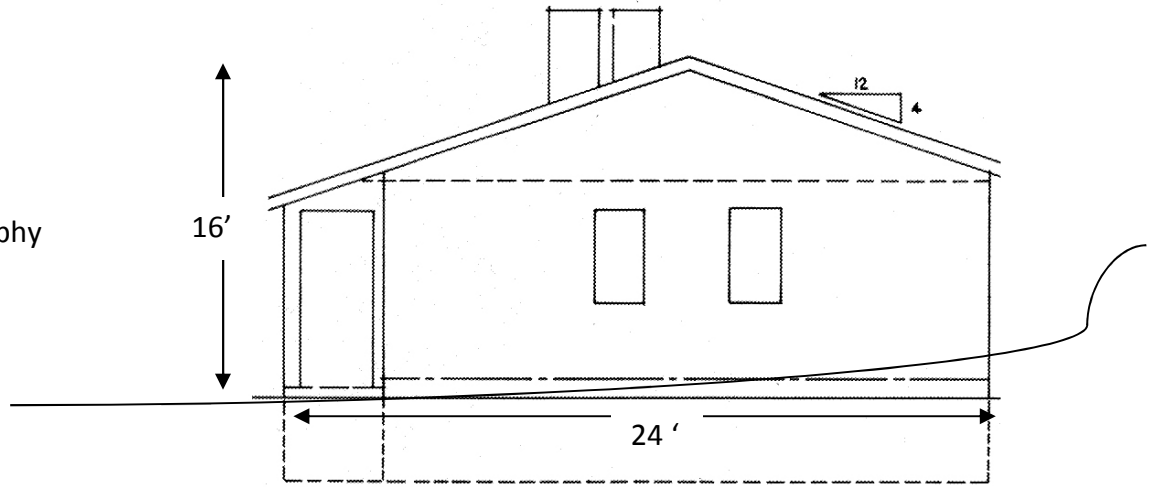
Below is a checklist for your building elevation cross section. Your drawing needs to show the exterior view of the building.

- Building height (maximum is 35 ft.)
- Land slope or grade

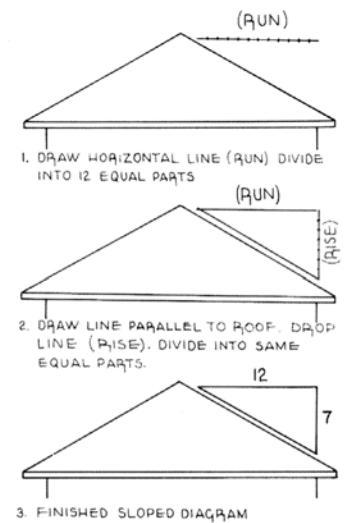


Building elevation drawing

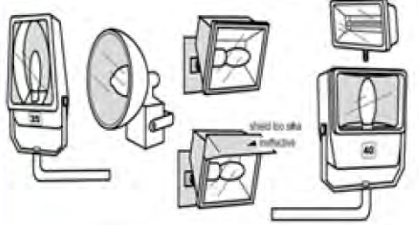
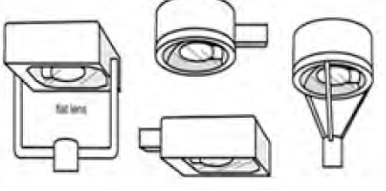
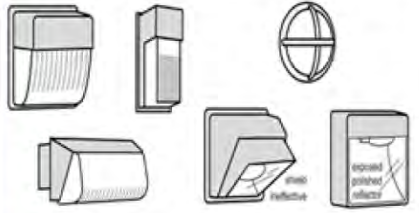
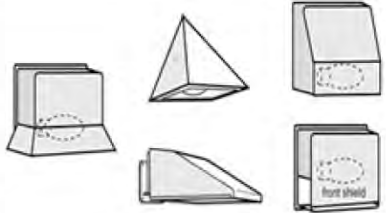
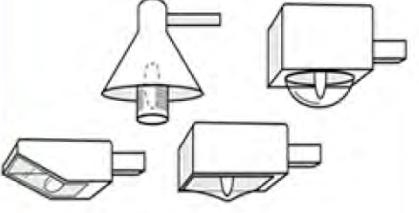
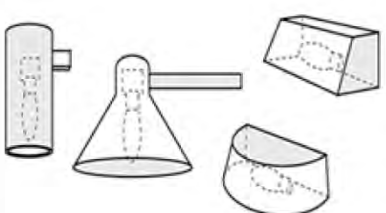


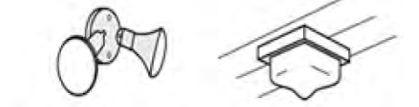

- Building height
- Wall dimensions
- Grade / topography



Your elevation drawing here:



6. Any land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds. The **Lighting standards** aim to reduce glare and light trespass and apply to the business and commercial districts. Depending on the scope of the project a Lighting Plan maybe required per HCC 21.59.030. For simple projects simply circle the type of cut-off light fixture you are using.

<p>UNACCEPTABLE Fixtures that Produce Glare and Light Trespass</p>	<p>ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision</p>
 <p>Unshielded or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks & Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully-shielded Wallpack & Wall Mount Fixtures</p>
 <p>Drop-lens & Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p>Fully-shielded Fixtures</p>
 <p>Unshielded Street Light Unshielded Security Light Unshielded 'Period' Style Fixtures</p>	 <p>Full Cutoff Street Light Fully Shielded Security Light Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights Drop-lens Canopy Fixtures</p>	 <p>Shielded/Properly Aimed PAR Floodlights Flush Mounted Canopy Fixtures</p>

Check list for basic submittals

- Site Plan**
- Building elevation. Must indicate building height.**

Other possible submittals:

- Wetlands Army Corps of Engineers** approval needed for any impact into designated wetlands.
 - o Status of ACOE submission: _____
- State Fire Marshal** approval is needed for structures with more than 3 units and ALL commercial uses.
 - o Status of Fire Marshal submission: _____
- Flood Zone.** ____ If in a flood zone an Elevation Certificate and Flood Development are required. \$200.
- Bridge Creek Watershed Protection District** site plan to include impervious coverage.
- Plat restrictions to consider.
- Development Activity Plan (DAP)** HCC 21.74
- Stormwater Plan (SWP)** HCC 21.75 **\$200.**
- Right-of-way Plan** HCC 21.73.100-130
- Parking Plan. Number of spaces required _____** HCC 21.55
- Site Development Plan: drainage, landscaping** HCC 21.50
- Fill/ Grading Plan** HCC 21.50.150
- Slope development plan** HCC 21.44
- Lighting Plan** HCC 21.59.030
- Conditional Use Permit. Development over 8,000 SF? Y/N Over 30% of the lot area? Y/N?**

More than one structure on the lot? Y/N? _____

- Sign Plan** HCC 21.60

Owner/Applicant's signature _____ Date _____

Contactors signature _____ Date _____

Excavator's signature _____ Date _____

Check application for completeness - Fee paid owner signature pages initialed
good contact info site plan elevation drawing

Address _____ Zoning District _____

existing uses/structures _____

legally permitted? Y or N Permits/violations/nonconformities on file _____

proposed use& structures _____

- Is use/structure permitted outright? _____
- CUP or PUD required? _____

Driveway permit - City or State? Status _____

City Water and Sewer available? Y or N Permit status _____

Commercial project OR 4-plex or larger? Y or N Fire Marshal Review Status: _____

Commercial Signage Anticipated? Y or N Sign Permit required? Y or N

Existing Site Characteristics - utilize KPB parcel viewer and/or ArcGIS

Verify parcel ownership info. Does it match the application signature? Y or N

Wetlands present? Y or N ACOE permitting status? _____

Average slope approximation approaching 15%? Y or N If no, estimated slope: _____

If yes, Slope calculation _____ Max dev. area (HCC 21.44.030(b)): _____

Dev. Area proposed _____ Steep slope site plan required? Y or N

How is site drainage affected? _____

Located in mapped Flood Zone? Y or N Flood Development Permit Status _____

BCWPD? Y or N - Harbor Overlay Dist? Y or N - Scenic Gateway Dist? Y or N

Dimensional Requirements:

- Are setbacks met? Y or N
- Lot size in square feet _____ minimum lot size per dwelling _____

- Number of existing & proposed dwellings_____ Is density met? Y or N
- For Multi-family All districts except GC1, floor area <4/10 lot size - met? Y or N
- For Multi-family All districts except GC1, open area > 1.1 times floor area - met? Y or N
- What is the required parking?_____# of spaces proposed? _____
- Any known plat restrictions? _____
- Fill Standards – Grading plan required when > 3ft. of fill over 25 percent of lot.
 - Grading Plan Required? Y or N

Elevation drawing showing total height & grade included? Y or N

Site plan level 1 or 2 required? ROW level 1 or 2 required?

Site development standards 1 2 or 3 required?

Site Plan Level 1 elements:

- Scale factor
- North arrow
- All property lines and dimensions
- Existing and proposed streets & rights-of-way
- Building setbacks from all property lines
- Steep slope setbacks, if applicable
- Existing building locations & dimensions
 - Include decks, exterior stairways, bay windows, cantilevers
- Proposed building locations & dimensions
 - Include decks, exterior stairways, bay windows, cantilevers
- Existing building elevation drawings w/ dimensions
- Proposed building elevation drawings w/ dimensions
- Parking & access including – driveway curb cuts, arrows indicating ingress/egress and traffic patterns to and from parking areas, parking area dimensions, stall and aisle dimensions, pedestrian circulation
- Pedestrian access to adjacent public lands, walkways & trails
- Utility easements
- Site features - drainage, streams, water bodies, wetlands, mean high tide, storm berms, areas prone to erosion, general location of vegetation
- Topography
- Grading & drainage plan including all cuts, fills, and areas of disturbance. It shall display elevation changes and cut and fill quantities
- Location of site in relation to other uses on neighboring properties

- Well & septic location – **listed on application checklist, but only required for steep slope plans HCC 21.44**

Site Plan level 2 elements:

- Vehicle turning radius
- Loading areas including traffic pattern with areas
- Location & screening of open storage areas
- Location of utilities
- Basic floor plans
- Proposed signs & lighting
- Location of site in relation to residential uses and other existing industrial uses on adjacent properties
- Location of snow storage

Right-of-way access plan level 1

- Show all points of access to rights-of-way
- Any access roads and frontage roads shown – if present, shall conform to the Master Roads and Streets Plan

Right-of-way access plan level 2

- Show all points of access to rights-of-way
- Entrances onto arterials and collectors shall be minimized, individual businesses shall share access to rights-of-way whenever reasonable
- Access roads and frontage roads shown – if present, shall conform to the controlling street plan elements of the Homer Comprehensive Plan.
- Visibility clearance according to HCC 21.73.200

Site Development Standards Level 1 – SWP applies IF ONE OF:

- Creates 25,000 sq. ft. of new impervious
- Increases total impervious beyond 1 acre
- Moves 1,000 cubic yards of material
- Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe to top

SWP required? Y or N

Site Development Standards Level 2 – SWP applies IF ONE OF:

- Impervious coverage greater than 60% of the lot area (existing & proposed)

- Creates 25,000 sq. ft. of new impervious
- Grading of one acre or greater
- Moves 10,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe to top
- Clearing or grading on slope steeper than 25% or within 10 feet of wetland, watercourse/waterbody

SWP required? Y or N

Site Development Standards Level 2 – DAP applies IF ONE OF:

- Clearing or grading of 10,000 sq. ft.
- Adds 5,000 sq. ft. impervious coverage
- Moves 1,000 cubic yards of material
- Creates a temporary or permanent slope of 3:1 and over 5 ft. in height
- Grading alters the drainage route from existing point of entry/exit from site
- Clearing or grading on lots steeper than 20%
- Clearing or grading within 20 feet of wetland, watercourse, or waterbody

DAP required? Y or N

Misc. uncommon requirements: - mobile home/RV park - large retail/wholesale stores
 - Towers - PUD - marijuana buffers HCC 21.62.070 - RV on spit permit



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

Zoning Permit Application

Applicant's name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Owner (if different than the applicant):

Name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Information:

Address: _____ KPB Tax ID #: _____

Legal Description: _____

Lot Size: _____ acres Zoning District: _____ Total Market Value of Improvements: _____

Circle the type of proposed use: Single Family Duplex/Triplex Multi-family Commercial Other

For each existing structure, list its size (sq. ft.) and use: _____

For each proposed structure, list its size (sq. ft.) and use: _____

City water/sewer permit number _____ (required if services are available to the site)

Well and/or Septic (circle) Driveway Permit # _____

For staff use:

Date: _____ Fee \$ _____ Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Received by: _____ Date application accepted as complete _____

Finance Code 21-2106. Zoning Permit required by HCC 21.70

Site development standards for all projects (applies to all development in the City)

- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building setbacks are 15ft. from open ditches and 10 ft. from closed drainage systems.
- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31st.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

All Projects in Any Zoning District (Check all that apply)

- A **Site Plan** is required for all projects. This “bird’s eye view” must show the entire lot and include all of the details found on the site plan checklist. See the attached example site plan.
- A **Building Elevation** drawing is required for all proposed buildings. Building height from grade to the peak of the roof must be included. See the attached example building elevation drawing.
- A **Wetlands Permit** may be required if your project is within a wetland. If the following map indicates wetlands on your property, then written authorization from the Army Corps of Engineers (ACOE) is required
 - Homer area wetland map source: <https://www.kpb.us/gis-dept/online-mobile-viewers>ACOE submission status: _____ ACOE POA #: _____
- A **Grading/Fill Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- Slope Development Standards** apply when the project includes any of the following: (HCC 21.44)
 - The average slope of the lot is greater than 15% (A rise of 15 ft. to 100 ft. run)
 - Disturbance takes place within 40 ft. of the top, or 15 ft. of the toe of a steep slope (45%), bluff, coastal bluff or ravine
- A **Storm Water Plan (SWP)** is required when the project includes any of the following: (HCC 21.50.020)
For projects located in commercial zoning districts, skip this subsection & see SWP section below
 - Creates 25,000 square feet of new impervious surface
 - Increases the total impervious surface coverage to one acre or greater
 - Grading that moves 1,000 cubic yards of material
 - Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
- A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- A **Conditional Use Permit (CUP)** may be required under certain circumstances, including but not limited to the following:
 - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
 - Building area exceeds 8,000 (all buildings combined) or 30% of the lot area
 - The project includes more than one building with a primary use
 - The project will generate traffic in excess of 100 vehicle trips per hour or 500 vehicle trips per day
- A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- The **Bridge Creek Watershed Protection District** has additional restrictions for property development (see HCC 21.40)

All Projects in Commercial Districts including the Residential Office District when the project is commercial or multifamily residential (3-plex or larger) in nature (check all that apply)

- State Fire Marshal** approval is required for all commercial buildings and apartment projects (4-units or more)
Fire Marshal application Status: _____ Permit # _____
- Landscaping requirements** apply to all projects (HCC 21.50.030(f))
 - Landscaping shall include the retention of native vegetation to the maximum extent possible

- A minimum buffer of 3 ft. along lot lines and 15 ft. along the top bank of a defined drainage
- Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
- Parking lots with 24 spaces or more have additional standards (see HCC 21.50.030(f)(1)(b))
- Lighting standards** apply to all projects (HCC 21.59.030)
 - Outdoor lighting must be installed so that it does not produce light trespass or glare
 - The maximum height for pole lighting is 28 ft. and for building-mounted lighting, it is 15 ft.
 - Outdoor lights installed 15 ft. or higher must be cut-off luminaires
- An **As-built survey** is required for all commercial and multi-family projects upon completion of work
 - The survey must show the location and dimensions of permitted structures (see HCC 21.70.040)
- A **Development Activity Plan (DAP)** is required when your project includes any of the following (HCC 21.74):
 - Clearing or grading of 10,000 square feet or more
 - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
 - Grading that moves 1,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
 - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
 - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- A **Storm Water Plan (SWP)** is required when your project includes any of the following (HCC 21.50.030):
 - Creates 25,000 square feet of new impervious surface
 - Increases the impervious surface coverage to greater than 60% of the lot area
 - Grading of 1 acre or more
 - Grading that moves 10,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
 - Land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds

I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.

Any approvals required from the Homer Advisory Planning Commission, such as a Conditional Use Permit, must be approved PRIOR to issuance of the Zoning Permit. It is the permittee's responsibility to comply with all other permit terms at his/her expense.

The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.

I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.

Owner Signature (required): _____ Date: _____

Applicant Signature: _____ Date: _____

Commissioner Bernard requested the minutes to be pulled from the Consent Agenda since the amended minutes provided by the Clerk still indicated she was absent and she would like to have the Clerk provide clarification on the additional corrections made to the minutes.¹

The Minutes for January 16, 2019 will be moved to New Business, Item B.

Vice Chair Banks inquired if there was any dissent to approving the Consent Agenda as amended.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

A. Staff Report 19-10, Planning & Zoning Permitting Process - Travis Brown, Planning Technician

Travis Brown, Planning Technician provided a brief presentation on permitting processes and reporting procedures to the Borough Assessors office including documents that are used by the Planning and Zoning Department. He provided examples of recent building and construction projects to further clarify terms and conditions.

Brief commentary and question and answer period followed on the following issues:

- Reporting to the Borough
- Use of the KPB Information
- Homer City Code driven requirements and inspections
- Verification of location on actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types or drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors.
- Requiring asbuilts or survey
- Research could be conducted to see how other communities perform and oversee construction
- Reviewed a revised Zoning Permit to update and include information and formatting changes
- Clarification on inspection process and what is done if the project did not follow the approved CUP or zoning permit.
- Drainage issues with regard to compliance to the City Code and not impacting neighboring properties
- The proposed changes can be done internally and does not require approval by Council, however adding that as a requirement would mandate code amendment to remove map or plan and require a survey.

¹ No motion is required to remove an item from the consent agenda.

- Preconstruction and Post Construction verifications

REPORTS

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

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

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

There were no questions or comments from the commission.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

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

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

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

The Commission discussed or questioned the following items:

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

- Making changes and include those recommendations in the application process and staff to verify the retail businesses can stock the materials
 - o Staff cannot effect the changes in retailers inventory that would require the consumer to demand the change by consistent requests
- Triggers for various permit requirements in the districts, that information all in one place would be helpful for the Commission
- Make and effect changes that would ease some of the work load of the Planning Department with regard to the large projects
 - o Sprawl versus height, two 10,000 sf buildings versus a two-story 20,000 sf building on a lot
 - o Concentrate developments in regards to a conscientious effort to reduce the use of the earth
- Reason why the Commission is reviewing reductions in CUP's is litigation cost reduction and more than one is not significant in litigation but more along the lines of cost
- The average number of the "more than one" CUP is minimal
- On one recent application the Commission did come up with some conditions on a "more than one" other than the down-lit lighting and screened dumpster and if the Commission did eliminate this type of CUP the Commission would not necessarily see this type of application and they would not have the public involved and have the opportunity to offer recommendations to make the project fit in better with the neighborhood.
- The Commission should consider fully all aspects and results that not having these types of applications come before them prior to changing the process.
- Public comment received on coming in to testify on a project and it has no effect to the application since it is allowed by the regulation, so what is the point of providing the testimony. What can the Commission say?
 - o It is not easy, if the applicant addresses the requirements in code and there is no undue circumstance proven, then there is nothing that can really be done but if the applicant has crossed the line then the commission will have to determine what regulations were not followed.
 - o Preference to see more density, it is difficult to fit multifamily housing in established neighborhoods but they should be responsive to the market as the average cost of a house does not equate to the average wage earned

Vice Chair Banks inquired if there were any additional recommendation or changes to the conditional use permits or any additional comments from the Commission.

City Planner Abboud stated that he will address the recommendations and suggestions made by the Commission and bring this back to a future meeting.

NEW BUSINESS

- A. Staff Report 19-10, Planning & Zoning Permitting Process

Planning Technician Brown reviewed the ideas presented during the earlier presentation by the Commission as follows:

- Homer City Code driven requirements and inspections
- Verification of location on property - actual versus proposed site drawings presented
- Implement avenues to address issues
- Requirements to the types or drawings
- Suggest changes to the permitting process with regards to requirements such as surveys, stamped drawings, etc. to modify the permitting process by speaking to surveyors, builders and realtors to receive their input.
- Requiring asbuilts or survey

Additional comments made on the draft documents and the existing permitting processes were:

- Refining the draft zoning permit by reviewing code to achieve the suggestions provided
- Consulting surveyors
- Review the triggers listed in the CUP Permit process
- Requiring control lines on where the foundation is to be set would remove liability for the city
- Two step requirement 1. Verification of location of foundation at the start of construction and final verification on location when foundation is completed
- There is inherent trouble with curved or parcels in a cul de sac when pinpointing corners
- Consideration of costs to the landowner and easing that and where to draw the line

The Commission requested staff to contact other municipalities to see what processes they have in place and bring back to the commission.

B. Minutes from the January 16, 2019 regular meeting

Deputy City Clerk Krause provided the amended minutes for the Commission after Project Manager Pat McNary provided a clarification and correction on page 3, second bullet point regarding the possible future addition of solar in the original minutes it was restated incorrectly in the minutes.

Commissioner Bernard expressed some dismay at the context of the minutes and requested further clarification with regard to the Conditional Use Permit for the Police Station. She noted that there were three of the commissioners herself included that expressed some dismay over the project not following the Community Design Manual.

A brief discussion ensued regarding the minutes are a summary or synopsis of action that is taken or done and that minutes are not verbatim. It was noted that anyone wanting exact details of what transpired at the meeting can be obtained from the Clerk's Office. It was further noted that the Commission approved the Conditional Use Permit for the project unanimously and if there was opportunity to request a reconsideration on the action.



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Staff Report PL 19-18

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: March 6, 2019
SUBJECT: City Permitting Process

Introduction

At the February 6 planning commission meeting, I presented to the commission and we reviewed current zoning permit requirements and procedures. The commission expressed concerns with the lack of a verification procedure for building locations and a desire to have a better understanding of when & where site plan/site development requirements are triggered. The commission expressed a desire to hear from local professionals, research how other communities deal with the accuracy of building locations, and work with staff to propose practical changes to Title 21 that will ensure projects comply with zoning regulations.

Verifying Building Location

Some commissioners expressed concern over the lack of a City verification procedure for building locations, particularly when buildings are near required setbacks. It is believed that the public assumes significant and avoidable risk by leaving it up to property owners or contractors to build structures in the right location. The commission would like to identify practical and effective permitting requirements that will ensure new structures are built precisely in the approved location.

The commission has asked staff to research the procedures of other municipalities and report findings back to the commission. The commission would also like to speak with local professionals including surveyors, general contractors, and earthwork contractors, in order to gain an understanding of current practices. Additionally, staff proposes to develop a report of the various permitting requirement triggers and propose discussion points for possible code changes.

CUP Follow-Up

Another interest of the commission is to ensure that approved CUP projects comply with the terms of their CUP. Currently, staff uses the same procedures as zoning permit follow-up consisting of a site visit that compares the site improvements to the site plan and conditions

of the CUP. Deficiencies are noted in the field and staff follows the enforcement procedures laid out in HCC 21.90. Enforcement orders are appealable to the Planning Commission.

Staff Recommendations

For March/April meetings:

- Staff work with Tom and Scott to schedule surveyors, contractors, earthwork contractors
- Staff work with Tom and Scott to review permitting processes in other Alaska municipalities and report to the commission
- Staff produce a staff report outlining current permitting requirement triggers and possible areas of improvement

- Review the Planning and Zoning Section of the Climate Action Plan by the Planning Staff and provide comparison on what the plan has recommended and what action has been accomplished by the city.
- Postpone the proposed Medical District until after the Appeal Decision is finalized.

City Planner Abboud advised the Commission that if they pursued the requirement in the permitting process to have the applicant come before the Commission with regard to issues found upon site visits that this action falls in the realm of enforcement. If the applicant appeals that puts the Commission in a quagmire.

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-18, Zoning Permit Process

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

City Planner Abboud summarized the report and provided some input on how the various items on the work list intermingled along with revision of forms, such as including questions on dealing with aspects of green infrastructure; the expenditure of staff time to review and explain these items with the applicants.

A discussion ensued on requiring asbuilts is easy; willingness to put green infrastructure in regulations then they have to figure out a way to get people to do what they should do; review work on previous projects for best practices.

This will be on the agenda for the next meeting and will try to have a visitor for the worksession.

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

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

City Planner Abboud reviewed the staff report stating it summarized the work done so far. He commented on the following:

- Code changes for lighting requirements could be written by staff but that the dumpster screening regulations would need to go to the City Attorney for review and recommendation since it was not as straight forward.
- Dumpster regulations would bring up issues of non-conforming dumpsters.
- Does not address the Council's request to reduce the number of Conditional Use Permits.



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Staff Report PL 19-26

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: March 20, 2019
SUBJECT: Permitting Process and Building Location Verification

Introduction

Some commissioners expressed concern over the lack of a City verification procedure for building locations, particularly when buildings are near required setbacks. It is believed that the public assumes significant and avoidable risk by leaving it up to property owners or contractors to build structures in the right location. The commission would like to identify practical and effective permitting requirements that will ensure new structures are built precisely in the approved location.

Building site challenges

Property owners can face numerous challenges when trying to determine their property boundaries and the precise location of their new structure. Without verification by a professional, mistakes are bound to happen. Some of these challenges include: properties may have missing monuments, monuments may be too difficult to locate due to vegetation or terrain, the owner may lack the aptitude to know whether they have found the correct property marker or not, and miscommunications can happen between contractors and owners.

Meeting local professionals

This meeting provides an opportunity for the commission to meet local building industry professionals, become familiar with their current construction practices, and hold a discussion regarding how potential new regulations may affect project timelines and costs. I expect some general contractors and earthwork contractors to be present and available for questions during the work session. My aim is to have local surveyors attend another work session in April.

Questions for contractors:

- Do you typically hire a surveyor to mark the lot lines?
- When a surveyor has been hired, do they typically mark one corner? Two corners? Flag one lot line? Flag all lot lines?
- When a building will be near a setback, how do you typically ensure the location? Do you have the surveyor mark a single corner, the entire lot line, the foundation location

itself? If the surveyor determines the foundation location, does this take place before or after the forms are in place?

- Do any contractors utilize control lines to pull from two or more property markers?
- Have any of the contractors done projects in other Alaska municipalities? How about projects outside of Alaska?
- If the City were to require a surveyor to verify setbacks or foundation locations, how might that impact the typical project?

Next Steps

- Invite local surveyors to attend a work session
- Review a summary of building location/setback verification & as-built requirements found in other Alaska municipalities and beyond

**NOTICE OF MEETING
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **STAFF REPORT 19-30, Permitting process and building location verification** – Open discussion with contractors, surveyors, and realtors
4. **PUBLIC COMMENTS**
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. **COMMISSION COMMENTS**
6. **ADJOURNMENT, 6:30 P.M.**

Session 19-06, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on March 20, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH AND BANKS

ABSENT: COMMISSIONERS BENTZ, BERNARD (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and building location verification with Licensed Residential Contractor Bruce Petska, Big Mountain Builders to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

BOS/HIGHLAND – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

Alan Parks, resident, commented on the Climate Action Plan, stating that he wished he had materials to distribute to the Commission for the worksession. Mr. Parks recommended not kicking the plan back to the Council he believed that there were plenty of areas within the Plan that they should dissect the plan further and engage the public more. He believed that there was not a lot of energy within the leadership from the Borough up to the federal level to address Climate Action. He believed the Commission needed to review the issues and what is included in the plan under their scope more thoroughly before sending it back to the Council.

Scott Adams, resident, commented on clearing of the rights of way along the roads and questioning why an ordinance is required to grant permission to clear cut if there is no project.

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

City Planner Abboud recommended waiting on having a discussion or recommendation on sprinkler system regulations. He reaffirmed that he is not advocating a blanket increase for building height.

Commissioner Banks recommended specificity in location on the structural member.

City Planner Abboud responded that in addressing the particular location this was the recommended language from FEMA.

Commissioner Smith reiterated a discussion the Commission had at the last meeting that whatever they drafted they would submit it to the Fire Chief for review before submittal to Council. He then informed the Commission that he had a discussion with one local company who advocated for 52 feet height limit and is currently playing phone tag with another company and suggested that they have a worksession prior to the next meeting with those two for official communication so the Commission can have a discussion on height limitations in Commercial versus Residential applications to allow for flexibility.

Chair Venuti inquired if Commissioner Smith was making a motion.

City Planner Abboud did not recommend addressing residential unless the Commissioners felt it was really necessary. He preferred to review it by district.

There was a brief discussion on further review and proper input on the issue and bringing it back for additional discussion by the Commission.

D. Staff Report 19-26, Permitting Process and Building Location Verification

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

City Planner Abboud provided a very brief summary of requested action for Staff by the Commission.

Commissioners recommended inviting local contractors, surveyors, realtors and person who performed clearing and or dirt work.

City Planner Abboud responding to a question from Chair Venuti that there was one issue within the last year before the commission that was required to purchase additional property and had to replat their property.

Additional discussion was entertained on the following points:

- adding the requirement of providing an Asbuilt upon completion of the project
- Making it a requirement of the conditional use permitting process
- Good conversation the commission should have in a worksession
- Preference to leave some ability for conceptual planning

- Require a survey when applying a Conditional Use Permit

Chair Venuti noted the late hour and stated that they were not going to solve this tonight and will be having additional worksessions on the issue.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the February 11, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Scott Adams, commented on the construction and repair of the seawall mentioned in the Manager's Report and recommended that City should review how some areas in Florida have taken steps to create wave/water breaks off the coast using tires and concrete.

COMMENTS OF THE STAFF

City Planner Abboud commented that he appreciated the comments from Commissioner Banks on the permitting process and will try to get other people scheduled for future worksessions.

COMMENTS OF THE COMMISSION

Commissioner Banks and Smith had no comments.

Commissioner Bos commented that the meeting was interesting, good discussions and everybody can walk out of here as friends, and complemented the Chair on conducting another amazing meeting.

Commissioner Highland wished City Planner Abboud Bon Voyage

Chair Venuti wished everyone Happy Spring and called for a motion to adjourn.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 9:37 p.m. The next regular meeting is scheduled for Wednesday, April 3, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



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Staff Report PL 19-30

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: April 3, 2019
SUBJECT: Permitting Process and Building Location Verification

Introduction

At the last meeting, the commission heard from local residential general building contractor Bruce Petska and held a discussion about construction practices commonly found in our area, both good and bad. Several options for verifying building location were discussed, both before and after new construction. The idea to have new requirements apply to projects requiring a CUP was introduced. The commission expressed their interest in holding additional work sessions with dirt contractors, general contractors, surveyors, and realtors.

March 20 work session highlights

Mr. Petska provided some insight into the practices he utilizes including scheduling sub-contractors, providing for the needs of his clients, bank financing requirements, and utilizing licensed contractors. He pointed out that work performed by licensed contractors is guaranteed because they must be bonded, insured and uphold their license. When asked about how he utilizes surveyors he said it is often useful to have a surveyor mark the relevant property corners on a case-by-case basis. He noted that a surveyor will take a comprehensive look at the plat and be able to identify any easements or other plat note considerations that should be taken. He noted that the typical cost to have a surveyor provide an as-built is \$450 - \$750 or more.

Examples of setback verification

Attached, I provided 3 examples of how other municipalities deal with setback verification. I chose these three because they cover a range of possible requirements and may be useful for discussion purposes at the work session.

Staff Recommendations

Hold a discussion with professionals in attendance and provide direction to staff with regards to what type of projects to draft new regulation for – all projects? commercial projects only? Conditional Use Permit projects only?

Attachments

1. Building setback verification examples in other municipalities
2. Setback compliance policy in Louisa County Virginia
3. Alaska Housing Finance Corporation Inspection guidelines for new construction (provided by Franco Venuti)
4. How to access codes online (provided by Franco Venuti)

Building setback verification examples

Kenai, Alaska – population 7,100 – has building inspection program that includes a zoning department review. Residential inspection fees are based on value. Example: A \$300k house costs \$1,585. Commercial inspection fees are based on the IBC cost per square foot of construction.

Inspections required:

Footing Inspection: to be made when forms and reinforcing steel are in place. The lot corners must be marked and setbacks must be field verified at this time prior to pouring concrete. It is the property owner's responsibility to verify all setbacks meet code. A survey may be required to confirm if location is uncertain.

Louisa County, Virginia – population 33,000. Has building inspection program and zoning permit process.

4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.

Norco, California – population 27,000. Has building inspection program and zoning permit process.

Requires civil engineer or licensed land surveyor certification prior to foundation inspection.

Community Development

Written Policy #01-09; Setback Compliance Policy

Purpose:

To ensure compliance with the Louisa County regulations governing setbacks and minimum yard areas in zoning districts.

Discussion:

In recent years, there have been several occurrences of noncompliance with buildings and structures related to deficient setbacks and minimum yard areas. Too often when these violations are detected by County Staff, the building or structure has already been substantially completed. This results in a situation which requires a significant amount of County resources to resolve, as well as expense to the property owner.

The current permitting process relies heavily on the property owner to ensure compliance with setbacks. Minimum setback and yard distances are documented on all building permits as notice to property owners. In addition, plats are requested at the time of permitting and the applicant is required to show where the structure will be located on the property. At the time of application, Staff ensures that the structure is proposed in a location that complies with setback and yard area regulations. However, the review process has limited engagement with the applicant to stress the importance of setbacks, and no process currently exists, other than observance by County Staff, beyond the initial review at the time of application.

There does not appear to be any single cause for past setback and minimum yard area violations. Indeed, the current process is usually effective in ensuring compliance. However, it is recognized that more can be done to ensure compliance in the future.

A relatively recent incident of a house being built significantly inside of the front setback is an example of what can go wrong. In this instance, the applicant proposed the house in a compliant location. However, the applicant then built the house in a different location, possibly due to an error in measuring from the ROW. Staff discovered the violation, but not until mid-construction of the house.

Numerous challenges exist for Staff under the current process in ensuring compliance of setbacks. Some of these challenges may include the lack of a plat of the property; difficulty in knowing where property lines are, or where the VDOT ROW begins; limited training of inspectors in zoning regulations; lack of professional qualifications to measure setbacks; disregard of regulations by some builders; and miscommunication between contractors and the owner, as well as between contractors and inspectors at a job site.

Setback Compliance Policy:

The following additional steps in the permitting process are to be administered by Community Development Staff in the future to ensure setback compliance:

- 1) Applications will be required to include a plat of the property. In cases where no plat exists, a survey of the property shall be required to provide an accurate plat of the property. An exception may be granted for nonresidential accessory structures at the discretion of the Zoning Administrator.
- 2) Applications shall include a site plan sketch of the proposed building(s) and/or structure(s) with dimensional lines showing the proposed distance to front, side, and rear property lines. Distances from other structures on the same parcel shall also be shown. The sketch shall account for decks, stoops, steps, ramps, or similar structures. When buildings are modified, a new site plan sketch shall be required.
- 3) In addition to the minimum required setbacks, building permit applications shall document the proposed setbacks.
- 4) When a building or structure is shown on the site plan sketch within 20 feet of the minimum setback a setback survey shall be required for foundations. In addition, a minimum of a setback certification report shall be required for such structures prior to the issuance of a final approval of the building permit. Surveys and setback certifications shall be prepared by a licensed Virginia surveyor. The applicant may also choose to require additional measures to be taken, such as a survey for footings. The cost of surveys and setback certifications shall be paid for by the permit applicant.
- 5) A copy of the site plan sketch shall be attached to all building plans.
- 6) Inspectors will be trained in zoning practices to understand site plan sketches.
- 7) When a survey is required for a foundation (See #4), a hold will be placed on the inspection process after foundation inspection until zoning approval is granted. Zoning review will verify that the foundation is constructed in compliance with setbacks.
- 8) The permitting process shall require that a final inspection accompany zoning approval when a setback certification report is required. Zoning review will verify that the structure is constructed in compliance with setbacks.

NEW CONSTRUCTION INSPECTION GUIDELINES

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). The minimum number of inspections, documentation, and other requirements are outlined below.

Residential housing located in approved municipalities as described in .08 is exempt. However, such housing is subject to the building codes adopted and enforced by the approved municipality.

.02 INDEPENDENT INSPECTOR REQUIREMENTS

Only an authorized inspector meeting the following definition may perform the required inspections. An authorized inspector is not hired by, and has no relationship to, AHFC, nor a relationship (personally or financially) to the builder, developer, owner, real estate professional or other person that is a party to the transaction.

An authorized inspector is:

- An individual who is registered under AS 08.18 to perform home inspections for new construction.
- An architect licensed under AS 08.48, an engineer licensed under AS 08.48, or such other person acceptable to AHFC who has received prior approval in writing from AHFC.
- An inspector from any governmental agency outside the State of Alaska, whose function is the inspection of prefabricated/modular units which may be transported to the State of Alaska, and who inspects prefabricated units for compliance with the AHFC construction standards. This inspector may not be an employee of the manufacturer.

.03 REQUIRED INSPECTIONS

A minimum of five (5) inspections is required; more may be necessary, depending on the construction methods used. An authorized inspector performs each inspection and completes AHFC Form PUR-102, Summary of Building Inspections.

A. Plan Approval

Plan review and approval is the first inspection and should be completed prior to the beginning of construction. (Refer to .11.B for the definition of “construction start.”)

B. Footings and Foundation

Footings and foundation should be supported by undisturbed natural soils or engineered fill that complies with the applicable state building code. Footings and foundation construction should be capable of accommodating all loads and of transmitting the resulting loads to the supporting soil according to the applicable state building code.

1. Footings

Exterior walls should be supported on continuous solid or fully grouted masonry or concrete footings, wood foundations, or other approved structural systems. An inspection is made after excavations for footings are completed and any required reinforcing steel is tied in place. When applicable, ground cable should be installed.

2. Foundation

Inspections may vary depending on the type of construction and the supporting soil. The foundation inspection includes, but is not necessarily limited to, an inspection of the foundation's reinforcement, depth, drainage, anchorage, elevation, backfill, and waterproofing or damp-proofing.

C. Rough-In Inspections (Framing, Electrical, Plumbing, and Mechanical)

1. Framing

Interior and exterior walls should be constructed according to the type of material used as specified in the state building code. The framing inspection should be made after all electrical, plumbing, and mechanical rough-in has been inspected and all ducts, chimneys, hold-downs and shear walls are installed and framing is complete. Pre-assembled walls must be ICC listed. The manufacturer must comply with ICC's quality control requirements, continuing to keep the wall assemblies listed, as long as the wall assemblies are used in new construction.

Either the manufacturer of the pre-assembled walls or the contractor using them must provide the authorized inspector with a copy of the third-party evaluation report on the wall assembly. The authorized inspector must verify that each wall assembly is, at a minimum, stamped with: 1) the name and address of the manufacturer and 2) the third-party evaluation report number.

2. Electrical

The electrical inspection includes an examination of the materials, components, and electrical equipment installed. All rough wiring for the structure and the electrical service is inspected at the same time. Rough-in inspection includes, but is not necessarily limited to, all wiring within the walls, all circuit breakers, panel boards and ground splices terminated by mechanical means. The inspection takes place after all wiring systems, including the ground conductor, have been installed in approved boxes,

cabinets, and service equipment. Switches, receptacles and fixtures should not be installed at the rough-in.

3. Plumbing/Mechanical

In accordance with the state building code, the plumbing and mechanical systems are inspected prior to covering or concealing any portion of the system. The inspection takes place after the installation of all water piping, drain, waste vent piping, fuel gas piping, HVAC ducting, range, dryer and bath exhaust ducting, furnace, boiler, water heater, unit heaters, and/or other fuel fired appliances and their venting system. Also in accordance with the state building code, water or air pressure testing is required on all water, drain, waste and vent piping. Air pressure testing is required on all fuel gas piping.

D. Insulation and Vapor Barrier

Generally, the insulation/vapor barrier inspection is completed after the rough-in framing, electrical, plumbing and mechanical inspections are approved, all insulation has been installed in ceilings and walls, and all vapor retarder is in place and sealed. The authorized inspector must also have adequate access to determine compliance with Alaska Building Efficiency Standard (BEES).

E. Conditional Approval

A conditional approval is acceptable **only** when unfinished items cannot be completed due to weather or other delays beyond the builder's/contractor's control. Conditioned items must not pose a risk to health or life/safety. The lender is responsible for ensuring timely completion of the work and obtaining final documentation.

F. Final Approval

Generally, the final inspection takes place when a residential unit is 100% complete. All health or life/safety items must be addressed and the final inspection performed prior to occupancy.

.04 PREFABRICATED/MODULAR HOMES

Prefabricated/modular homes are constructed in a factory under "ideal" conditions, structurally engineered to be built in sections or modules, which can be transported to the site. During construction modular units must be inspected by the appropriate governmental entity in the state or country in which the unit is manufactured, **or** by an authorized inspector. The purpose of the inspection is to provide oversight and to ensure compliance with current adopted building codes. An authorized inspector may perform all the inspections listed on the applicable Form PUR-102, or in some cases, do so in combination with a governmental entity who certifies compliance with framing,

electrical, plumbing, mechanical, insulation, and vapor barrier. (Refer to .06 for a description of PUR-102 forms.)

A. Plans and Inspections

If a governmental entity in the state or country where the construction takes place performs the inspections, an authorized inspector must complete a plan review **prior** to the plans being submitted to the governmental agency. The plans must clearly specify the seismic zone, along with the wind and snow loading requirements for the community where the unit is to be located.

The governmental agency must conduct a plan review as well as inspecting the construction of the unit.

B. Governmental Seal/Insignia

Modular units **must** have an insignia/seal attached to each completed unit. For inspections performed by an authorized inspector in conjunction with a governmental entity, the seal shall be attached by the governmental entity at the factory. Modular manufacturers who are using authorized inspectors for the entire inspection process must develop a seal/insignia. The seal/insignia must include, at a minimum; the manufacturer's name and address, serial number of the unit along with the year built, wind and snow loading requirements and seismic zone for which the unit has been designed, construction codes used, dates of inspections, and the inspector's name. The authorized inspector must permanently affix the seal/insignia to the unit.

C. On-site and Final Inspections

An authorized inspector must complete the foundation inspection. When the modular unit is placed on the foundation, the authorized inspector must verify that the sections have been properly joined and connected according to the manufacturer's recommendations; the vapor retarder has been properly sealed, all service connections are complete and all systems are operational. The manufacturer's seal/insignia must be present and permanently attached to each section.

.05 MANUFACTURED HOMES

Manufactured homes placed on permanent foundations must comply with all the requirements of Housing and Urban Development (HUD) Regulations 24 CFR Parts 3280 and 3282 for the specific area of Alaska in which the unit is being placed.

An authorized inspector must approve the foundation plans, and inspect the footings and foundation. The inspector must be on site to certify that multi-section units are joined according to manufacturer instructions, the vapor retarder has been properly sealed, and all service connections are properly secured and operational.

Once the manufactured home has been placed on its foundation, the authorized inspector performs the final inspection to ensure the unit is properly secured, tied down and the HUD seal/insignia is in place.

.06 INSPECTION FORMS

AHFC designed Form PUR-102, Summary of Building Inspections, for the authorized inspector to sign certifying that the residential unit is in compliance with the state building code. The applicable PUR-102 should remain on the construction site until all the inspections are completed and the inspector has signed off on the final inspection.

- [Form PUR-102](#) for site built homes.
- [Form PUR-102-MD-Gov](#) for prefabricated/modular homes inspected by a governmental entity inspector **and** an authorized inspector. In addition, the governmental entity's inspection report must be recorded as addendum "A."
- [Form PUR-102-MD-Fee](#) for prefabricated/modular homes inspected by an authorized inspector only.
- [Form PUR-102-MH](#) for manufactured/mobile homes.

AHFC recognizes that more than one authorized inspector may perform inspections at various stages of construction. A certification must be made for each of the required inspections. The final inspector may rely on the certifications of the previous inspectors when signing the final inspection certifying compliance with the law.

After the builder/contractor signs the applicable PUR-102 certifying compliance with AS 18.56.300 and 15 AAC 150.030, the form should be recorded. **Recording the PUR-102 is the only means of tracking compliance with the law.** Any interested party, such as the builder, owner, or lender may take responsibility for doing so.

Note: If the PUR-102 is not recorded, the property **is not** eligible for AHFC financing.

.07 CODES AND APPENDIXES

All inspections are based on the 2009 IRC with AHFC amendments. The construction standards mean:

- For building standards, the code for all residential buildings, including those for buildings with three dwellings or less, set out in the version of the 2009 IRC with AHFC amendments. that code to buildings with fewer than three dwellings.

- For mechanical standards, the code for all residential buildings, including those for buildings with fewer than four dwellings, set out in the version of adopted 2009 IRC Standards.
- For plumbing standards, the code adopted by the Department of Labor under AS 18.60.705 except where such code conflicts with requirements for residential wastewater disposal established by the Department of Environmental Conservation (DEC) in which case the requirements of the DEC shall be the standard.
- For electrical standards, the minimum electrical code prescribed by AS 18.60.580.

.08 APPROVED MUNICIPALITIES

Annually, AHFC reviews all municipalities who submit documentation for inspection approval. In order for a municipality to obtain approval, it must **adopt and enforce** codes that meet or exceed the state building code for residential housing. (Refer to .07 Codes and Appendixes.)

AHFC determines which municipalities comply with the inspection procedures mandated by AS 18.56.300 and prepares a list for public use. The [List of Approved Municipalities](#) in the Appendix consists of the municipalities that have building codes and enforcement procedures that meet or exceed the state building code for residential housing. An approved municipality issues a “Certificate of Occupancy” or “CO” as evidence of compliance.

.09 LIABILITY OF INSPECTORS

In accordance with AS 18.56.300 (c), a person may not bring an action for damages against an authorized inspector who inspected a residential unit unless the action is for damages caused by the gross negligence or intentional misconduct of the inspector.

.10 WHEN INSPECTIONS ARE REQUIRED

A. Inspections Required

Following are examples of construction projects that must undergo the approved inspection process.

1. Any dwelling unit where construction began on or after **July 1, 1992**.
2. Improvements to any dwelling where the original construction began on or after **July 1, 1992**. If the original construction required inspections, improvements to the living space, whether a total renovation or small addition, also require inspections.

3. Newly constructed manufactured and modular housing units placed on permanent foundations.

B. No Inspections Required

Following are examples of projects that **do not** require construction inspections.

1. Improvements to dwellings where the original construction began **prior to July 1, 1992**. However, AHFC may require an inspection for an addition or renovation to determine the quality of construction and compliance with adopted building, fire and safety codes. If requested, the inspection may be performed by an architect, engineer, appraiser, or other qualified building inspector. AHFC's decision is made on a case-by-case basis and depends upon the scope and nature of improvements.
2. Non-living spaces such as garages, sheds, decks, fences, patios, workshops, and boat sheds do not require inspections.
3. Non-conforming housing as determined by AHFC and defined in the Selling Guide Section 5006.

.11 DEFINITIONS

A. Inspection

Except for plan approval, an inspection means an "on-site" inspection(s) of the construction project.

Exception: With AHFC's prior written approval, foundation inspections in rural areas (those meeting the definition of "rural" in the Selling Guide Section 1003), may be conducted by videotape, representative stationary photos, or other acceptable methods. A disinterested third party should take the videotape and/or representative photos, which must fully represent the work performed and the inspection being conducted.

B. Construction Start

AHFC considers construction to have begun if the pilings, footings, or foundation has been started. Any improvement to a dwelling where the original construction began on or after **July 1, 1992**, must meet the minimum required inspections. If the original construction required inspections, inspections are required when making improvements to the living space.

.01 INTRODUCTION

In accordance with Alaska Statute (AS) 18.56.300, residential housing constructed on or after **July 1, 1992**, must undergo an approved inspection process to be eligible for financing by Alaska Housing Finance Corporation (AHFC). If the inspections were not performed, meeting this requirement may be difficult. Satisfactory completion of a “destructive inspection,” by an authorized inspector **and** an engineer, **may** satisfy this requirement when accompanied by a signed and notarized *Destructive Inspection Certification*. Following are minimum procedures for conducting a “destructive inspection.”

AHFC does not encourage this type of inspection to certify compliance with the law. Therefore, the borrower(s) must acknowledge and accept the inspection report and agree to hold AHFC harmless of any deficiencies in construction of the residence.

.02 GUIDELINES

An authorized inspector and engineer must conduct a physical inspection of the property accompanied by a duly authorized lender’s representative. Using inspection procedures as outlined below, the authorized inspector and engineer determine whether or not a property (that was not initially inspected) complies with statutes. The inspector completes the applicable AHFC Form PUR-102, **and** a *Destructive Inspection Certification*, **if** the property is in compliance.

The authorized inspector retains the following items for a period of five (5) years and makes them available to AHFC upon request; authorized inspector’s and engineer’s written report, continuous video recording of the inspection and stationary color photos as required below.

.03 INSPECTION PROCEDURES

The following aspects of construction must be addressed in the written reports as described.

A. Plan Approval

Plans are reviewed and approved by both the authorized inspector and engineer. The engineer should calculate the adequacy of the size and span of the floor joist and beams. The engineer’s report should address the depth of the footings and adequacy of the foundation for soil conditions. The engineer should state that the improvements are structurally sound and generally meet the state building code.

B. Footings and Foundation

The engineer must certify that he/she has conducted tests on the footings and foundation walls. Tests must establish that reinforcement steel (rebar) was properly sized and placed in concrete. If the foundation consists of pilings (driven or drilled), a copy of the piling installer's log must be reviewed to verify depth and adequacy for the structure and soil conditions.

C. Framing, Electrical, Plumbing and Mechanical

Refer to *New Construction Inspection Guidelines*, **.07 Codes and Appendixes**, for related code information.

1. Framing

The report must include photos that show framing connectors are properly installed (i.e. truss hold-down clips), the attic is properly vented, and all flashing required is in place. The authorized inspector must certify that handrails and guardrails meet codes.

2. Electrical

The following electrical items require inspection.

- All electrical outlets must be tested and demonstrate continuous sequencing. The electrical panel box should be properly wired and marked; photos should be provided.
- Smoke detectors should be operational and conform to code.
- Any areas where a G.F.C.I. outlet is required should be properly wired.

In addition, a hole must be cut in the sheetrock in at least two locations (other than the laundry room) to inspect wiring at the junction box. Photos evidencing wiring properly stapled at the box should be included.

3. Plumbing

Plumbing must conform to the state building code. The inspection must include a water or air pressure test on the waste vent and water system. In the laundry area, bathroom, or kitchen, a hole must be cut in the sheetrock to inspect the wastewater and venting in the plumbing wall. Photos showing the plumbing in this area must be included in the report.

4. Mechanical

Mechanical components must meet the state building code and be properly installed.

D. Insulation/Energy Efficiency

This inspection includes **cutting a hole** in the sheetrock to verify the adequacy of insulation, and that the insulation is properly installed. The Lender's representative may

select the location at random. The inspector must also address the insulation in the floor and ceiling. Photos must evidence satisfactory installation of the vapor barrier. The house must be rated 5 Star or better by the energy rater and the inspector must confirm adequate ventilation for the indoor environment.

.04 FORMS

A. Form PUR-102

The authorized inspector completes the applicable Form PUR-102, depending on the construction methods used. This form is recorded along with a *Destructive Inspection Certification*.

B. Destructive Inspection Certification

The authorized inspector completes a *Destructive Inspection Certification*, which is notarized and recorded along with Form PUR-102. This recorded document serves as public notification that the destructive inspection method was used to certify compliance with the law (AS 18.56.300).

This certification must be recorded as an addendum to Form PUR-102 07/04



March 28, 2014

DESTRUCTIVE INSPECTION

CERTIFICATION

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

INSPECTOR: _____ LICENSE#: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)

On this ____ day of _____, _____, before me, a Notary Public in and for the State of Alaska, personally appeared _____ and _____ known to be the person(s) who executed the above instrument freely and voluntarily for the purpose therein mentioned.

My Commission Expires: _____

By my signature below, I certify that this dwelling meets the construction standards as outlined in AS18.56.300 and 15 AAC 150.097.

ENGINEER: _____ Seal: _____ Date: _____
ACKNOWLEDGMENT STATE OF ALASKA)) SS.

_____ Judicial District)

On this ____ day of _____, _____, before me, a Notary Public in and for the State of Alaska, personally appeared _____ and _____ known to be the person(s) who executed the above instrument freely and voluntarily for the purpose therein mentioned.

My Commission Expires: _____

AN EASY LESSON ON HOW TO ACCESS CODES ON LINE

Go to: www.dps.alaska.gov

Click on ~ Divisions

Go to: Fire & Life Safety

Go to: Quick Links

Click on ~ AK Adopted Codes

Click on ~ to view ICC codes click **here**

Click on ~ Go to public access (lower right hand green tab)

Click on ~ I-codes (lower left hand green tab)

Move the sliding time bar left to **2012**

If building a residence

Click on ~ **2012 IRC** (we are currently using the 2012 IRC)

Click on ~ **2012 IRC twelfth printing**

This will bring you to the **Table of contents**

It is important to read. **Chapter 3**

Note the basic wind speeds **Figure R301.2(4)A**

Read & understand **Chapter 6**

Understand & use **Table R602.3(1) ~ Fastener Schedule for Structural Members**

You should also Go to: 2012 AWC ~120 mph, exposure C High-Wind Guide
<http://www.awc.org/pdf/codes-standards/publications/wfcm/AWC-WFCM2012-HWG120C-1511.pdf>

These standards are required anywhere the basic wind speeds exceed 100 mph.

(Homer is in a 120 mph basic wind speed zone)

If building a commercial project

Click on ~ **2012 IBC**

**NOTICE OF MEETING
WORKSESSION AGENDA**

1. **CALL TO ORDER, 5:30 P.M.**
2. **REGULAR AGENDA**
3. **STAFF REPORT 19-30, Permitting process and building location verification** – Open discussion with contractors, surveyors, and realtors **p. 43**
4. **PUBLIC COMMENTS**
The public may speak to the Planning Commission regarding matters on the work session agenda that are not scheduled for public hearing or plat consideration. (3 minute time limit).
5. **COMMISSION COMMENTS**
6. **ADJOURNMENT, 6:30 P.M.**

Session 19-07, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:32 p.m. on April 3, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS BOS, VENUTI, SMITH, HIGHLAND, BENTZ AND BANKS

STAFF: DEPUTY CITY PLANNER ENGBRETSSEN
DEPUTY CITY CLERK KRAUSE

The Commission met in a worksession at 5:30 p.m. On the agenda was discussion on the Permitting Process and Building Location verification with Licensed Residential Contractors to provide industry perspective.

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ - SO MOVED

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

A. Approval of minutes of March 20, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/BENTZ - SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-27, City Planner's Report

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

Commissioner Smith spoke with some business owners in EEMU who recommended building heights and Staff would like input from Commission on scheduling a worksession with these businesses and the Fire Chief to discuss building heights and sprinkler systems.

Discussion ensued by the Commission on points of interest in addressing during the worksession for the following:

- EEMU as industrial uses, No residential space in the buildings or use of short term rentals.
- Viewshed issues
- Possible limitation of residential use to the first floor only
- Composition of structure steel versus wood due to size
- Fire Marshall approval requirement
- The use of combustible materials used in the boat building industry

Item three for discussion was Fire Sprinkler System requirements for three story buildings

Deputy City Planner Engebretsen inquired what additional information the commission required before making a recommendation.

Discussion ensued and covered the following points:

- Information on measurements
- Definition in city code for "story" there is definitions to support the determination of a 2 or 3 story building
- Consideration of a building that is on pilings/piers
- If a structure has a daylight or basement that is considered a story
- Building a structure with 8 foot walls and height to 30 feet would allow only for a flat roof
- Most residential buildings are 1 or 2 story

Commissioner Banks expressed concern if the discussion should follow building heights instead of preceding it stating that currently there is probably not many, if any 3 story commercial buildings. He opined that the Commission should consider building heights then sprinkler systems.

There was a brief discussion on applying the standard language when speaking with the contractors and outlining the schedule for discussion on building height and sprinklers for the meetings in April, May and June.

Discussion ensued briefly on fire service to structures that are higher than the Fire Department is able to service further comments on choosing not to regulate to that standard.

B. Staff Report 19-30, Permitting Process and Building Location Verification

Chair Venuti noted the feedback received during the worksession.

Commissioners then commented on the following:

- lack of the perspective from a surveyor and emphasized the benefits from hearing from that profession
- enforcement of regulations
- Asbuilts

- Implementing requirements for interim check points on applications and permits and various other items such as surveys
- Property lines, corners marking

Deputy City Planner Engebretsen acknowledged that staff had their working points from the worksession and will start to address those things to have ready for the Commission.

INFORMATIONAL MATERIALS

- A. City Manager's Report for the March 26, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Heath Smith, resident, commented on the East End Mixed Use District and encouraged the codification and he was not sure what to think of a residential sprinkler system requirement. He believed requiring asbuilts would be a good thing and as far as he was aware all banks require them. He also encouraged the Commission to consider attaching a large fine if there is not an intermediate step and make it large, especially if they do not build to what they said they were going to. Mr. Smith also commented on building height being dependent on the location with regard to viewshed. He thanked the Commissioners.

COMMENTS OF THE STAFF

Deputy City Planner Engebretsen reminded the Commissioners of the City Planner's upcoming schedule, the Conditional Use Permit for the next agenda and cautioned about ex parte communications and thanked the Commission for a productive meeting.

Deputy City Clerk Krause commented on the Commission implementing fines would have the support of at least one person on Council referring to Council member Smith's comments.

COMMENTS OF THE COMMISSION

Commissioner Highland apologized for missing the worksession for some reason her packet did not have the worksession agenda. Hopefully they will have a new member soon.

Commissioner Bos good meeting tonight he thought everyone did a good job tonight.

Commissioner Bentz apologized for missing the last meeting as it appears there was a lot discussion on the Climate Action Plan, she saw that the Commission sent a request for further direction to the City Council and in three weeks she will be attending the National Adaptation Forum and potentially be bringing back materials for the Commission to use in any scoping projects and updating the plan; she appreciated the Mayor attending the worksession tonight and providing clarification on his vision and that was limited to clerk time and task force activity so keeping that in mind that the scope of what they can do at this time is building capacity in the future to updating that plan.

Commissioner Smith had no comments.

Commissioner Banks echoed the sentiments that it was a good meeting, appreciated having the contractors here tonight and agreed that if the Staff talked with the surveyors that would be adequate adding that in his opinion they did not need to have another worksession scheduled on the topic. W



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Staff Report PL 19-38

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: May 1, 2019
SUBJECT: Zoning Permit Process and Building Location Verification

Introduction

Currently, City code requires a Zoning Permit for all new residential construction in Homer. In order to gain this permit, the property owner must provide a site plan drawing depicting the proposed location of new buildings in relation to required setbacks; however, there is currently no mechanism for verifying the actual placement of new buildings covered by the permit.

An increased level of accuracy for building placement is beneficially to the community. Future owners and neighbors will be assured houses are not encroaching on a setback or worse – on their neighbor's property. Considering houses are permanent improvements that are often bought and sold repeatedly, their legal placement has a lasting effect on the built environment. Legally placed structures improve the overall quality of Homer's housing stock, furthering our Comprehensive Plan goals.

For these reasons, the commission is seeking a way to encourage new construction to adhere to proposed site plans and ensure buildings are placed in their proper location.

Analysis

Setback verification is common practice throughout Alaska and the nation. Some cities verify setbacks in the field during routine foundation inspections, while others require a surveyor to independently verify the setback. Many cities require in-field verification of foundation setbacks as well as as-builts, stamped by a licensed surveyor, upon project completion.

All examples of building setback verification that I could find in other communities had a common theme - a building inspection program. Homer's lack of a building department make it difficult to...well...perform inspections of this nature. The community's appetite for establishing a building department is unclear at this time. An effort toward this end will involve a larger community discussion with consideration of many more factors than what is on the table at this time - building placement is a small piece of this puzzle. Fortunately, three options have been identified

to provide better assurance of building placement, without imposing a building inspection program.

Option 1 - Require property owners to have a surveyor stake those portions of property lines nearest the building site, when the proposed building location is within 20 feet of required setbacks.

This option will ensure that the property owner knows precisely where their boundaries are in relation to the building site for those projects that have potential to encroach on setbacks. It will not verify the structure's location, but will greatly reduce the risk of improper placement by ensuring the property owner knows the precise location of their boundaries.

In practice, the property owner or contractor will need to schedule a surveyor in advance of their project and the cost of the surveyor's fieldwork will be relatively inexpensive. The property owner/contractor will assume responsibility for the building's location. The property owner would submit a City form (signed by the surveyor) verifying the property lines near the proposed building site, as indicated by the site plan, were staked prior to starting construction of the foundation. The property owner or contractor would have the freedom to pull their own control lines for the structure location, or have the surveyor do this work.

Option 2 - Require the property owner to have a surveyor verify the foundation location when the proposed building location is within 20 feet of required setbacks.

This is the only option that will verify the structure's location prior to construction for those projects that have potential to encroach on setbacks.

In practice, the property owner or contractor will need to schedule a surveyor during a specific window of time. The cost of the surveyor's fieldwork will be relatively inexpensive. The property owner would submit a City form (signed by the surveyor) verifying the foundation forms meet the setbacks, prior to pouring the foundation.

Option 3 – Require an as-built, produced by a licensed surveyor, upon project completion.

This option will result in a product that documents the finished improvement. It will not ensure the building meets setbacks, although, there may be added incentive for property owners to positively identify their lot lines and setbacks in advance of the project. In practice, this will not come with additional upfront costs or affect the project timeline, but the added cost of an as-built will be passed along to the property owner.

The as-built would be kept on file in the Planning Office. Our office will have little use for the document, although it may be useful for property owners looking to build additions or sell their property, as well as to prospective buyers of the property. Note that City code already requires commercial buildings to submit as-builts upon completion. (See attachment, HCC 21.70.040)

Staff Recommendation

I believe option 1 is the most practical action to take for encouraging new construction meets setbacks. Making sure property owners know where their property boundaries are, as they relate to their project, is the most important step toward ensuring buildings don't encroach on setbacks. This step alone will constitute a big step in the right direction.

Please discuss each option and make a recommendation for staff to draft code for one or more of the options.

Attachment:

City Code 21.70.040

21.70.040 Permit terms.

- a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in which to complete the work authorized by the permit. If the work is not completed within the time allowed, the City Planner may grant one reasonable extension for good cause shown. No additional extension will be granted, except upon the approval of the Commission for good cause shown.
- b. A zoning permit for a multiple-family dwelling or for a building or structure for commercial or industrial use shall require the applicant to submit to the City Planner, promptly after completion of the work:
1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all buildings and structures covered by the permit;
 2. An as-built schematic of the completed building(s) and structure(s) showing at least the perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and
 3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such codes adopted by the State of Alaska. [Ord. 08-29, 2008].

HOMER ADVISORY PLANNING COMMISSION
REGULAR MEETING
MAY 1, 2019

Mr. Latimer added that it has been replatted several times **it was originally in the 1970's and believed it was platted back in 1993.**

There was a brief discussion on the platting of the lot fronting Claudia Street.

Vice Chair Banks requested a motion.

HIGHLAND/BENTZ - MOVE TO ADOPT STAFF REPORT 19-36 AND RECOMMEND APPROVAL OF A PRELIMINARY PLAT TO SHIFT COMMON LOT LINE BETWEEN TWO PARCELS WITH THE FOLLOWING COMMENTS:

1. INCLUDE PLAT NOTE STATING PROPERTY OWNER SHOULD CONTACT ARMY CORPS OF ENGINEERS PRIOR TO ANY ONSITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION IF ANY. PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
2. SHOW AREAS OF SLOPE OVER TWENTY PERCENT (20 %) IN GRADE
3. VERIFY THAT LOT FIVE (5) MEETS THE MINIMUM LOT SIZE STANDARD OF FORTY THOUSAND (40,000) SQUARE FEET AS REQUIRED BY HOMER CITY CODE 21.12.040(A)(1)
4. PROVIDE A 15 FOOT UTILITY EASEMENT FRONTING THE ROW FOR LOT 6 ALONG CLAUDIA STREET AND LOT 5 ALONG WEST HILL ROAD

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Petska-Rubalcava returned to the table.

PENDING BUSINESS

A. Staff Report 19-37, Measuring Building Heights

Vice Chair Banks introduced the item into the record by reading of the title and invited City Planner Abboud to present the report to the Commission.

City Planner Abboud reviewed the report for the Commission.

There were no questions or comments from the Commission.

B. Staff Report 19-38, Zoning Permit Process and Building Location Verification

Vice Chair Banks introduced the item into the record by reading of the title.

Planning Technician Brown provided an introduction to Tom Latimer, surveyor and Pat McNary Project Manager stating they will be available for questions from the Commissioners tonight.

Planning Technician Brown reviewed his report for the Commission recommending Option 1 as the most practical for encouraging new construction meets setback requirements.

Mr. Latimer was invited to comment on the topic by Vice Chair Banks since they had not heard from a **surveyor's point of view**.

Mr. Latimer stated that Option 1 would satisfy 95% of the concerns that the Commission has with regard to the meeting the setback requirement, requiring asbuilts means the problem has already happened so get it staked before construction. Option 2 would present a scheduling nightmare. He noted that they have all built houses and been arguing with our significant others on whether it was here or there on the lot. He believed that as long as the corners are staked and the line gets pulled off of that you are good to go. He cautioned that in Anchorage the use of asbuilts have become a problem since they are only meant for a specific point in time but in Anchorage they are used for building permits all the time and that is not what they were created for, asbuilts may not reflect all additions or decks, porches, etcetera that may have been constructed since that asbuilt had been done. Asbuilts do not have title searches, they do not show all easements for the property such as viewshed or waterline.

Commissioner Highland requested clarification from the City Planner that Option 1 would be a requirement when that factor of within 20 feet of setback is in place.

City Planner Abboud confirmed that when someone submitted the site plan for their project and it indicated they were close to that distance it would be required.

Planning Technician Brown added that is somewhat arbitrary as the range of distance was 5-15 feet in other communities that did not have a building code. He chose a number from his experience and opined it was reasonable distance.

City Planner Abboud further explained that when a site plan is submitted it is supposed to be a scale drawing and should reflect the structures distances from various points such as other structures or property lines.

Commissioner Bos questioned if Planning Staff using available technology confirms the related easements and engineering that has been done on the parcel.

City Planner Abboud stated that they do not perform a title search but they do know what is available to the Planning Department. He then noted that most of these will apply to narrow lots.

Commissioner Bos stated that there is really not a lot of accountability, they do not have a particular worry with licensed contractors, but more of the home owner builder, but did not want to make it too onerous on the homeowner. He requested Mr. Latimer to provide the Commission his opinion on the subject.

Mr. Latimer agreed not wanting to make it onerous, this would not be producing documentation but only stakes in the field, you can go a step further to request a statement from the Surveyor on placement of stakes and pictures with an additional cost but those stakes will be gone with the construction. He agreed that a survey is invaluable to the property owner, he further stated that depending on the level of survey that the owner would like. It can be performed from just setting stakes to performing an ALTA Survey which is typically used for a high value commercial property that includes a title search. He further added that he would not purchase a property without a survey.

Commissioner Bentz appreciated the point expressed on the expiration and utility of asbuilts and that the value of requiring **Option 3 in her mind from the commission's previous discussions is it reduce the time** and capacity for staff to go out in the field and check the buildings location upon project completion so an asbuilt would be the client bringing proof that the building is located where it is supposed to be; and going forward on Option 1 is that just a verbal statement from the property owner or a written report that was provided to the Planning Department.

City Planner Abboud requested the Commission to provide exactly what conditions did they want to require an Asbuilt and what purpose that serves.

Vice Chair Banks commented that he believed from the comments of the Contractors that Option 3 would be the most useful, since the argument is that the property owner will be more aware of where the structure is placed knowing that they will be required to submit an asbuilt at the completion of the project. If you are out of place with your structure there will be consequences. As to what projects that would be applied to, that was a good question. He believed this discussion transitioned from the discussion on Conditional Use Permits and not knowing where they put the structure and that they did not encroach on the setbacks. Mr. Banks continued that any project within 20 feet of any setback would require an asbuilt. He requested feedback from Mr. Latimer.

Mr. Latimer agreed that it would certainly motivate the property owner and as with most surveyors he offers a discount if he has already staked the lines but noted what the City Planner commented on that once it is completed there is no options available. The property owner is going to ask forgiveness or not. He believed the property should be staked prior to the start of the property and then asbuilts upon completion would ensure that it complied.

Commissioner Bentz stated that there are different level of asbuilts with regard to commercial and residential as well as cost and going forward that the Commission could see the level of asbuilts that would be reasonable and definition of that would be good to see in the future.

Planning Technician Brown responded that they could perform that research and in response to a previous question on Option 1 what would it look like as verification they could develop a simple form to be completed by the surveyor. He will provide that information at a later meeting.

Vice Chair Banks requested confirmation that the Commission was not interested in Option 2. There was no dissent to his statement.

Vice Chair Banks requested confirmation from the Commission, that Option 1, with possibly Option 3, come back to them in more detail.

City Planner Abboud requested further clarification from the Commission on the conditions that they would exclude or not exclude, the Commission previously mentioned Conditional Use Permits which is a good start, a lot with no structure or shed over 200 sf. Is there any consensus now or they could go over it in a staff report.

Vice Chair Banks responded that maybe a permanent foundation, or an addition to the structure? It has been stated that having the asbuilt is potentially useful in determining what was there in the future.

Commissioner Bos requested clarification on an application for a Conditional Use Permit or any permit.

City Planner Abboud responded that they are all zoning permits to him. He was not speaking specifically on CUP.

Commissioner Bos continued by questioning if they should accept less than an asbuilt on a Conditional Use Permit. Also they currently put standard requirements on Preliminary Plats, lighting, etc. and how do we know they have done those requirements.

City Planner Abboud responded that they check the plats and the data on wetland mapping for their permits.

Planning Technician reviewed the Commissioners requests for additional information at the next meeting.

City Planner Abboud brought forward that they reduced the cost for porch permit, so was requesting clarification on the cutoff point, such as within 20 feet of setback, so a minor addition of a couple of feet extending from an existing structure would not require an asbuilt.

Commissioner Petska-Rubalcava requested information on what is leading this discussion and possible changes to be implemented and adding additional costs to the property owners.

City Planner Abboud provided some feedback and previous experience and trying to manage this reasonably in the future since at almost every meeting they discussion on a building department comes up.

Mr. Latimer provided information on an ALTA Survey explaining it is a term that will come up during the research staff will be conducting.

NEW BUSINESS

A. Staff Report 19-39, Review of Police Station Landscaping Plan

Vice Chair Banks introduced the item by reading of the title.

City Planner Abboud reviewed the report by referencing the drawing that was provided for the benefit of the commission. He did note that this action comes before the commission as a requirement to the CUP application and it is only for the Commission to review before he approves the plan.

City Planner Abboud noted that the City contracted with Brenda Adams with Gardens by Design for the Landscape Plan and then proceeded to point out the various areas where the plantings will be done. He mentioned that placement of Public Art so no planting will be done in front of the vehicle shed along Heath Street.

Pat McNary, Project Manager, took the requirement seriously on bringing this plan back before the Commission and consideration for non-moose attracting plants, explaining that Ms. Adams had exerted great effort and diligence in providing plants that will be attractive, provide texture and color throughout most of the year plus make the site very aesthetically pleasing.

INFORMATIONAL MATERIALS

- A. **City Manager's Report for the April 8, 2019 Homer City Council meeting**
- B. Kenai Peninsula Borough Notice of Decision for Commercial Park Unit 2 Preliminary Plat

COMMENTS OF THE AUDIENCE

Mr. McNary, city resident, commented that he has been building in Alaska for 42 years and having a requirement of a survey as a condition since we do not have inspectors or the codes, he thought it was a great idea, just a great idea.

COMMENTS OF THE STAFF

Deputy City Clerk Krause commented that it was an informative meeting.

COMMENTS OF THE COMMISSION

Commissioner Highland wished everyone a Happy May Day.

Commissioner Bos complimented Vice Chair Banks on running an efficient meeting.

ADJOURN

There being no further business to come before the Commission, the meeting adjourned at 8:04 p.m. The next regular meeting is scheduled for Wednesday, May 15, 2019 at 6:30 p.m. in the City Hall Cowles Council Chambers. There is a worksession scheduled at 5:30 p.m. prior to the meeting.

RENEE KRAUSE, MMC, DEPUTY CITY CLERK

Approved: _____



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Staff Report PL 19-54

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: June 5, 2019
SUBJECT: Zoning Permit Process and Building Location Verification

Introduction

This topic began with the desire of some commissioners to increase the application standard for CUPs and better ensure CUP compliance. This can be done by requiring a survey or as-built as part of the CUP application and another as-built upon project completion. Additionally, requiring property lines to be staked by a licensed surveyor for buildings that are proposed near setbacks has been brought forth as a way to prevent buildings from being built in an illegal location. Staff has proposed some options for adding additional permitting standards to CUPs.

New permitting standards

At the last meeting, the commission generally agreed that verifying foundation locations during construction is impractical for a variety of reasons. Instead, we are looking at two other ways to better ensure legal building placement; by requiring as-builts upon project completion or by requiring property owners to have their property lines staked by a licensed surveyor prior to construction. The commission asked for some more information about as-builts, so I have provided a summary of my research below.

As-builts

An as-built is a survey to physically locate structures and improvements on a parcel of land. Local authorities commonly require them prior to issuance of Certificates of Occupancy. For larger projects, contractors use them to track progress and ensure projects are built according to plans and in compliance with local codes. Lenders or title companies commonly use them for mortgage purposes. The information included in an as-built survey will vary depending on its purpose.

The highest standard, known as an ALTA land survey, is used for titling insurance purposes for larger commercial projects that will carry a special title insurance endorsement, offering greater protection of the investment. It will involve much research and time and will establish or reestablish boundaries, resolve property line discrepancies, show all easements and encroachments, address legal access, zoning rules, as well as show improvements. For the

typical residential mortgage, a much more simple form of as-built is utilized. These as-builts will show improvements, but not include boundary monumentation, and may not show all easements on the property. One of the title companies in Homer will typically require this simple type of mortgage as-built for new construction or when the property hasn't had an as-built documented in past transactions.

As pointed out by Syverine at the last meeting, requiring an as-built upon project completion will provide a mechanism for staff to document finished projects and close out permits. It may also provide an incentive for property owners to hire a surveyor earlier on in their project, knowing that one will be needed by the end of the project.

Staking property corners

Requiring property owners to have a surveyor mark their property lines, for those projects that have the potential to encroach on setbacks, will likely greatly reduce the risk of improper building placement. This has been discussed thoroughly in past meetings.

Staff Recommendation

Discuss the following four options and vote on a motion to apply one of them as a new standard for CUP projects.

Option 1A – Require an as-built upon project completion for all CUPs.

Option 1B–Option 1A AND require a current as-built as part of the CUP application, for those properties with existing improvements.

Option 1C – Require property lines be staked by a licensed surveyor prior to construction for all improvements that are proposed within 20 feet of a required setback, for all CUPs.

Option 1D – Option 1C AND require an as-built upon project completion for all CUPs.

Further discussion included the points of fire suppression and any building over the current 35 feet and the requirement to be sprinklered; not allowing residential in such buildings. Questioning if this should be limited to marine industry; what other additional other businesses that could be accommodated such as possibly a factory are unknown; no hotels could be built in the district; the ability to move vessels without the requirement to dismantle technology, antennas, etc; storage garages for large vessels, buses, RV's; stackable recreational storage facilities; improvements to the economy of the marine industry to bring real paying jobs to Homer; Fire Marshal approval would be a requirement; Conditional Use Permit is preferred for buildings over 35 feet, non-residential structural.

City planner Abboud provided clarification on the effect of negative impact is to the residential qualities over business would not stand so much in the East End Mixed Use District. He cited examples of areas in the Lower 48 where one sees an industrial area and then one lone single residential property.

There was no further discussion.

B. Staff Report 19-54, Permitting requirements – asbuilts

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-54 and noted the following:

- Applies to the CUP process only
- If included in the permitting process overall then what would they exclude if anything
- Implementing a steep fine if done wrong
- Enforcement issues
- No Construction/Building Department

Discussion ensued on the following by the Commission and City Planner:

- Application for a Conditional Use Permit the applicant should provide a survey or an asbuilt and then they should provide a confirmation from the surveyor at completion.
- Not all CUP applications are the same, the owner/builder should not have to go through a public process which can be trying not to mention those requirements can cause undo expense
- Having a survey on the property will provide value to the property
- Depending on the type of survey they do not show all easements, boundary monumentation, only improvements if any, so a question would be if everything is not shown on the plat who would be liable.
- Any changes would have to be recordable to be found and while ALTA surveys would be best this process is the best until the City adopts building codes.
- The Commission only sees the Conditional Use Permit applications and does not review and see all the Building Permits.

- The type of Building Permit applications received by the Planning Department can be as conceptual sketch on a napkin to engineered drawings.
- Homer is the exception with not having a Building Department for a municipality of its size.
- They could apply this requirement on all building permits to require a survey
- Current projects are being inspected and built according to Standard International and National Standards which is being driven by the Financing industry.

Chair Venuti called for a recess at 8:28 p.m. The meeting was called back at 8:32 pm

The Commission discussed their preferences in the Options provided and discussed and whether it applied only to CUP's or all Building Permits within the 20 foot setback or not and it could be relevant to building location and septic.

Chair Venuti called for a motion.

Commissioner Highland provided some direction to Commissioner Smith on how he could formulate the motion needed.

Commissioner Bos requested clarification on including the 20 foot setback specificity within the motion providing his recall of the input from the surveyors.

PETSKA-RUBALCAVA/BOS – MOVED TO REQUIRE PROPERTY LINES BE STAKED BY A LICENSED SURVEYOR PRIOR TO CONSTRUCTION FOR ALL IMPROVEMENTS AND FURTHER REQUIRE AN ASBUILT BE DONE UPON PROJECT COMPLETION.

City Planner Abboud explained that staff would bring something back at the next meeting for further review and possible discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A.** City Manager's Report for the May 28, 2019 Homer City Council meeting

COMMENTS OF THE AUDIENCE

Kim Seymour, city resident, stated that he decided to hang out to see what the Commission does and then commented in support of the idea of raising the building height testifying that



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Staff Report PL 19-58

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud, City Planner
FROM: Travis Brown, Planning Technician
DATE: June 19, 2019
SUBJECT: Zoning Permit & CUP Requirements

Introduction

At the last meeting, a motion was passed that made clear that the Commission's wishes to have property lines be staked by a licensed surveyor prior to construction for all improvements and to require an asbuilt be submitted upon project completion. Staff is working on recommendations to amend title 21 that will be presented and voted on at the July meeting.

The staff recommendations will be in consideration of current permitting procedures so that the resulting changes will be practical to implement and enforce. Title 21 will be reviewed so the recommended changes are clear and avoid creating conflicting rules.

Some of the things under consideration are:

- Which projects will trigger staking? All new construction? All new construction within a certain distance of the property lines? Only additions/remodels over a certain market value such as \$5,000?, \$10,000?, more or less? Only construction exceeding a certain building footprint area?
- Which projects will trigger an as-built submittal? All new construction? Only additions/remodels over a certain market value such as \$5,000?, \$10,000?, more or less? Only construction exceeding a certain building footprint area?
- What is the timeframe requirement for submitting asbuilts? Upon project completion? Prior to the expiration of the zoning permit, 18 months from start?
- At what phase of the project will staking be required? Prior to applying for a zoning permit? Prior to start of construction?
- How will our office verify that staking has been done? Require the applicant to provide a form filled out by a surveyor? What specific information will we need from the surveyor?
- How will our office process, file, and retain the additional paperwork?
- Will projects that required a CUP be treated differently?

Staff Recommendation:

While the administrative questions will need to be resolved by staff, additional commission discussion on some of these questions will be helpful. Please discuss the first two bullet points and, if a consensus is reached, make a motion.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

A. Staff Report 19-58, Zoning Permit & CUP Requirements

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

City Planner Abboud reviewed Staff Report 19-58 for the Commission.

City Planner Abboud provided input on the actions that would be required of the Planning Staff. He noted that the Commission did discuss requiring an asbuilt for a CUP application.

Chair Venuti inquired how they would handle enforcement since that did not appear to be addressed.

City Planner Abboud responded that they would have to insert the requirement and determine the time frame that the applicant would need to respond.

Commissioner Bentz supported all new construction and addition remodels within a certain distance of setback or property lines.

Commissioner Petska-Rubalcava requested clarification on the existing requirement of a zoning permit for anything greater than 200 square feet.

City Planner Abboud responded that was correct and it could be separate utility shed.

Further comments and opinions were expressed by Commissioners on the triggers that would require providing a survey in regards to the goals of implementing these requirements.

Commissioner Smith related his personal experience with his existing Home Owners Association.

There was further comments and discussion on drafting permitting procedure to test with variables, existing metal property markers, previously agreed upon triggers of being within 5 feet of property line or setbacks; the costs to make the requirement even on large parcels; surveys or asbuilts provide added value to a parcel; there is a gap in the requirement and benefit between the property owner and the city; a survey only shows the property in relationship to the property lines and is normally required to finance a purchase.

Commissioner Smith asked, if understanding that a survey could affect the value of a property, do we all agree that holding all builders, whether professional or owner-builder, accountable for construction position is the reason that the Commission is having this discussion.

The Commissioners agreed by consensus to the statement.

Commissioner Smith continued by stating that the task for the Commission is determining how that will get done. He acknowledged that added value is a side benefit, but that the Commission should start with the areas that they agree upon.

Commissioner Bentz offered that they should not use market value but should use distance from setback lines, property lines or easement if the goal is to focus on location.

Commissioner Smith inquired if there was any objection to applying that to all new construction. He stated that they will have a system of accountability for all new construction including a vacant lot having its first structure or a lot that has an existing structure adding another structure or expansion to a current structure.

Commissioner Bos agreed with that statement and Commissioner Bentz disagreed stating that they need to determine what the amendments apply to (scope) and then what those amendments are; Commissioner Bentz further recommended that they get Title 21 with actionable practical amendments and walk through a couple of different projects and scenarios to make sure it is not too onerous for low risk, small projects and covers all the bases for larger, high risk projects.

Commissioner Smith suggested that the Commission have a worksession.

SMITH/BOS MOVED TO HOLD A WORKSESSION IN THE NEAR FUTURE TO CONTINUE DISCUSSION ON THE ISSUE.

A brief discussion to clarify the request from Staff for a decision to be made at the July meeting and City Planner Abboud noted that it was up to the Commission. Staff was trying to facilitate completion of the process.

Discussion ensued on the variables that could affect the requirement of a survey and what impacts that enforcement and requirement for construction of structures on property and what that would mean to property owners and city staff in regards to paperwork and follow-up.

Commissioner Smith requested the City Planner to provide polar opposites to review at the worksession.

City Planner Abboud referencing the map provided for the previously approved plat on page 80 of the packet as an example and stated that he will go through the previous year's applications as scenarios.

Commissioner Petska-Rubalcava requested City Planner Abboud to create a statement such as, "within 30 feet of property or at City Planner's discretion."

Commissioner Bentz requested a draft of the permitting procedure in place so that the Commission can stress test the variables. She repeated the variables for the City Planner to present 1. Applicant brings in a site plan which would trigger potential staking by a Surveyor; 2. Form completed by the Surveyor confirming such was accomplished; and 3. Asbuilt of completed construction project.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Chair Venuti called for a recess at 7:51 p.m. The meeting was called back to order at 7:55 p.m.

B. Staff Report 19-59, Building Height in the East End Mixed Use District

Chair Venuti introduced the title into the record.

City Planner Abboud provided a summary of Staff Report 19-59 confirming the actions of the Commission at the last meeting as follows:

- Residential units should not to exceed the current 35 foot height limit
- A CUP should be required for buildings over 35 feet up to the 75 foot height maximum
- Access and sprinklers would be a potential requirement of the State Fire Marshal

City Planner Abboud noted that Staff is still performing research on concerns of taller buildings in relationship to the airport, there are requirements already in effect that trigger FAA review, buildings over 200 feet and telecommunication towers regardless of proximity to the airport.

Discussion on the following:

- How a setback from a property line was determined was an "it depends" situation
- If there was concern with how close, for example two 70 foot buildings, were constructed. City Planner Abboud will check with the Fire Chief and get his input.
- The difficulty in access and fighting a structure fire in a structure of this size
- Possible State Fire Marshall requirements
- CUP required for any building over 35 feet will be presented before the Commission and through the CUP it will be determined if a building that is 75 feet will impact adjacent property values
- All conflicts will be resolved in favor of the business



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Staff Report PL 19-75

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: August 21, 2019
SUBJECT: Permitting

Introduction

After getting bumped from the last few work sessions, we have time to discuss permitting requirements.

Analysis

The Commission requested a work session to see a draft form of code that would be addressed by three items. I have attached a document that shows the sections of code, it is not in a final draft form. It shows the sections of code that would be impacted by the proposed regulations including after-build surveys, marking of property boundaries, and using surveys for site plans.

HCC 21.70 contains all the language associated with zoning permits. In addition to this section, we would have to address the site plans per HCC21.73, as a CUP does not have a requirement to produce a zoning permit for the application. Finally, we would need to address any physical siting requirements for staking in the site development standards section. I will note that this is yet another item that would traditionally be addressed in the building section of code, which would be administered by a building official. All three of the items will introduce additional work load which, hopefully, will be reasonable to enforce.

In consideration of the operational ability of the office, I would like the commission to consider rolling out the item of highest value first to gain some experience with compliance. I address the items individually below.

After construction as-built survey

I believe that the highest value item out of the three is the after-build as-built survey. This would provide the office with a certification that the improvements have met the regulations. While it may take some wrangling to ensure submittal, the timeframe for submittal should be sufficient for the applicant and does not introduce delays to project timeframes when surveyors are not immediately available. It would also likely influence a more thoughtful

structure siting process. The as-built survey will also have value to the property owner as a useful document at sale or for use in consideration of future improvements. This item can be address in HCC 21.70.040, Permit terms lines 95-105.

Staking of property lines

Here is the building department item. For lack of a better place, such as Title 12 where building code would go, we can locate this item in the development standards. Since the 3 levels of standards are not built upon as the level increases, it requires an addition to all three developmental standards found in code in code (lines 190-201).

Staking could be practical if it is in a reasonable relation to the actual construction or the development is found precariously close to a setback. Perhaps it would be better addressed to only be necessary if a development is proposed to be within several feet of a setback.

As-built/survey use for site plans

I find that this item is not particularly popular in smaller communities. I find it unnecessary for someone to use a survey on an unimproved property when a plat or diagram would produce the same results while providing no superior guidance in the field. A survey may be beneficial when a property already has improvements. If this item is still entertained by the commission, I would recommend that it is only necessary if improvements already exist on the lot and/or in the case of a CUP with existing improvements.

You will see throughout the code words in red. These are the places that we may change to require a survey for a site plan.

Summary

I hope we all have an understanding of the value of the proposed items verses the scale of the issues. We have actually have had very few structures misplaced in a way that would render the structure non-compliant with code, I can only think of three times in particular over the last 11 years.

We can hold applicants to a higher standard for submittal using the code now in effect. Perhaps we might find out more about the accuracy of construction with the requirement of an after build as-built survey. I remain concerned about creating unavoidable delays for those that may not be able to jump to the front of a surveyors work list when someone is ready for construction, creating a requirement that is not particularly practical, and the additional staff workload.

Staff Recommendation

Discuss and provide further direction.

Att. Working code 2.0

1 **21.70.010 Zoning permit required.**

2 a. Except as provided in subsection (c) of this section, a zoning permit shall be obtained from the City
3 Planner for the following:

- 4 1. Erection, construction or moving of any building or structure.
- 5 2. Site development activities that trigger other review or approval requirements under the
6 Homer Zoning Code, such as, but not limited to, the requirement of a site plan, development
7 activity plan or stormwater protection plan.
- 8 3. An increase in the height, or an exterior dimension of any floor, of an existing building, or an
9 increase in the height, or the footprint area, of an existing structure.
- 10 4. A change or expansion of the use of a lot.

11 b. The zoning permit required by this section shall be obtained prior to the commencement of any
12 activity for which the permit is required. Failure to do so is a violation.

13 c. The following are exempt from the requirement to obtain a zoning permit, but not from compliance
14 with applicable requirements of the Homer Zoning Code, such as, but not limited to, the development
15 activity plan or stormwater protection plan:

- 16 1. Any change to an existing building that does not increase the height, or exterior dimension of
17 any floor, of the building, and any change to an existing structure that does not increase the
18 height, or footprint area, of the structure.
- 19 2. Erection or construction of a one-story detached accessory building used as a tool and storage
20 shed, playhouse, or other accessory use, provided the building area does not exceed 200 square
21 feet; and further provided, that there is already a main building on the same lot.
- 22 3. Erection or construction of a communications tower with a height not exceeding 35 feet, or
23 an amateur radio tower.
- 24 4. Fences or walls used as fences, unless otherwise regulated by the Homer City Code.
- 25 5. Removal of any building or structure.
- 26 6. Termination of any type of use. [Ord. 14-18(A)(S-2) § 6, 2016; Ord. 14-56(A) § 1, 2015; Ord.
27 08-29, 2008].

28 **21.70.020 Application.**

29

30 a. Only the owner or lessee of the lot or a person authorized in writing by the owner or lessee may apply
31 for a zoning permit. The City Planner may require the applicant to submit proof of authority to apply for
32 a zoning permit.

33 b. All applications for zoning permits shall be on forms furnished by the City. The application shall
34 require the following information:

- 35 1. The name, residence address, and mailing address of the applicant, the owner of the lot, and
36 any lessee of the lot.
- 37 2. The legal description and street address of the lot.
- 38 3. A narrative description of the intended use of the lot, building, or structure.
- 39 4. The zoning code use classification under which the permit is sought.
- 40 **5. If construction or a new or changed use under a zoning permit will change the quantity or**
41 **location of required off-street parking, a survey, plat, or plan, drawn to a scale of not less than**
42 **one inch equals 20 feet showing the actual dimensions of the lot, the exact location of the**
43 **buildings and structures erected or to be erected thereon, adjacent street rights-of-way, utility**
44 **easements and facilities, building setbacks, drainage, parking lot ingress and egress points,**
45 **driveways, parking lot aisles, and the number and location of off-street parking spaces and**
46 **loading spaces. Where off-site parking will be provided to meet a requirement for off-street**
47 **parking, a similar survey, plat or plan also shall be provided for the off-site parking,**
48 **accompanied by the document required by HCC 21.55.060(d). A site plan prepared according**
49 **to Chapter 21.73 HCC may be substituted for the survey, plat, or plan required by this**
50 **subsection.**
- 51 **6. For new buildings or structures, or for changes to the exterior dimensions of existing**
52 **buildings or structures, the survey, plat, or plan required by subsection (b)(5) of this section**
53 **also plan and elevation drawings of the buildings and structures erected or to be erected**
54 **thereon. A site plan prepared according to Chapter 21.73 HCC may be substituted for the**
55 **survey, plat, or plan required by this subsection.**
- 56 7. Copies of any building permits or other permits required by applicable Federal, State or local
57 law or regulations.
- 58 8. Copies of approved plans or other submittals that may be required by code, such as, but not
59 limited to, traffic impact analysis, development activity plan, and stormwater plan.
- 60 9. Such additional information as the City Planner shall require to enable the City Planner to
61 determine whether the application satisfies the requirements for issuance of a permit.
- 62 10. The applicant's signed certification that all the information contained in the application is
63 true and correct. [Ord. 09-12(A) § 4, 2009; Ord. 08-29, 2008].

64 **21.70.030 Permit issuance and denial.**

- 65 a. The City Planner will review the application to determine whether the proposed building or structure,
66 and intended use, comply with the zoning code and other applicable provisions of the City Code, and to
67 determine whether all permits and approvals required by applicable Federal, State, or local law or
68 regulation have been obtained. The City Planner may also refer the application to other City officials for
69 review, comment or approval for compliance with applicable City Code. If the application meets all of
70 the requirements, the City Planner will issue a written zoning permit.

71

72 b. The City Planner will deny a zoning permit if the application is incomplete or the City Planner
73 determines that the application does not meet all the requirements for issuance of a zoning permit. A
74 denial must be in writing and state the reasons for denial. It shall be promptly given to the applicant. If
75 an application is denied because of incompleteness, the applicant may resubmit the application at any
76 time, supplying the missing information.

77 c. In granting a zoning permit, no City official or employee has authority to grant a waiver, variance, or
78 deviation from the requirements of the zoning code and other applicable laws and regulations, unless
79 such authority is expressly contained therein. Any zoning permit that attempts to do so may be revoked
80 by the City Manager as void. The applicant, owner, lessee, and occupant of the lot bear continuing
81 responsibility for compliance with the zoning code and all other applicable laws and regulations.

82 d. If the City grants a zoning permit when the applicant has not obtained all necessary permits or
83 approvals from the Federal, State, or other local governments or agencies, or has otherwise failed to
84 satisfy all the requirements for a permit, neither the City, the City Planner, or any other City officer or
85 employee shall be liable to any person for any consequences thereof. The applicant, owner, lessee, and
86 occupant of the lot are solely responsible to ensure that all required permits and approvals have been
87 obtained, and the issuance of a zoning permit by the City does not excuse any such
88 requirement nor does it constitute a warranty or representation that all required permits and approvals
89 have been obtained from the Federal, State, or other local governments or agencies. [Ord. 08-29, 2008].

90 **21.70.040 Permit terms.**

91 a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in
92 which to complete the work authorized by the permit. If the work is not completed within the time
93 allowed, the City Planner may grant one reasonable extension for good cause shown. No additional
94 extension will be granted, except upon the approval of the Commission for good cause shown.

95 **b. Any zoning permit for a building or structure shall require the applicant to submit to the City**
96 **Planner item 1 below.** A zoning permit for a multiple-family dwelling or for a building or structure for
97 commercial or industrial use shall require the applicant to submit to the City Planner **items 1-3 below.**
98 **All items shall be submitted** promptly after completion of the work:

99 **1. An as-built survey, completed by a licensed surveyor, of the location, foundation,**
100 **dimensions, and proximity to all lot lines of all buildings and structures covered by the permit;**

101

102 **2. An as-built schematic of the completed building(s) and structure(s) showing at least the**
103 **perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and**

104 **3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such**
105 **codes adopted by the State of Alaska. [Ord. 08-29, 2008].**

106 **21.70.050 Permit – Public display.**

107 a. All permits issued under this chapter, including amendments and extensions, shall be displayed for
108 public inspection in a prominent place, readily viewable from the nearest street, at the site for which the

109 permit was obtained. The permit shall be on display prior to commencement of any work at the site and
110 remain on display until all work is completed.

111 b. The display of the permit constitutes the property owner’s implied consent to the public to enter
112 upon the property as reasonably necessary to inspect the permit at the point of display, and no person
113 shall impede the access of the public to that point for the purpose of inspecting the permit. [Ord. 08-29,
114 2008].

115 **21.70.060 Permit – Fee.**

116 The applicant for a zoning permit shall pay a fee according to the fee schedule established by resolution
117 of the City Council. No application shall be processed until the fee is paid. [Ord. 08-29, 2008].

118 21.70.070 Other permits under zoning code.

119 Nothing in this chapter shall relieve the applicant of the obligation to obtain a conditional use permit,
120 sign permit, variance, or other permit or approval required by other provisions of the zoning code. The
121 zoning permit required by this chapter shall be in addition to any other applicable permit or approval
122 requirements. If any such additional permits or approvals are required, they must be obtained prior to
123 the issuance of the zoning permit under this chapter. [Ord. 08-29, 2008].

124 21.70.080 Revocation of permit.

125 a. The City Planner may revoke a permit for cause, including but not limited to any of the following:

126 1. The application for the permit contained any error, misstatement or misrepresentation of
127 material fact, either with or without intention on the part of the applicant, such as might or
128 would have caused a denial of the permit or the inclusion of additional conditions or
129 requirements.

130 2. Any material change in the location, size, or shape of the building or structure made
131 subsequent to the issuance of a permit, except pursuant to written amendment of the zoning
132 permit approved by the City Planner.

133 3. Any material change in the use or intended use of the building, structure, or land made
134 subsequent to the issuance of a permit, except pursuant to written amendment of the zoning
135 permit approved by the City Planner.

136 4. The failure to comply with the terms of the zoning permit or the failure to complete the work
137 authorized by the zoning permit within the time allowed in the permit, including any extensions
138 that may be granted.

139
140 b. Prior to revoking a permit, the City Planner shall give the applicant, property owner, or lessee affected
141 by the revocation notice of the grounds for revocation and a meaningful opportunity to be heard
142 concerning those grounds. If after such hearing the City Planner determines the permit shall be revoked,
143 the City Planner shall prepare and promptly deliver to the interested parties a written decision stating
144 the grounds for revocation and citing the evidence in support thereof. The City Planner’s written
145 decision may be appealed. [Ord. 08-29, 2008].

146 21.70.090 Occupancy without a permit prohibited.

147 No person shall use or occupy a building or structure that has been erected, constructed, enlarged,
148 altered, repaired, moved, improved, or converted after January 1, 2000, without a properly issued and
149 unrevoked zoning permit required by this chapter. [Ord. 08-29, 2008].

150 **21.73.010 Site plan – General.**

151 a. When a site plan is required by other provisions of the zoning code, the applicant shall submit to the
152 City Planner for approval a site plan prepared in conformance with this chapter.

153 b. The level of site plan required is specified in the applicable zoning district regulations. If the level is
154 not specified, a level one plan is required. [Ord. 08-29, 2008].

155 21.73.020 Site plan – Level one.

156 A level one site plan shall show on a **survey, map or plan** of the subject property, drawn to a scale of not
157 less than one inch equals 20 feet, all of the following:

158 a. The precise location of the lot boundaries and all setbacks and easements.

159 b. The precise location and dimensions of all existing and proposed structures, including any proposed
160 changes to the exterior dimensions of existing structures.

161 c. Elevation drawings and dimensions of all existing and proposed structures, including any proposed
162 changes to exterior dimensions of existing structures.

163 d. Existing site features and conditions, including topography, drainage, streams, water bodies,
164 wetlands, lines of mean high tide, storm berms, areas prone to erosion, and the general location of
165 vegetation.

166 e. The precise location of all existing and proposed structures in relation to existing and proposed
167 streets and other rights-of-way.

168 f. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns
169 into and out of the site and to and from all parking areas.

170 g. On-site traffic and pedestrian circulation systems, and a detailed parking plan.

171 h. Pedestrian access to adjacent public lands, waters, walkways and trails. Where practical, safe, and
172 where other means of access have not been provided, access easements may be required.

173 i. A grading and drainage plan indicating all cuts, fills and areas of disturbance. The plan shall display
174 elevation changes and cut and fill quantities.

175 j. The location of the site in relation to other existing uses on neighboring properties. [Ord. 08-29, 2008].

176 **21.73.030 Site plan – Level two.**

177 A level two site plan shall show on a **survey, map or plan** of the subject property, drawn to a scale of not
178 less than one inch equals 20 feet, all of the following:

179 a. All information required by HCC 21.73.020(a) through (e);

- 180 b. Access, including proposed driveway and curb cuts, with arrows indicating vehicular traffic patterns
181 into and out of all loading berths or areas;
- 182 c. Turning radius for vehicles;
- 183 d. The location and proposed screening of open storage areas;
- 184 e. Basic floor plans and location of all existing and proposed structures;
- 185 f. Location of utilities;
- 186 g. Proposed signs and lighting;
- 187 h. The location of the site in relation to residential uses and other existing industrial uses on adjacent
188 properties;
- 189 i. Location of snow storage. [Ord. 08-29, 2008].

190 **21.50.020 Site development standards – Level one.**

191 **e. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**
192 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**
193 **property has been staked shall be provided to the Planning Office.**

194 **21.50.030 Site Development Standards – Level 2**

195 **g. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**
196 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**
197 **property has been staked shall be provided to the Planning Office.**

198 **21.50.040 Site development standards – Level 3**

199 **c. prior to any on-site construction of a building or structure requiring a zoning permit the subject lot**
200 **shall have the corners staked. A stamped communication of a licensed surveyor certifying that the**
201 **property has been staked shall be provided to the Planning Office.**

202

203



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

City of Homer Agenda

Advisory Planning Commission Work Session
Wednesday, August 21, 2019 at 5:30 PM
City Hall Cowles Council Chambers

CALL TO ORDER, 5:30

P.M. AGENDA APPROVAL

DISCUSSION TOPIC(S)

- a. Staff Report 19-75, Permitting **page 33 of the regular meeting packet**

COMMENTS OF THE AUDIENCE (3 minute time limit)

ADJOURNMENT

Next Regular Meeting is WEDNESDAY, SEPTEMBER 4, 2019 at 6:30 P.M. in the Cowles Council Chambers located at City Hall, 491 E. Pioneer Avenue, Homer, Alaska.

Session 19-15, a Regular Meeting of the Homer Advisory Planning Commission was called to order by Chair Venuti at 6:31 p.m. on August 21, 2019 at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

PRESENT: COMMISSIONERS HIGHLAND, BOS, BENTZ, SMITH AND VENUTI

ABSENT: COMMISSIONER PETSKA-RUBALCAVA (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

The Commission met at 5:30 for a worksession on Staff Report 19-75, Permitting

APPROVAL OF THE AGENDA

Chair Venuti called for a motion to approve the agenda.

HIGHLAND/BENTZ – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENT ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

ADOPTION OF CONSENT AGENDA

a. Approval of minutes of July 17, 2019

Chair Venuti requested a motion to approve the Consent Agenda.

HIGHLAND/SMITH – SO MOVED.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

Chair Venuti closed the Public Hearing upon seeing no one from the public coming forward to provide further public testimony on the issue.

Chair Venuti opened the floor to questions from the Commission.

BOS/BENTZ MOVE TO ADOPT STAFF REPORT 19-74 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HCC 21.14.020 AND HCC 21.26.020 PERMITTED USES AND STRUCTURES TO ALLOW MANUFACTURING, FABRICATION AND ASSEMBLY AS A PERMITTED USE.

A brief discussion by the Commission on this action cleaning up the city code, the possible nuisances, this was not the place to address that in the code; and the City seeing an increase in businesses.

VOTE. NON-OBJECTON. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

A. Staff Report 19-75, Permitting

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

City Planner Abboud noted that the Commission discussed this at the worksession and requested a summary from of the discussion from a Commissioner as he was unsure that he could do justice to classify that discussion since they covered all three topics.

Commissioner Bentz reported that the Commission discussed the following for the record:

- Several options to improve applicants site plans including preconstruction surveys, supplying preconstruction asbuilts of existing structures, staking of property lines
- Recommend changing the code to contain the after construction asbuilt survey and to change the application procedure to have some recommendation or best practices for the preconstruction items.

Chair Venuti inquired if Commissioner Bentz wanted to make that a motion.

BENTZ/SMITH - MOVED TO ADOPT CHANGES TO 21.70.040 PERMIT TERMS, LINES 90-105, PAGE THREE OF THE ATTACHMENT WORKING CODE 2.0., PAGE 37 IN THE PACKET.

Discussion ensued on the proposed changes believed to be the most logical change to the city code and regulations going forward; there have been many discussions on the topic by the

commission and that the professional community recommended this option and would not be overburdened by this on new projects going forward as well; and be efficient for the planning staff to perform follow-up when completed.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Bentz requested to see the checklist for the permits when they come in so the Planning Commission can see where they can make some additions such as when the application is within 10 feet of the setback or easement the Planning Commission can recommend or highlight different tools available to the applicant to ensure that the code is followed.

City Planner Abboud requested clarification on what Commissioner Bentz was requesting and that it was an administrative duty and was not necessarily something the Commission needed to review.

There was a brief discussion on the checklist and getting Planning Technician Brown involved and receiving legal input, this was an administrative function and did not want a two page or longer document that may be burdensome to the builder. He additionally commented on time limits.

Commissioner Bentz explained that the desire to provide education to the applicants and highlight the possible reparations if the applicants did not comply with the requirements.

Commissioner Bentz reiterated the application coming back before the commission if the applicant is non-compliant.

Commissioner Smith recalled a CUP coming before the Commission and the color scheme is on the polar opposite of what was reported on the application and how would they address an issue like that.

Commissioner Bentz stated that there was no motion it was just a request to the Planning staff.

NEW BUSINESS

INFORMATIONAL MATERIALS

- a. Memo from the Homer Planning Commission to Mayor Castner and the Homer City Council RE: Ordinance 19-19(s) providing water outside of City Limits p. 41
- b. City Manager's Report to Homer City Council August 12, 2019 p. 51



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 PL 19-88

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: October 16, 2019
SUBJECT: Permitting

Introduction

I have created a draft ordinance for the Commission review prior to holding a public hearing.

Analysis

After incorporating the recommendation of the Commission, we have a draft ordinance to review prior to holding a public hearing. I plan to have an attorney review the proposal prior to public hearing. I added that all zoning permits for all buildings and structures be subject to item 1 on lines 42 and 43, submission of an as-built survey after completion.

Currently, the code requires multifamily, commercial, and industrial projects to submit items 1 through 3 as described on lines 42-47. I would like the Commission to give consideration to amending the code regarding items 2 and 3.

Item 2, lines 44-45

This item overlaps with item 1 and requires additional information regarding entrances, driveways, parking and loading areas. Entrances are readily apparent and it is just not necessary to verify with an as-built schematic. Driveways are permitted and inspected by public works. This leaves parking and loading areas. Once an as-built is submitted, parking and loading areas are easily determined as defined by the approved site plan.

Item 3, lines 46-47

This item is a bit confounding to me. It asks for proof of compliance with codes adopted by the State of Alaska. This is Fire Marshall territory. I'm not sure why we would want to spend time doubling up on code that is already enforced by another agency. We are in contact with the Fire Marshal's office at least annually and provide them with all permitting information and any other concerns we see with compliance.

I feel uneasy relying upon 'self-reported' information. We do not have anyone with the city that is qualified to verify any of the information. Building codes are somewhat of a moving target and it can become complicated documenting additions. If we feel that compliance with

buildings codes is a priority, then we should adopt code and hire someone qualified to inspect and enforce. If somehow it was reported that something was not built to code, I would have to rely upon the efforts of some third party, but I would likely just report it to the Fire Marshal.

Checklist

We are drafting an updated zoning application form and intend to create a type of best practices document that will provide information about siting improvements. If this is not completed prior to the meeting, we will follow up and provide the Commission a chance for input.

Staff Recommendation

Please consider amending items 2 and 3 and make a recommendation for a public hearing.

Att.

Draft Ordinance

Draft zoning application

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

3 Planning

4 **ORDINANCE 19-xx**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO
8 REQUIRE AN AS-BUILT SURVEY BE SUBMITTED TO THE CITY
9 PLANNER AFTER COMPLETION OF ANY BUILDING OR
10 STRUCTURE.

11
12 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective A,
13 Encourages establishment of a clear, coordinated regulatory framework that guides
14 development, includes implementation strategies to review rules and regulation options with
15 consideration of operational constraints and community acceptance; and

16
17 WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective B includes
18 encouraging high quality buildings and site design; and

19
20 WHEREAS, Creating a requirement for the submission of an as-built survey encourages
21 diligence and adherence to site plans; and

22
23 WHEREAS, It is in the interests of the Planning Commission and Homer citizens to
24 ensure that improvements are built as approved by the Planning Department; and

25
26 WHEREAS, An as-built survey provides a useful documentation of improvements and
27 compliance with city code.

28
29 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

30 Section 1. Homer City Code 21.70.040 is hereby adopted to read as follows:

31
32
33 **21.70.040 Permit terms.**

34 a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in
35 which to complete the work authorized by the permit. If the work is not completed within the time
36 allowed, the City Planner may grant one reasonable extension for good cause shown. No additional
37 extension will be granted, except upon the approval of the Commission for good cause shown.

38 **b. Any zoning permit for a building or structure shall require the applicant to submit to the City**
39 **Planner item 1 below.** A zoning permit for a multiple-family dwelling or for a building or structure for
40 commercial or industrial use shall require the applicant to submit **items 1-3 below** to the City Planner,
41 **All required items shall be submitted** promptly after completion of the work:

- 42 1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions,
43 and proximity to all lot lines of all buildings and structures covered by the permit;
- 44 2. An as-built schematic of the completed building(s) and structure(s) showing at least the
45 perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and
- 46 3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such
47 codes adopted by the State of Alaska.

48

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

51

52 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS __ DAY OF _____,
53 2019.

54

55

CITY OF HOMER

56

57

58

KEN CASTNER, MAYOR

59

60

61 ATTEST:

62

63

64 _____
MELISSA JACOBSEN, MMC, CITY CLERK

65

66

67 YES:

68 NO:

69 ABSTAIN:

70 ABSENT:

71 First Reading:

72 Public Hearing:

73 Second Reading:

74 Effective Date:

75

76 Reviewed and approved as to form:

77

78

79

80 _____
Katie Koester, City Manager

81

82 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning
491 East Pioneer Avenue
Homer, Alaska 99603

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

Zoning Permit Application

Applicant's name: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Owner (if different than the applicant):

Name: _____

Physical Address: _____ City: _____ State: _____ Zip: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone #: _____ Alternate phone #: _____

Email: _____

Property Identification:

Address: _____

Legal Description: _____

KPB Tax ID #: _____ Lot Size: _____ acres Zoning District: _____

Project Information:

Describe the project _____

Describe the use of the property _____

Circle the type of proposed use: Single Family Home Duplex/Triplex Multi-family Commercial Other

New Structure(s) total gross floor area (sq. ft.) _____ # of dwellings _____ # of bedrooms _____

Existing Structures total gross floor area _____ # of dwellings _____ # of bedrooms _____

Estimated Value of Improvements (materials and labor) \$ _____

For staff use:

Date Received: _____ Fee Received: \$ _____ Received by: _____

Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Finance Code 21-2106.

Completed site plan date: _____ completed application date: _____

Development Standards for All Projects

Dirt Work and Drainage (HCC 21.50)

- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31st.
- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building must be setback 15 feet from open ditches and 10 feet from closed drainage systems.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

Steep Slopes (HCC 21.44)

Additional standards apply if one of the following site conditions exist (check any that apply)

- The average slope of the lot is greater than 15% (A rise of 15 feet to 100 feet run)
- Disturbance will take place within 40 feet of the top, or 15 feet of the toe of a steep slope (45%), bluff, coastal bluff or ravine

Exterior Lighting (HCC 21.59.030)

- Outdoor lighting must not shine beyond property boundaries or cast bright glare affecting the street or neighboring properties. The maximum height for building-mounted lights is 15 feet and for pole lights, it is 28 feet. Lights installed 15 feet or higher must be cut-off luminaires.

Landscaping standards apply to all projects in a commercial district and any commercial project (HCC 21.50.030(f))

- Landscaping shall include the retention of native vegetation to the maximum extent possible
- A minimum buffer of 3 feet along lot lines and 15 feet along the top bank of a defined drainage
- Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
- Parking lots with 24 spaces or more have additional standards (HCC 21.50.030(f)(1)(b))

Required Submittal Items for All Building Projects

- This **Zoning Permit Application** form must be signed and submitted, along with the application fee.
- A **Site Plan** is required for all projects. This “bird’s eye view” must show the entire lot and include all of the details found on the site plan checklist. *See the attached example site plan and checklist.*
- A **Building Elevation** drawing is required for all proposed and existing buildings. Building height from grade to the peak of the roof must be included. *See the attached example building elevation drawing.*

New Requirement

- An **As-built Survey**, completed by a licensed surveyor is required upon completion of work for all **new buildings and building additions**. The survey must show the location and dimensions of permitted structures (HCC 21.70.040)

Additional Approvals for All Projects

AS APPLICABLE, THESE MUST BE OBTAINED PRIOR TO ISSUANCE OF A ZONING PERMIT

- A **Driveway Permit** is required for any new driveway approach or alteration to an existing approach. For permitting on city roads, contact the Public Works Department at (907) 235-3170. For State roads, contact the local DOT office at (907)235-5218.

Will the driveway approach be constructed or altered? _____ IF yes, then Driveway Permit #: _____

- A **Water & Sewer Connection Permit** is required when City utilities are available to the property. For this permit, contact the Public Works Department at (907) 235-3170.

Is city water available? _____ Is city sewer available? _____ If yes, then permit # _____

- A **Wetlands Permit** is required when your project impacts a wetland. For permitting questions, contact the Army Corps of Engineers (ACOE) Kenai Field Office at . The following online map can be used to identify possible wetland areas: <https://www.kpb.us/gis-dept/online-mobile-viewers>

ACOE submission status: _____ ACOE Permit #: _____

- State Fire Marshal** approval is required for all commercial buildings or apartment projects of 4-units or more

Application status: _____ Permit # _____

- A **Fill & Grading Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- The **Bridge Creek Watershed Protection District** has additional restrictions for property development (HCC21.40)
- A **Conditional Use Permit (CUP)** is required under certain circumstances, including but not limited to the following:
 - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
 - Building area exceeds 8,000 square feet (all buildings combined) or 30% of the lot area
 - The project includes more than one building with a primary use

- A **Storm Water Plan (SWP)**, produced by a licensed engineer, is required when the project:

Residential Zoning Districts (HCC 21.50.020)

- Creates 25,000 square feet of new impervious surface
- Increases the total impervious surface coverage to one acre or greater
- Grading that moves 1,000 cubic yards of material
- Creates a permanent slope of 3:1 or more that exceeds 10 feet from toe of slope to top of slope

Commercial Zoning Districts (HCC 21.50.030)

- Creates 25,000 square feet of new impervious surface
- Increases the impervious surface coverage to greater than 60% of the lot area
- Grading of 1 acre or more
- Grading that moves 10,000 cubic yards of material
- A temporary or permanent slope of 3:1 or more that exceeds 10 feet from toe of slope to top of slope
- Land clearing or grading on slopes steeper than _____, or within 10 feet of wetlands, streams, or ponds

- A **Development Activity Plan (DAP)** is required when your project is located within a commercial zoning district (including the Residential Office District) and includes any of the following (HCC 21.74)
 - Clearing or grading of 10,000 square feet or more
 - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
 - Grading that moves 1,000 cubic yards of material
 - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
 - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
 - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.

I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.

Any approvals required from the Homer Advisory Planning Commission, such as a Conditional Use Permit, must be approved PRIOR to issuance of the Zoning Permit. It is the permittee's responsibility to comply with all other permit terms at his/her expense.

The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.

I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.

I/we understand that an as-built survey, completed by a licensed surveyor, is required upon completion of the project structure(s), according to Homer City Code 21.70.040

Owner Signature (required): _____ Date: _____

Applicant Signature: _____ Date: _____



City of Homer Planning & Zoning

491 East Pioneer Avenue
Homer, Alaska 99603-7645

Telephone (907) 235-3106
Fax (907) 235-3118
E-mail Planning@ci.homer.ak.us

DRAWING A SITE PLAN AND BUILDING ELEVATIONS

Address: _____

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

Drawing your own site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise for drainage, lighting and landscaping plans.

Below is a checklist of items that should be on your site plan. For items that do not apply to your project simply indicate: Not Applicable (NA).

- Scale factor. For example 1" = 20 ft.
- North arrow
- All property lines and their dimensions
- Proposed and existing structures, additions and their distances from the property lines.
- Setbacks: All property lines which abut a road require a 20 ft building setback.
Care should be taken to measure from the property lines, NOT the road. Side and rear setback range from 5 ft – 8 ft depending on the number of stories.
- Fill area from the toe of the slope. Fill must be setback 5' from side and rear property lines.
- Building dimensions
- Adjacent roads
- Driveway
- Parking, 9' x 19' per space
- Decks, bay windows, cantilevers, exterior stairways
- Drainage flow arrows
- Wetland boundary

Below is a checklist for your building elevation cross section. Your drawing needs to show the exterior view of the building.

- Scale of drawing
- Building height (maximum is 35 ft)
- Slope or grade

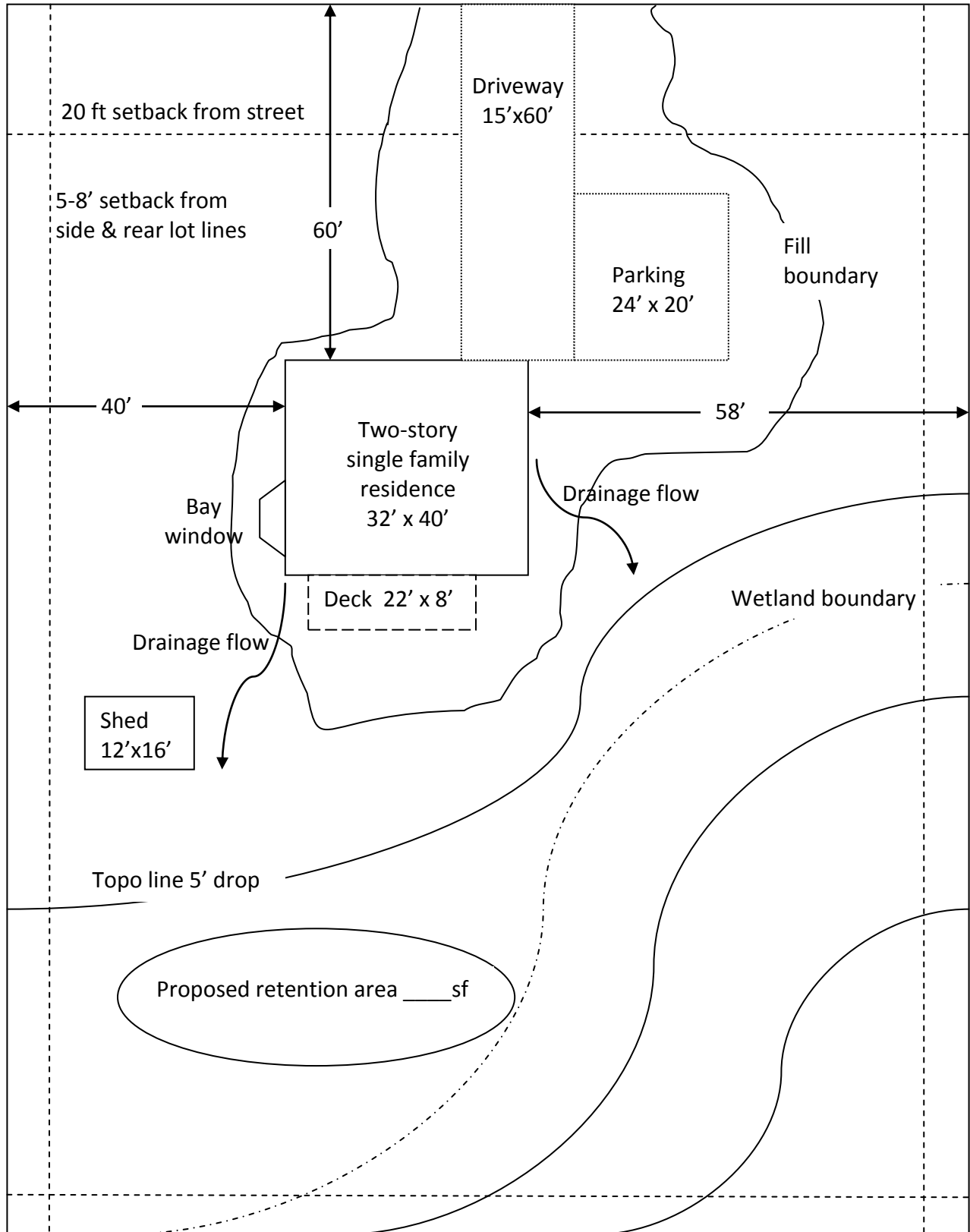
1" = ___ ft

Sample Site Plan



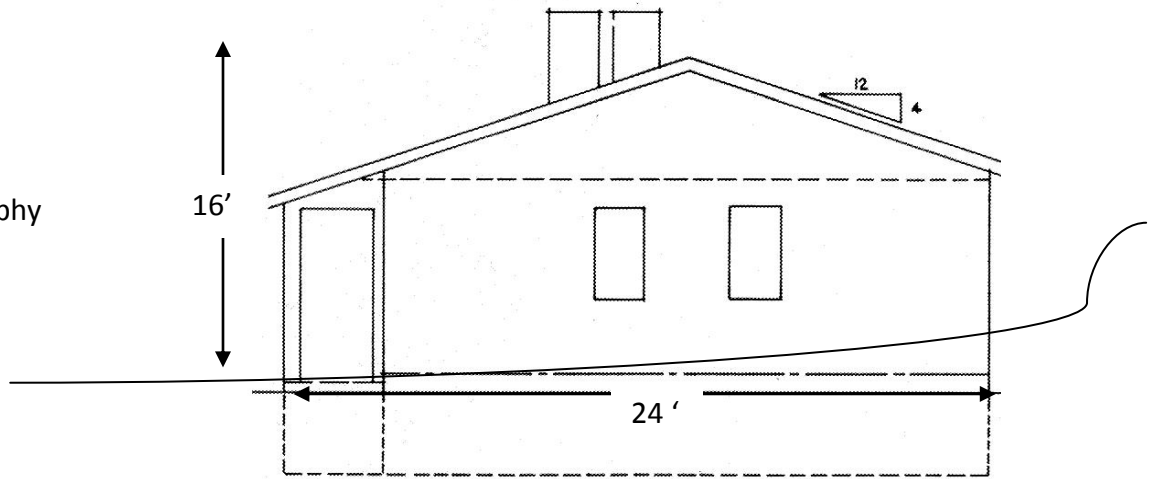
Anywhere Road

Lot Width = __ ft

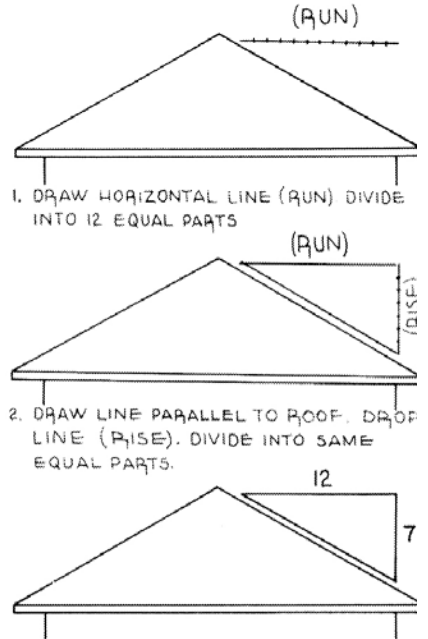


Sample building elevation drawing

- Building height
- Wall dimensions
- Grade / topography

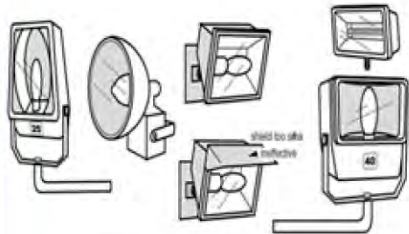
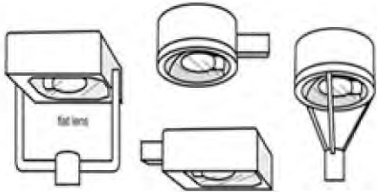
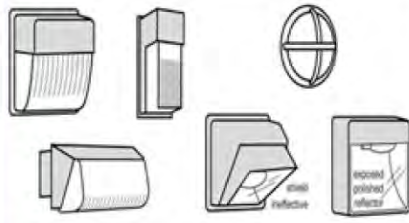
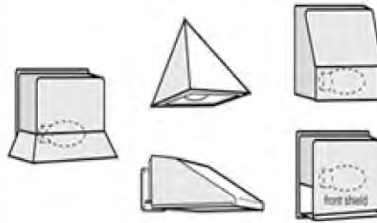
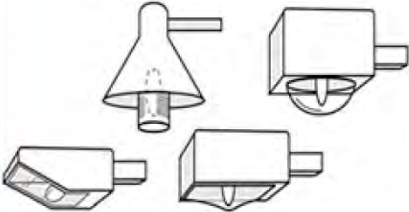
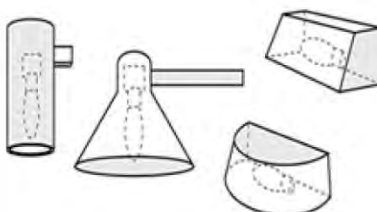
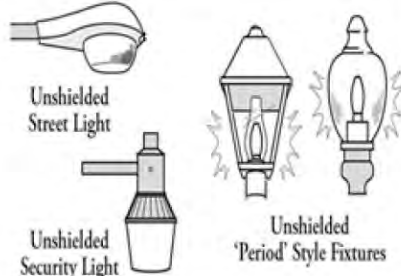


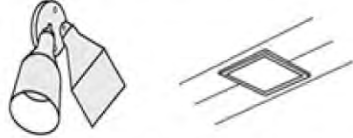


Your drawing here:



Lighting Standards

The **Lighting standards** aim to reduce glare and light trespass and apply to the business and commercial projects. Depending on the scope of the project a Lighting Plan maybe required per HCC 21.59.030. For simple projects simply circle the type of cut-off light fixture you are using or provide your own.

UNACCEPTABLE Fixtures that Produce Glare and Light Trespass	ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision
 <p data-bbox="381 745 682 777">Unshielded or Poorly-shielded Floodlights</p>	 <p data-bbox="893 745 1039 777">Full Cutoff Fixtures</p>
 <p data-bbox="414 1060 649 1113">Unshielded Wallpacks & Poorly-shielded Wall Mount Fixtures</p>	 <p data-bbox="795 1071 1128 1102">Fully-shielded Wallpack & Wall Mount Fixtures</p>
 <p data-bbox="406 1386 657 1438">Drop-lens & Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p data-bbox="885 1407 1047 1438">Fully-shielded Fixtures</p>
 <p data-bbox="349 1564 446 1617">Unshielded Street Light</p> <p data-bbox="349 1701 454 1753">Unshielded Security Light</p> <p data-bbox="560 1690 722 1743">Unshielded 'Period' Style Fixtures</p>	 <p data-bbox="803 1554 901 1606">Full Cutoff Street Light</p> <p data-bbox="795 1701 901 1753">Fully Shielded Security Light</p> <p data-bbox="1006 1701 1161 1753">Fully Shielded 'Period' Style Fixtures</p> <p data-bbox="1047 1480 1112 1512">bulb shielded in opaque top</p>
 <p data-bbox="373 1932 495 1984">Unshielded PAR Floodlights</p> <p data-bbox="560 1932 682 1984">Drop-lens Canopy Fixtures</p>	 <p data-bbox="844 1932 958 1984">Properly Aimed Floodlights</p> <p data-bbox="1006 1932 1128 1984">Flush Mounted Canopy Fixtures</p>

work done on the sign code in 2012 that applied to businesses on the Spit. She reviewed the three recommendations from staff and requested input from the Commission.

Large Businesses (buildings) on Corner Lots with multiple entrances – Example used was Kachemak Center

The Commission recommended that if additional free standing signage is permitted that there should be a specific distance between the signs.

Adding the staff recommendation of 75 sf was acceptable to the Commission

Corner Lots, Smaller Buildings, two stories

Staff recommended allowing 50% of existing to a maximum of 225sf that a building owner would be responsible for dividing among tenants.

Parking lot Entrance or exit signage with logo or colors

The Commission agreed that they would like further information on this concept. It was agreed that it would not be a widely used signage but could be implemented for businesses that may have multiple accesses referring to the Kachemak Center as an example.

Commissioner Highland offered comments on the controversy experienced during the previous sign code amendments and that every business owner wanted the biggest sign possible.

City Planner Abboud responded to Commissioner Davis' inquiry about Sign Design review and the recommendations make to applicants regarding signage design.

Staff will provide specifics for the commission to review at the next meeting.

B. Staff Report 19-88, Permitting

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

City Planner Abboud reviewed Staff Report 19-88 for the Commission. He requested the Commission to amend the draft ordinance to remove Lines 44-47 for the following reasons:

- Driveways are permitted by Public Works Department
- Entrances are self-explanatory
- Asbuilt survey shows the site plan and parking areas are quite easily figured
- Proof of compliance with applicable building, plumbing, electrical, mechanical, and other such codes are governed by the State and the planning staff is not trained to enforce this. A building inspector would be required as well as developing building codes. He is not sure who the legitimate authority is to provide this information.
- Additionally the State Fire Marshal would sign off on commercial projects and that information would be required to be submitted with the application.
- It would be another sheet a paper that is retained by the Planning Department but have no use to the department

- This ordinance has not been reviewed at this time.
- The Permit Application is not finalized

Chair Venuti recommended that lines 44-45 should be amended to add the word "commercial" to reflect the wording in lines 39-30 to make sense.

City Planner Abboud stated that the request to remove those requirements would still apply. He further advocated for their removal since their office cannot verify anything, they do not know the regulations, and he does not have the knowledge that commercial buildings are inspected. The applicant does not get a permit until they have a Fire Marshal approval.

Discussion ensued on asbuilt showing placement with a five foot discrepancy, enforcement steps and current policy, existing closeout process for current permits.

Commissioner Bentz commented that it appeared the language in lines 44-47 would not be beneficial for the planning department's use and should amend the ordinance to reflect that change.

BENTZ/HIGHLAND MOVED TO AMEND ORDINANCE 19-XX TO REMOVE LINE 44-47 AND ALTER LINE 38, ANY ZONING PERMIT FOR A BUILDING OR STRUCTURE SHALL REQUIRE THE APPLICANT TO SUBMIT TO THE CITY PLANNER AN ASBUILT SURVEY COMPLETED BY A LICENSED SURVEYOR, OF THE LOCATION, FOUNDATION, DIMENSIONS, AND PROXIMITY TO ALL LOT LINES OF ALL BUILDINGS AND STRUCTURES COVERED BY THE PERMIT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland noted that on the Zoning Permit Application, the page for the "Additional Approvals for All Projects" under Wetlands Permit second sentence, the contact phone number is missing.

Commissioner Bentz recommended checking the web address for the same since she believed it has changed.

Commissioner Bentz recommended inserting a statement something to the effect that a good site plan will assure that you are in compliance with the new asbuilt requirement.

Further discussion on developing a form to be submitted during Close out procedures, that the asbuilt will have all the information required, requesting the asbuilt come directly from the Surveyor and the authorized copies should come from the Surveyor.



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 PL 19-99

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: December 4, 2019
SUBJECT: Permitting public hearing

Introduction

After incorporating the Planning Commissions recommendations, the ordinance has been reviewed by the Attorney and is ready for a public hearing.

Analysis

The Planning Commission has reviewed the permitting process and is recommending a draft ordinance that encourages developers to accurately site improvements by requiring all projects submit an as-built survey at completion. The as-built will confirm if the site plan was followed.

Additional requirements have been found to be redundant or unnecessary. An as-built survey of the improvements found on the lot is adequate for the purposes of confirming that the site plan is a true representation of the proposal. The Commission also recognized that reporting of compliance with the codes of the State of Alaska is outside of ability of the City of Homer to enforce without a building department and is redundant to the duties of the State Fire Marshal.

Staff Recommendation

Hold a public hearing and consider a recommendation for adoption to the City Council.

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

a. Is consistent with the Comprehensive Plan and will further specific goals and objectives of the plan.

The draft ordinance furthers Goal 3 of the Land Use Chapter that encourages high-quality buildings and site development.

b. Will be reasonable to implement and enforce.

The proposal is written concisely and is clear as to expectations of requirements for zoning permits.

c. Will promote the present and future public health, safety and welfare.

The proposal furthers the health, safety, and welfare of the community by helping to hold applicants accountable to develop according to their approved site plan.

d. Is consistent with the intent and wording of the other provisions of this title.

The proposal has been reviewed by the City Attorney.

Att.

Draft Ordinance

**CITY OF HOMER
HOMER, ALASKA**

Planning

ORDINANCE 19-xx

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN AS-BUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE.

WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective A, Encourages establishment of a clear, coordinated regulatory framework that guides development, includes implementation strategies to review rules and regulation options with consideration of operational constraints and community acceptance; and

WHEREAS, The 2018 Homer Comprehensive Plan Chapter 4, Goal 3, Objective B includes encouraging high quality buildings and site design; and

WHEREAS, Creating a requirement for the submission of an as-built survey encourages diligence and adherence to site plans; and

WHEREAS, It is in the interests of the Planning Commission and Homer citizens to ensure that improvements are built as approved by the Planning Department; and

WHEREAS, An as-built survey provides a useful documentation of improvements and compliance with city code.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code 21.70.040 is hereby adopted to read as follows:

21.70.040 Permit terms.

a. A zoning permit shall include a deadline that allows the applicant a reasonable amount of time in which to complete the work authorized by the permit. If the work is not completed within the time allowed, the City Planner may grant one reasonable extension for good cause shown. No additional extension will be granted, except upon the approval of the Commission for good cause shown.

b. A zoning permit ~~for a multiple-family dwelling or~~ for a building or structure ~~for commercial or industrial use~~ shall require the applicant to submit to the City Planner **an as-built survey, completed by**

41 a licensed surveyor, of the location, foundation, dimensions, and proximity to all lot lines of all
42 buildings and structures covered by the permit, promptly after completion of the work.

43
44 1. An as-built survey, completed by a licensed surveyor, of the location, foundation, dimensions,
45 and proximity to all lot lines of all buildings and structures covered by the permit;

46
47 2. An as-built schematic of the completed building(s) and structure(s) showing at least the
48 perimeter, dimensions, entrances, driveways, parking areas, and loading areas; and

49
50 3. Proof of compliance with applicable building, plumbing, electrical, mechanical and other such
51 codes adopted by the State of Alaska.

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

54
55 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
56 2019.

57
58 CITY OF HOMER

59
60
61 _____
62 KEN CASTNER, MAYOR
63

64 ATTEST:

65
66 _____
67 MELISSA JACOBSEN, MMC, CITY CLERK
68

- 69
- 70 YES:
- 71 NO:
- 72 ABSTAIN:
- 73 ABSENT:
- 74 First Reading:
- 75 Public Hearing:
- 76 Second Reading:
- 77 Effective Date:
- 78

79 Reviewed and approved as to form:

80
81
82
83
84
85
86

Katie Koester, City Manager

Date:_____

Michael Gatti, City Attorney

Date:_____

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

City Planner Abboud provided a summary of Staff Report 19-98 for the Commission.

- C. Staff Report 19-99, An Ordinance amending Homer City Code 21.70.040, Permit Terms; to require an as-built survey be submitted to the City Planner after completion of any building or structure.

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

City Planner Abboud provided a summary of Staff Report 19-99 for the Commission.

Chair Venuti opened the Public Hearing seeing no one in the audience coming forward to provide testimony he closed the hearing.

The Commission discussed the following points with input from the City Planner:

- Requiring As-builts after construction will not prevent encroachments
- Providing assistance to the public to assure that it constructs a proposed structure within the property lines
- General points during previous meetings on when to require as-builts

Chair Venuti requested a motion.

BENTZ/HIGHLAND MOVE TO ADOPT STAFF REPORT 19-99 AND RECOMMEND FORWARDING THE DRAFT ORDINANCE AMENDING HOMER CITY CODE 21.70.040, PERMIT TERMS; TO REQUIRE AN ASBUILT SURVEY BE SUBMITTED TO THE CITY PLANNER AFTER COMPLETION OF ANY BUILDING OR STRUCTURE TO COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

- A. Staff Report 19-97, Fairview Subdivision 2019 Replat Preliminary Plat

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-97 for the Commission.

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-04

An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing \$20,825 Additional Pass Through Funds for the Alaska Department of Transportation (ADOT) Lake Street Project.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Memorandum 20-005 from Public Works Director as backup
 - b. ADOT Letter dated December 11, 2019

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 20-04**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE CAPITAL BUDGET AND AUTHORIZING
9 ADDITIONAL \$20,825 PASS THROUGH FUNDS FOR THE ALASKA
10 DEPARTMENT OF TRANSPORTATION (ADOT) LAKE STREET
11 PROJECT.
12

13 WHEREAS, When ADOT completes a project within the City limits, they authorize Public
14 Works to support the design and construction effort. The cost of this work is reimbursed by
15 ADOT. The effort is usually small and within the fiscal authority of the Director and City
16 Manager; and
17

18 WHEREAS, The City Council authorized \$95,000 to be expended in support of the Lake
19 Street project in Ordinance 19-34; and
20

21 WHEREAS, Since that time ADOT has requested additional support efforts; and
22

23 WHEREAS, The cost of the additional support effort is expected to be \$20,825 (see
24 Memorandum 20-005 from Public Works and ADOT authorization letter). Total support effort
25 will be \$115,825.
26

27 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
28

29 Section 1. The Homer City Council hereby authorizes an additional \$40,000 be
30 expended from and reimbursement deposited in the account described below:
31

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7013	ADOT Lake Street Reimbursement	\$20,850

34
35 Section 2. This is a budget amendment ordinance and shall not be codified.
36

37 ENACTED BY THE HOMER CITY COUNCIL this 27th day of January, 2020.
38
39

40 CITY OF HOMER
41

42 _____
43 KEN CASTNER, MAYOR
44

45 ATTEST:

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50 YES:

51 NO:

52 ABSENT:

53 ABSTAIN:

54

55 First Reading:

56 Public Hearing:

57 Second Reading:

58 Effective Date:

59

60 Reviewed and approved as to form:

61

62 _____

63 Katie Koester, City Manager

64

65 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907-235-3170

(f) 907-235-3145

Memorandum 20-005

TO: Katie Koester, City Manager
FROM: Carey S. Meyer, Public Works Director
DATE: December 10, 2019
SUBJECT: ADOT/City Agreement – Reimbursement for City Support
ADOT Lake Street Improvements – Revised Funding Request

In August of 2019, Ordinance 19-34 was passed authorizing pass-through funds from the State of Alaska for design support of DOT's Lake Street Rehabilitation project. Since passage of the Ordinance, increased design efforts have caused an increase of funding required to complete design. The State of Alaska DOT/PF has approved the increase. All costs associated with this design are being paid by State.

This memo requests an increase from the approved \$95,000 estimate to \$115,825. This is an increase of \$20,825.

Recommendation: City Council pass an ordinance amending the 2020 Capital Budget authorizing the acceptance of pass-through funds not to exceed \$20,825 for City support of the ADOT Lake Street Improvement project and authorizing the City Manager to execute all appropriate documents.

Fiscal note: 151-7013



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Transportation and
Public Facilities

CENTRAL REGION
DESIGN & ENGINEERING SERVICES
TRAFFIC, SAFETY & UTILITIES

PO Box 196900
Anchorage, AK 99519-6900
Phone: 907 269-0644
Toll Free: 800 770-5263
TDD: 907 269-0473
TTY: 800 770-8973
Fax: 907 269-0654
Website: dot.sate.ak.us

December 11, 2019

RE: Project No.: 0001422/Z524610000
Homer: Lake Street Rehabilitation

**Preliminary Engineering Additional
Funding Authorization
Transmitted: Via E-mail Only**

Carey Meyer
Director
City of Homer (COH)
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Mr. Meyer:

The Department of Transportation and Public Facilities (Department) has reviewed and approved COH's request for additional Preliminary Engineering funding. This letter gives COH additional preliminary engineering authorization to continue coordination efforts with Nelson Engineering and Engineering, Design & Consulting, Inc. for the water and sewer relocation work in accordance with the provisions of the United States Title 23, Code of Federal Regulations, Part 645, and State law. Preliminary engineering charges shall not exceed \$115,822.29 without prior Department authorization.

Date	Amount	Notes
5/18/2016	\$10,000.00	Initial PE Authorization
3/20/2019	\$15,000.00	Additional PE Authorization for potholing
3/20/2019	\$(13,381.29)	Billings/Charges to Date
6/27/2019	\$36,327.29	Additional PE Authorization
12/09/2019	\$44,495.00	Additional PE Authorization
12/11/2019	\$10,000.00	Additional PE Authorization
	\$115,822.29	Remaining Authorization

If you have any questions or require additional information, contact Kevin McCarthy at (907) 269-0629 or by email at kevin.mccarthy@alaska.gov.

Sincerely,



Melanie Arnolds, P.E., PMP
Regional Utilities Engineer
Traffic, Safety & Utilities

cc: Talisa Rodrigues, ADOT&PF, Utility Lead
Clint Adler, P.E., ADOT&PF, Project Manager
Dan Gardner, Superintendent, City of Homer
Project File

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-05

An Ordinance of the City Council of Homer, Alaska Industrial Waste Permit

Sponsor: City Manager

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Industrial Waste Permit Manual
 - b. Industrial Waste Permit

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

City Manager

3
4 **ORDINANCE 20-05**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL ADOPTING THE
7 INDUSTRIAL WASTE DISPOSAL PERMIT.

8
9 WHEREAS, Homer City Code (HCC) Title 14 includes provisions that were adopted or
10 changed sporadically over the last 50 years; and

11
12 WHEREAS, These changes required utility users to be familiar with Code provisions in
13 multiple, different Code locations which increased the potential for unintended violations of Code
14 and led to frustration among those attempting to comply with local law; and

15
16 WHEREAS, Consolidating administrative procedures to the greatest extent possible
17 encourages compliance and ensures the public knows its rights, remedies, and responsibilities;
18 and

19
20 WHEREAS, The Industrial Waste Disposal Permit follows the administrative rules and
21 regulations governing discharge of industrial waste into the sanitary system as outlined in the
22 Industrial Pretreatment Discharge and Waste Disposal Manual. The permit, rules and regulations,
23 and any amendments made to them must be approved by Council via ordinance before they
24 become effective per HCC 14.04.110(B). Staff may make non-substantive changes if needed; and

25
26 WHEREAS, A permit application process ensures the City recoups fees associated with
27 services provided and the public has a clear understanding of project costs; and

28
29 WHEREAS, The City Manager may establish a schedule of fees and charges for users,
30 applications, interpretations, permits, inspections, release of information, and other actions of
31 the City under the Industrial Pretreatment Discharge and Waste Disposal Manual.

32
33 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

34
35 Section 1. The Homer City Council hereby adopts then Industrial Waste Disposal Permit.

36
37 Section 2. This ordinance is permanent in nature but shall not be codified.

38
39 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of January, 2020.

40
41 CITY OF HOMER

42
43 _____
44 KEN CASTNER, MAYOR

45 ATTEST:

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50 YES:

51 NO:

52 ABSTAIN:

53 ABSENT:

54

55 First Reading:

56 Public Hearing:

57 Second Reading:

58 Effective Date:

59

60 Reviewed and approved as to form.

61

62 _____

63 Katie Koester, City Manager

64

65 Date: _____

Michael Gatti, City Attorney

Date: _____

CITY OF HOMER INDUSTRIAL PRETREATMENT DISCHARGE AND WASTE DISPOSAL MANUAL

Adopted September 23rd, 2019



Industrial Pretreatment Discharge and Waste Disposal Manual

Article I. General Provisions

- Section 1. Purpose.
- Section 2. Definitions.
- Section 3. Abbreviations.
- Section 4. Fees.

Article II. Industrial Facilities Operation

- Section 1. Wastewater pretreatment facilities.
- Section 2. IWAN required for significant industrial users.
- Section 3. Application for industrial wastewater acceptance.
- Section 4. Materials and substances prohibited in Sanitary System.
- Section 5. Monitoring facilities.
- Section 6. Control manhole.
- Section 7. Inspection and sampling.
- Section 8. Dilution prohibited.
- Section 9. Accidental discharges and slug loads.
- Section 10. Operating upsets.

Article III. Records and Reporting

- Section 1. Industrial wastewater acceptance notification.
- Section 2. Reporting requirements – General.
- Section 3. Reporting requirements for industrial users subject to Federal categorical pretreatment standards.
- Section 4. Records retention.
- Section 5. Confidential treatment of information and data.
- Section 6. Falsifying information.

Article IV. Enforcement

- Section 1. Emergency suspension of service and of industrial wastewater acceptance.
- Section 2. Termination of treatment services.
- Section 3. City of Homer – Right of access.
- Section 4. Notification of violation – Appeal.
- Section 5. Show cause hearing.
- Section 6. Administrative interpretation.
- Section 7. Recovery of costs incurred by the City.

Article I. General Provisions

Section 1. Purpose.

The purpose of this manual is to:

- a. Identify users subject to pretreatment requirements;
- b. Prohibit the discharge into the City Sewer Treatment Works (“Sanitary System”) of any substance that would prevent the City from satisfying limitations contained in its NPDES/APDES permit or that would otherwise violate Federal or State law;
- c. Prohibit the discharge into the Sanitary System of any substance which could, by its nature or quantity, damage the Sanitary System or its operation or jeopardize the safety or health of Sanitary System workers;
- d. Prevent the introduction of any substance into the City Sanitary System which will interfere with the operation of the Sanitary System or contaminate the resulting sludge;
- e. Provide for regulation of direct and indirect contributors to the Sanitary System through the issuance of permits to certain nondomestic users of the Sanitary System and through enforcement of general requirements for all users; and
- f. Establish monitoring and enforcement activities to ensure that these purposes are achieved.

Section 2. Definitions.

In this manual, unless otherwise provided, or the context otherwise requires, the following words and phrases shall have the meaning set forth below:

“Act” means the Federal Water Pollution Control Act and the Clean Water Act, Pub. L. No. 92-500, as amended, codified at 33 U.S.C. 1251 et seq.

“Biochemical oxygen demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard procedure in five days at 20 degrees centigrade, expressed in milligrams per liter.

“City” means the City of Homer’s duly authorized agent or representative.

“City Manager” means the City Manager of the City of Homer or the person designated by the City Manager to administer this manual.

“Control manhole” means a manhole through which the total facility industrial wastewater flows, and which contains installed equipment for wastewater sampling and flow measurement.

“Cooling water” means the water discharged from any use such as air conditioning, cooling or refrigeration, or water to which the only pollutant added is heat.

“Discharge” means the direct or indirect introduction into the Sanitary System of pollutants from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act or under this manual. Holding tank waste introduced into the Sanitary System is a discharge.

“Industrial user” means an industrial or commercial establishment that introduces or causes the entry into the Sanitary System of nondomestic wastewaters having the characteristics of industrial wastes, or any other source of nondomestic pollutant introduced or discharged into the Sanitary System.

“Industrial wastes” means solid, liquid or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

“Liquid-waste hauler (LWH)” means any person or business engaged in the activity of pumping, hauling, transporting and dumping of permitted wastes defined as septic tank pumpings, portable-toilet pumpings, food service grease traps, and sludge from domestic wastewater treatment plants and lagoons, at a public owned treatment works (POTW).

LWHs are herein classified as significant industrial users (SIUs), as determined by EPA, and are subject to the national pretreatment program (NPP) and must obtain an industrial wastewater acceptance notification (IWAN) from the City prior to disposal of permitted waste into the Sanitary System.

“Mass limitations” means limitations applied to a discharge which are relative to quantity rather than quality or concentration.

“National categorical pretreatment standards” means the standards established in any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with Section 307(b) or (c) of the Act and which apply to a specific category of industrial users.

“NPDES/APDES permit” means a National Pollutant Discharge Elimination System permit issued to the Sanitary System pursuant to Section 402 of the Act or Alaska Pollutant Discharge Elimination System.

“pH” means the logarithm of the reciprocal of hydrogen ion activity expressed in moles per liter.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, marine and agricultural waste discharged into the Sanitary System, or any other substance discharged into the Sanitary System which, if discharged directly, would alter the chemical, physical, biological, or radiological integrity of the water.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the Sanitary System.

“Receiving waters” means those waters into which wastes are discharged.

“Sewage” means water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

“Sewage treatment works” or “Sanitary System” means the sewage treatment plant of the City of Homer, and the sewers and conveyance appurtenances discharging to and from the sewage treatment plant.

“Significant industrial user” means an industrial user of the City wastewater disposal system who meets any one of the following criteria:

1. Is subject to or potentially subject to national pretreatment standards promulgated under Section 307(b) or (c) of the Act;
2. Has in its wastes any priority toxic pollutants listed in 40 CFR 401.15 or 40 CFR Part 403 or listed by the City Manager;
3. Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or regulations promulgated thereto;
4. Has a discharge flow of 10,000 gallons or more of wastewater per average work day;
5. Has a flow greater than five percent of the flow into the Sanitary System or of the design pollutant loading capacity of the Sanitary System; or

6. Is determined by the City Manager to have a significant impact or potential for significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the Sanitary System effluent quality, or air emissions generated by the Sanitary System.

“Slug load” means any substance released in a discharge at a rate or concentration which causes inhibition or disruption of the Sanitary System, its treatments, or its operation, or causes the Sanitary System to violate its NPDES/APDES permit.

“Stormwater” means any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Suspended solids” means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.

“Toxic pollutant” means any pollutant or combination of pollutants listed as toxic by the Administrator of the Environmental Protection Agency under the provisions of Section 307 of the Act, 40 CFR 401.15, 40 CFR Part 403, or listed as toxic by the City Manager.

“Upset” means an exceptional incident in which a user unintentionally and temporarily is in a state of noncompliance with the standards adopted under this manual or established as part of the user’s IWAN, due to factors beyond the reasonable control of the user, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operations thereof.

“User” means any person who contributes, causes or permits the contribution of wastewater into the Sanitary System. User includes industrial users and significant industrial users.

Section 3. Abbreviations.

AAC - Alaska Administrative Code
ADEC - Alaska Department of Environmental Conservation
CFR - Code of Federal Regulations
EPA - Environmental Protection Agency
IWAN - Industrial Wastewater Acceptance Notification
L - Liter
LWH - Liquid-Waste Hauler
Mg - Milligram
mg/l - Milligrams per liter

NPDES/APDES - National Pollutant Discharge Elimination System/Alaska Pollutant Discharge Elimination

O&M - Operations and Maintenance

ppm - Parts per million

SIC - Standard Industrial Classification

SIU - Significant Industrial User

Section 4. Fees.

The City Manager may establish a schedule of fees and charges for users, applications, interpretations, permits, inspections, release of information, and other actions of the City under this manual.

Article II. Industrial Facilities Operation

Section 1. Wastewater pretreatment facilities.

- a. Users shall provide such wastewater pretreatment as is necessary to comply with this manual and shall achieve compliance within the time limitations specified by the City. Facilities and equipment necessary to pretreat wastewater to meet the provisions of this manual shall be provided, operated and maintained at the user's expense.
- b. Detailed drawings and specifications showing the pretreatment facilities and operating procedures shall be submitted to the City for review and approval before commencement of discharge into the Sanitary System. The review and approval of such drawings, specifications and operating procedures will not relieve the user of responsibility for modifying the facility as necessary to meet the provisions of this manual.
- c. Any changes in the pretreatment facilities or method of operation to be made after approval of the plans by the City must be reported to the City of Homer Department of Public Works for approval before the changes are made.

Section 2. IWAN required for significant industrial users.

No SIU may connect to or remain connected to the Sanitary System, or otherwise introduce or cause the entry of waste into the Sanitary System, without first obtaining an industrial wastewater acceptance notification (IWAN).

Section 3. Application for industrial wastewater acceptance.

a. All SIUs shall complete and file with the City an application for industrial wastewater acceptance. An existing SIU shall file an application within 30 days of notification by the City. A proposed new SIU shall file an application at least 90 days prior to connecting to the Sanitary System.

b. The application for industrial wastewater acceptance shall be made in writing on forms provided by the City and shall include:

1. The name, mailing address and physical location of the SIU facility including the names of the operator and owner;
2. The 2012 North American Industry Classification System (NAICS) number of the SIU;
3. A list of all environmental permits held by or for the SIU facility;
4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day);
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the Sanitary System and the time and duration of such discharges;
7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges;
8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this manual or possessing characteristics identified in this manual, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC;
9. A description of the nature, quantity and concentration of all pollutants or materials limited by this manual, that are discharged or are anticipated to be discharged into the Sanitary System, together with a statement regarding whether or not compliance with this manual is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.

c. Where additional pretreatment or additional operation and maintenance activities are necessary to comply with these rules, the SIU shall comply with the following requirements:

1. The SIU shall provide to the City, with its application, a plan containing the shortest schedule by which the user will provide such additional pretreatment and implement such additional operational and maintenance activities as are necessary to comply with these rules.

2. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of these rules including, but not limited to, dates relating to hiring an engineer registered in the State of Alaska, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and other acts necessary to achieve compliance with these rules.

3. The schedule is subject to the approval of the City Manager. Neither the entire schedule nor any step may exceed a reasonable time as determined by the City Manager and no single major step may exceed nine months.

4. No later than 14 days following each milestone date in the schedule and the final date for compliance, the SIU shall submit a progress report to the City including a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with that increment of progress, the reasons for delay, and the steps being taken by the SIU to return the construction to the approved schedule. In no event may more than nine months elapse between such progress reports to the City. Failure to adhere to the nine-month deadline will result in disconnection of sewer service.

d. The application and, where necessary, the schedule of additional pretreatment or operational and maintenance activities shall be signed by a principal executive officer of the SIU.

Section 4. Materials and substances prohibited in Sanitary System.

a. No user may discharge or cause to be discharged into the Sanitary System, except as authorized in an IWAN issued by the City, any wastewater containing concentrations of pollutants in excess of the following:

Pollutant	Limit (mg/L)
------------------	---------------------

Ammonia (as Nitrogen)	79 (daily high) 49 (monthly average)
Arsenic	0.1
BOD	500
Cadmium	0.085
Chromium – Total	4.31
Chromium – Hexavalent	4.0
Copper	1.0
Cyanide	0.3
Lead	0.54
Mercury	0.002
Nickel	0.74
Silver	0.09
Suspended solids	500
Zinc	2.78

The limitations listed above apply to the total discharge from a user exclusive of sanitary wastewater. Wherever a discharger is subject to both a national categorical pretreatment standard and a local limit for a given pollutant, the more stringent shall apply.

b. No user may discharge or cause or permit to be discharged into the Sanitary System the following wastes or waters:

1. Any stormwater, surface water or runoff, groundwater, roof runoff, subsurface drainage, cooling water or other unpolluted water.
2. Any water or wastes which contain more than 100 ppm by weight of fat, oil or grease.
3. Any solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Sanitary System, including, but not limited to, ashes, cinders, sand, mud, metal, feathers, glass, rags, wood, plastics, lime, slurry, lime residues, chemical residues, paint or ink residues or bulk solids. Particle size of any allowed substance is limited to one-half inch in any dimension.
4. Any liquids, solids or gases including, but not limited to, gasoline, diesel oil, oil, benzene, naphtha, fuel, mineral spirits or solvents that by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the operation of Sanitary System, or jeopardizing the safety of Sanitary System workers.
5. Any wastes or waters containing toxic or poisonous substances in quantities or concentrations determined by the City Manager to constitute a hazard to humans or

animals, to interfere with any sewage treatment process, to create any hazard in the waters receiving discharge from the Sanitary System, or to exceed Federal categorical pretreatment standards.

6. Any wastes or waters having a pH lower than 6.0 or higher than 9.0 at any time, or having any corrosive property capable of causing damage or hazard to structures, equipment and personnel of the Sanitary System.

7. Any waters containing quantities of radioactive substances in excess of limits for drinking water established by State and Federal regulations.

8. Any substance with objectionable color not removed by the Sanitary System, including, but not limited to, excess fly ash, dye wastes and vegetable tanning solutions.

9. Any liquids, gases, or solids that are noxious or malodorous or that either singly or in interaction with other substances would cause a public nuisance or hazard to life or health, or would prevent safe entry into the Sanitary System for its maintenance and repair.

10. Any substance that may cause the Sanitary System treatment residues, sludges, incinerator ash or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

11. Any heat or heat producing substances which, when combined with other substances, will inhibit biological activity in the Sanitary System.

12. Any substance that will cause the City to violate its NPDES/APDES permit, State disposal system standards, or receiving water quality standards.

13. Any fish cleaning and waste products, and fish processing wastewater.

14. Any wastewater in violation of a State of Alaska discharge limitation, including, but not limited to, "Solid Waste Management Regulations," 18 AAC 60; "Water Quality Standards," 18 AAC 70; and "Wastewater Disposal Regulations," 18 AAC 72.

15. Any wastewater in violation of a Federal categorical pretreatment standard, or any other standard established by the City Manager.

Section 5. Monitoring facilities.

a. A SIU shall provide and operate at the SIU's own expense a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the Sanitary System.

Each monitoring facility shall be situated on the SIU's premises, except where such a location would be impractical or cause undue hardship on the user. The City may authorize the facility to be constructed in the public street or sidewalk area; provided, that the facility is located so that it will not be obstructed by landscaping, parked vehicles, or other moveable or fixed objects.

b. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the discharger.

c. All monitoring facilities shall be constructed and maintained in accordance with HCC Title 13, Standard Construction Practices, and the Uniform Plumbing Code.

d. The City Manager may waive the requirements of this section to provide and operate a monitoring facility upon formal request of the SIU if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge can be conducted without a monitoring facility.

Section 6. Control manhole.

a. A SIU who discharges or proposes to discharge industrial waste into the Sanitary System shall construct and maintain a control manhole to allow inspection, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

b. Any other industrial user shall, at the request of the City Manager, construct and maintain a control manhole to allow inspection, screening, sampling and flow measurement of each industrial wastewater discharge to the Sanitary System.

c. Each control manhole must be located on the user's premises; except, if the City Manager determines that such a location will be impractical or cause undue hardship on the user, he may allow the control manhole to be located off the user's premises; provided, that the control manhole is located so that the control manhole is readily accessible and will not be obstructed by landscaping, parked vehicles, or other obstructions. There shall be ample room in and near the control manhole to allow accurate sampling and preparation of samples for analysis. The user shall maintain the control manhole in a safe and proper operational condition. The control manhole shall be accessible at all times.

d. To assure that the control manhole is acceptable for use by the City, drawings and specifications for the control manhole shall be submitted to the City Manager for review and approval with the application for an IWAN or upon request of the City Manager.

e. The requirements of this section may be waived by the City upon formal request of the user if the City Manager determines that adequate inspection, sampling, and flow measurement of each industrial wastewater discharge of the user can be conducted without a control manhole.

f. The City may have access to the control manhole for the purpose of inspection and sampling, including flow measurement, upon request and without the need for a search warrant.

Section 7. Inspection and sampling.

a. The City is authorized to enter to inspect and take samples from the control manholes, monitoring facilities, and wastewater pretreatment facilities and to inspect and copy records of a SIU to determine compliance with the requirements of this manual. The SIU shall allow the City's representatives, upon exhibiting proper credentials and identification, to enter upon the premises of the user at reasonable hours for the purposes of inspection, sampling or inspection and copying of records. Reasonable hours include any time the SIU is operating any process which results in the introduction of wastewater into the Sanitary System.

b. The City may set up on the SIU property such devices as are necessary to conduct sampling, inspection, compliance monitoring or metering operations.

Section 8. Dilution prohibited.

A user may not increase the use of potable or process water or in any way dilute or attempt to dilute a discharge as a substitute for treatment to achieve compliance with the limitations contained in this section or with any other applicable standard, limitation, or regulation. The City Manager may impose mass limitations on users that are or may be using dilution to meet the requirements of this section, or in other cases where the imposition of mass limitations is deemed appropriate by the City Manager.

Section 9. Accidental discharges and slug loads.

a. Each user shall provide adequate protection from the accidental discharge of prohibited or regulated materials or substances established by this manual. Any facilities or equipment necessary to prevent the accidental discharge of prohibited materials shall be provided and maintained at the user's expense.

b. Users shall notify the City Manager immediately upon the occurrence of an accidental discharge of substances prohibited by this manual or of any other discharge that could impair or interfere with the Sanitary System, including a slug load. The notification shall include location of discharge, date and time thereof, type of waste, concentration and

volume and corrective actions taken. In addition, the user shall immediately notify the ADEC of the discharge.

c. Within five days following a discharge described in this section, the user shall submit to the City Manager a detailed written report describing the cause of the discharge or slug load and measures to be taken by the user to prevent similar future occurrences.

d. Such written notifications shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the Sanitary System; nor shall such notification relieve the user of any fines, civil penalties or other liabilities which may be imposed by this section or any other applicable law.

e. The report required by this section shall be signed by a principal executive officer of the user, or his or her designee.

Section 10. Operating upsets.

a. A user who experiences an upset in operations that places the user in noncompliance with this manual shall inform the City Manager of the upset within 24 hours of becoming aware of the upset. A written follow-up report thereof shall be filed by the user with the City Manager within five days of notification. The report shall include:

1. A description of the upset, the cause thereof and the upset's impact on the user's compliance status;
2. Duration of noncompliance, including exact dates and time of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

b. A documented, timely reported and verified bona fide operating upset shall, to the extent reported, be an affirmative defense to any criminal enforcement action brought by the City against the user under HCC 14.04.130 and/or Article IV of the manual for any noncompliance with the provisions of this manual which arises out of violations alleged to have occurred during the period of the upset.

Article III. Records and Reporting

Section 1. Industrial wastewater acceptance notification.

a. The City Manager shall notify the SIU or proposed SIU of the City's acceptance of its application by issuing an industrial wastewater acceptance notification (IWAN). The IWAN shall contain such terms and conditions as the City Manager determines are necessary to achieve the purposes of this manual. Issuance of an IWAN constitutes authorization to connect to the Sanitary System. If the City Manager rejects the application, he shall notify the applicant in writing of the rejection of the application. The City Manager may require the user to submit additional information prior to accepting or rejecting the application. The City of Homer Department of Public Works will evaluate the application and data furnished by the user and may require additional information. Within 30 days after evaluation of a complete application for industrial wastewater acceptance, the City shall notify the applicant of the acceptance or the rejection of the application.

b. The IWAN shall include the following:

1. Fees and charges to be paid upon initial permit issuance;
2. Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
3. Limits on average and maximum rate and on time of discharge and/or requirements for flow regulations and equalization;
4. Requirements for installation and maintenance of inspection and sampling facilities;
5. Compliance schedules;
6. Self-monitoring requirements;
7. Requirements for submission of any technical reports or discharge reports in addition to those prescribed by this manual; and
8. Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations; frequency of sampling; number, types and standards for sampling and testing; reporting schedules; and City inspection and sampling.

c. The City reserves the right to amend an IWAN issued hereunder in order to assure compliance with applicable laws and regulations.

d. When a national categorical pretreatment standard is promulgated, the City shall revise the IWAN of each user subject to such standard to assure compliance with such standard within the time frame prescribed by such standard. If the user has not previously submitted

an application for an IWAN, the user shall submit an application for an IWAN to the City within 180 days after the effective date of the applicable national categorical pretreatment standard or such shorter time as may be required to meet State or Federal requirements. A user for whom an IWAN is in effect shall submit to the City within 180 days after the promulgation of the applicable national categorical pretreatment standard the information required under Article II. Section 3 of the manual.

e. The City shall inform the IWAN holder of any proposed changes in its IWAN at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

f. The IWAN is issued to a specific user for a specific operation in a specific location and is not assignable to another user or transferable to another location; provided, the IWAN may be transferred to a successor to the use in a specific location with the prior written approval of the City.

g. An IWAN expires five years after the date of its issuance and may be amended, modified and revoked at any time as provided in this manual.

h. Each SIU shall be subject to issuance of a new IWAN with appropriate modifications if it changes the process or the wastewater characteristics. Any changes or new conditions in the IWAN shall include a reasonable time schedule for compliance.

Section 2. Reporting requirements – General.

a. Initial Compliance Report. Within 90 days following the date of issuance of an IWAN to a SIU, or within 90 days following the deadline for compliance with an applicable national categorical pretreatment standard, the SIU shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge into the Sanitary System, and the average and maximum daily flow of wastewater into the Sanitary System in gallons. The report shall state whether applicable pretreatment standards or requirements are being met on a consistent basis and, if they are not, the report shall specify in conformity with Article II. Section 3. (c) what additional operations and maintenance or pretreatment measures are necessary to bring the discharger into compliance with applicable pretreatment standards or requirements.

b. Biannual Compliance Report. A user to which an IWAN is issued shall submit to the City a biannual report. The report shall be filed two times a year, on or before January 31st and on or before July 31st of each year, and shall cover activities during the six months preceding the month in which the report is due. The report shall state the nature and concentration of discharged substances regulated by this manual. The report shall include a record of all daily flows during the reporting period. Flows shall be reported on the basis of actual measurement; however, where cost or feasibility considerations justify, the City may accept

reports of average and maximum flows, estimated by verifiable techniques. The City Manager may for good cause shown, considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors, authorize the submission of said reports for different periods of time.

c. Notice of Substantial Change in Discharge. All users shall promptly notify the City in advance of any substantial change in the volume or character of the pollutants in their discharge.

d. Reports required by this section shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration of substances in the discharge, or production and mass where required by the City. The reports shall contain such additional information as is required by the user's IWAN, and shall be based on the self-monitoring requirements contained in the user's IWAN. Reports and statements shall be signed by an authorized representative of the discharger.

e. All sampling and analyses shall be performed in accordance with sampling and analytical procedures required by 43 CFR Section 403.12 or approved by the administrator of the U.S. Environmental Protection Agency or by the City Manager.

Section 3. Reporting requirements for industrial users subject to Federal categorical pretreatment standards.

Upon the establishment by the EPA of a Federal categorical pretreatment standard, all industrial users subject to the Federal categorical pretreatment standard shall submit to the City such report as required under Federal regulations, 40 CFR Section 403.12, within the time specified in that section. The City will process all required reports and will conduct follow-up on such reports as required.

Section 4. Records retention.

Each user subject to this manual shall retain and preserve for three years all records, including books, documents, memoranda, reports, correspondence and all summaries thereof, relating to its discharge, including all monitoring, sampling and chemical analyses made by or on behalf of the user in connection with its discharge. All records that pertain to matters that are the subject of administrative adjustment or any other enforcement or litigation actions brought by the City shall be retained and preserved by the user until all enforcement activities have concluded and the time for appeal has expired.

Section 5. Confidential treatment of information and data.

The user may request that information and data furnished to the City with respect to any proprietary process of the user be treated as a confidential submission. If the City determines

that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the user, it shall keep the information and data confidential and shall not disclose the information, except where release is otherwise required by law and except for release to a City, State or Federal agency with jurisdiction over the user's discharge for uses related to the user's compliance with City, State and Federal water pollution regulations. Otherwise, the information and data shall be available to the public or other governmental agency without restriction. Wastewater constituents and characteristics will not be recognized as confidential information.

Section 6. Falsifying information.

No person may knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this manual, or falsely tamper with, or knowingly render inaccurate, any monitoring device or method required under this manual.

Article IV. Enforcement

Section 1. Emergency suspension of service and of industrial wastewater acceptance.

a. Upon notice to the user and a reasonable opportunity for an informal hearing, the City shall order the suspension of Sanitary System service to a user, or shall withdraw the IWAN of a user when it appears to the City that an actual or threatened discharge:

1. Presents or threatens to present an imminent or substantial danger to the health or welfare of persons or substantial danger to the environment; or
2. Interferes or threatens to interfere with the operation of the Sanitary System; or
3. Violates or threatens to violate any pretreatment limits imposed by this manual or by the IWAN.

b. A user notified of the City's suspension order shall immediately cease all discharges into the Sanitary System. If the discharger fails to comply with the suspension order, the City shall commence judicial proceedings to compel the user's compliance with such order or to recover civil penalties under HCC 14.04.130 and/or Article IV of the manual. The City shall reinstate the IWAN and the Sanitary System service upon proof by the user of the elimination of the noncomplying discharge or conditions creating the threat that led to the suspension order.

Section 2. Termination of treatment services.

a. A user may not:

1. Fail to report the wastewater constituents and characteristics of its discharge;
2. Fail to report significant changes in wastewater constituents or characteristics;
3. Refuse reasonable access pursuant to a search warrant or other court order to the user's premises by the City for the purpose of inspection, sampling or copying; or
4. Violate any other provisions of this manual or any order of the City with respect thereto.

b. The City may terminate wastewater treatment service by shutting off the public water supply to any discharger who violates any of the foregoing prohibitions.

Section 3. City of Homer – Right of access.

If a user refuses to grant a right of entry, the City may seek a search warrant or order from the Superior Court compelling the user to submit to entry, inspection, sampling and copying.

Section 4. Notification of violation – Appeal.

Whenever the City determines that a user has violated or threatens to violate the prohibitions of this manual or any permit, plan, or IWAN authorized or issued under this manual, the City shall cause to be served upon such user a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 15 days of the date of receipt of the notice, the user may respond personally or in writing by certified or registered mail, return receipt requested, to the City, advising of its position with respect to the allegations. The user shall be given the opportunity to meet with the City or respond to the alleged violations and to propose a plan to correct the alleged violations. The City shall issue a written decision determining whether there is a violation and, if necessary, whether the proposed plan is acceptable.

Section 5. Show cause hearing.

If a violation of this manual is not corrected by administrative adjustment under Article IV, Section 4 of the manual, then the City Manager shall order the user to show cause why service should not be terminated or other enforcement action, including imposition of a civil penalty, should not be taken. A written notice shall be served on the user by personal service, or by certified or registered mail, return receipt requested, specifying the time and place of the hearing to show cause. The notice of the hearing shall be served no less than 10 days before the hearing. Service may be made on any agent, officer or authorized representative of the discharger. After the hearing, the City Manager shall issue a written decision which may

include appropriate orders with respect to the violations of the manual and may include a civil penalty in accordance with HCC 14.04.130 and/or Article IV. of the manual. The City Manager's decision constitutes final administrative action for purposes of judicial review.

Section 6. Administrative interpretation.

Any person may request in writing an interpretation or ruling by the City on any matter covered by this manual and is entitled to a prompt written reply. In the event that such inquiry is by a user and deals with matters of performance or compliance with this manual for which enforcement activity is pending, receipt of a user's request shall not stay the enforcement activity.

Section 7. Recovery of costs incurred by the City.

A user who violates any of the provisions of this manual, or who discharges or causes a discharge producing interference with, deposit in, or obstruction of the Sanitary System, or who causes damage to or impairs the City's Sanitary System, shall be liable to the City for any expense, loss or damage caused by such violation or discharge. The City shall bill the user for the cost incurred by the City for any cleaning, repair or replacement work caused by the violation or discharge.



CITY OF HOMER

Department of Public Works

Industrial Waste Disposal Permit Application

Date: _____

Location of Proposed Discharge: _____
(include drawing of location) _____

Proposed Material to be Discharged: _____ Quantity: _____

Timing of Discharge: _____ Material Concentration: _____

Property Owner Name: _____

Address: _____

Contact: _____

Phone: _____ Email: _____

Known Alternatives to Proposed Discharge(s): _____

Please call Water / Sewer Superintendent at (907) 235-3170 for an appointment to discuss potential permit conditions and fees.

Applicant should review and comply with the City's Industrial Pretreatment Discharge and Waste Disposal Manual. A permit is required before disposing of industrial waste into the City sewer system. A person or entity qualifies as a "Significant Industrial User" when he, she or it meets at least one of the criteria listed in the definition of "Significant Industrial User" in HCC 14.04.015. Please consult the Public Works Department if you are unsure whether you need an Industrial Waste Disposal Permit. Disposing of unauthorized waste into the City sewer system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before you begin disposal. 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. The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov>. The City of Homer Industrial Pretreatment and Discharge Rules and Regulations are available on the City of Homer website and in the Public Works Department offices.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information.

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Document and Information Request

Please provide the following information and documentation to the Public Works Director:

1. The name, mailing address and physical location of the Significant Industrial User (SIU) facility including the names of the operator and owner.
2. The 2012 North American Industry Classification System (NAICS) number of the SIU.
3. A list of all environmental permits held by or for the SIU facility.

4. A description of each product produced by type, amount, process or processes and rate of production, and a description of the type and amount of chemicals and raw materials utilized in the process (average and maximum amounts per day).
5. Site plans, floor plans, mechanical and plumbing plans and details of the SIU facility showing all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
6. A description of the SIU operations, including a description of activities, facilities and plant process on the premises, and a description of all materials which are or may be discharged into the Sanitary System and the time and duration of such discharges.
7. A description of the average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any, and time and duration of discharges.
8. A listing of existing and anticipated wastewater constituents and their characteristics, which shall include, but is not limited to, those substances identified in this chapter or possessing characteristics identified in this chapter, as determined by chemical and biological analyses performed by a laboratory certified by the ADEC.
9. A description of the nature, quantity and concentration of all pollutants or materials limited or prohibited by this chapter, that are discharged or are anticipated to be discharged into the Sanitary System, together with a statement regarding whether or not compliance with this chapter is being or will be achieved on a consistent basis and, if not, whether additional operation and maintenance activities or additional pretreatment is necessary for the SIU to comply with these rules.
10. Provide copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))
11. Provide a statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))
12. Provide proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))
13. Will the type of waste proposed for disposal damage the sewer system?
14. Provide the contact information for the engineering firm that will perform the work.
 Engineering Firm: _____
 Contact Name: _____
 Address: _____
 Phone Number: _____ email address: _____
15. Include the appropriate fee with your completed application. See Fee Schedule for the fee.

APPLICANT

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____

Bond/Cash Deposit required by HCC 14.01.070? _____ If yes, amount: _____

Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

Attach schedule of additional pretreatment or operational and maintenance activities if required.

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

3 City Manager

4 **RESOLUTION 20-001**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 CONFIRMING THE APPOINTMENT OF ELIZABETH WALTON AS
8 TREASURER AND JENNA DE LUMEAU AS DEPUTY TREASURER FOR
9 CALENDAR YEAR 2020.

10
11 WHEREAS, Homer City Code §1.34.010 states that the Treasure and Deputy Treasurer
12 shall be appointed by and serve at the pleasure of the City Manager, that the Treasurer and
13 Deputy Treasurer shall be confirmed by the Council annually during the first meeting in
14 January and whenever the appointment becomes vacation or whenever the City Manager
15 deems it appropriate to change the appointment; and

16
17 WHEREAS, Pursuant to HCC §1.34.010, City Manager Katie Koester hereby provides
18 notice of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for the
19 Calendar year 2020.

20
21 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska confirms the
22 appointment of Elizabeth Walton as Treasurer and Jenna de Lumeau as Deputy Treasurer for
23 the Calendar Year 2020.

24
25 PASSED AND ADOPTED by the Homer City Council this 13th day of January, 2020.

26
27
28 CITY OF HOMER

29
30 _____
31 KEN CASTNER, MAYOR

32
33
34 ATTEST:

35
36
37 _____
38 MELISSA JACOBSEN, MMC, CITY CLERK

39
40 Fiscal note: NA

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

3 City Manager

4 **RESOLUTION 20-002**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 CONFIRMING THE CITY MANAGER'S APPOINTMENT OF RICK
8 ABBOUD AS THE ACTING CITY MANAGER FOR CALENDAR YEAR
9 2020.

10
11 WHEREAS, Homer City Code 1.20.010(b) states that the City Manager shall annually
12 appoint an Acting City Manager, subject to the City Council confirmation which is revocable
13 at any time, by the Council; and

14
15 WHEREAS, Pursuant to Homer City Code Section 1.20.010(b) the Acting City Manager
16 shall assume the duties and powers of the City Manager in their absence.

17
18 NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that Rick Abboud is
19 hereby appointed by City Manager Katie Koester and confirmed by the Homer City Council as
20 Acting City Manager for the Calendar Year 2020.

21
22 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 13th day of January
23 2020.

24
25 CITY OF HOMER

26
27
28
29 _____
30 KEN CASTNER, MAYOR

31 ATTEST:

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34 _____
35 MELISSA JACOBSEN, MMC, CITY CLERK

36
37 Fiscal Note: N/A

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

3 City Manager

4 **RESOLUTION 20-003**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 ADOPTING AN ALTERNATIVE ALLOCATION METHOD FOR THE FY 2020
8 SHARED FISHERIES BUSINESS TAX PROGRAM AND CERTIFYING THAT
9 THIS ALLOCATION METHOD FAIRLY REPRESENTS THE
10 DISTRIBUTION OF SIGNIFICANT EFFECTS OF FISHERIES BUSINESS
11 ACTIVITY IN THE COOK INLET FISHERIES MANAGEMENT AREA.
12

13 WHEREAS, AS 29.60.450 requires that for a municipality to participate in the FY 2020
14 Shared Fisheries Business Tax Program, the municipality must demonstrate to the Department
15 of Commerce, Community and Economic Development that the municipality suffered
16 significant effects during calendar year 2018 from fisheries business activities; and
17

18 WHEREAS, 3AAC 134.060 provides for the allocation of available program funding to
19 eligible municipalities located within fisheries management areas specified by the Department
20 of Commerce, Community and Economic Development; and
21

22 WHEREAS, 3AAC 134.070 provides for the use, at the discretion of the Department of
23 Commerce, Community and Economic Development, of alternative allocation methods which
24 may be used within fisheries management areas if all eligible municipalities within the area
25 agree to use the method, and the method incorporates some measure of the relative
26 significant effect of fisheries business activity on the respective municipalities in the area; and
27

28 WHEREAS, The Homer City Council proposes to use an alternative allocation method
29 for allocation of FY 2020 funding available within the Cook Inlet Fisheries Management Area in
30 agreement with all other municipalities in this area participating in the FY 2020 Shared
31 Fisheries Business Tax Program.
32

33 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, by this
34 Resolution, certifies that the following alternative allocation method fairly represents the
35 distribution of significant effects during 2018 of fisheries business activity in the Cook Inlet
36 Fisheries Management Area:
37

38 50% divided equally and 50% divided on a per capita basis.
39

40 PASSED and ADOPTED by the City Council of Homer, Alaska this 13th day of January,
41 2020.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Previous year's Acct. No. 400-603-4206 and budgeted for previous years.

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

3 City Manager

4 **RESOLUTION 20-004**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING AN
7 ECONOMIC DEVELOPMENT AND TOURISM MARKETING
8 AGREEMENT BETWEEN THE CITY OF HOMER AND THE HOMER
9 CHAMBER OF COMMERCE.

10
11 WHEREAS, The adopted FY 2020-2021 Operating Budget contains an appropriation and
12 transfer of \$51,000 to the Homer Chamber of Commerce; and

13
14 WHEREAS, The appropriated funds are located within the Economic Development
15 Budget because the City views the Chamber as a contractor that is providing marketing and
16 other economic development services; and

17
18 WHEREAS, It is common and appropriate for there to be a contract or formal agreement
19 between the City and a business or organization providing contracted services; and

20
21 WHEREAS, The City and the Chamber of Commerce have collaborated on an Economic
22 Development and Tourism Marketing Agreement which formalizes the relationship between
23 the parties; and

24
25 WHEREAS, The Agreement clearly outlines the Chamber's marketing efforts on behalf
26 of Homer generally as a great place to live and establish a business and the Chamber's
27 economic development efforts on behalf of multiple sectors of the economy; and

28
29 WHEREAS, The Agreement is renewed on an annual basis and remains substantially
30 similar to the 2017-2019 adopted agreement with the exception of an updated Marketing Plan
31 provided by the Chamber; and

32
33 WHEREAS, The Homer City Council reviewed the Economic Development and Tourism
34 Marketing Agreement and the Chamber's Marketing Plan at its regular meeting on January 13,
35 2020.

36
37 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the
38 Economic Development and Tourism Marketing Agreement between the City of Homer and the
39 Homer Chamber of Commerce; a copy of which is attached and incorporated herein.

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41 PASSED AND ADOPTED by the Homer City Council this 13th day of January 2020.
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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

CITY OF HOMER

KEN CASTNER, MAYOR



Our Mission: To support our membership through cooperative economic development and community service.

Homer Chamber & Visitor Center Economic Development & Tourism Marketing Agreement

This Agreement is made effective January 1, 2020 by the Homer Chamber of Commerce, whose address is 201 Sterling Highway, Homer, AK 99603, herein referred to as the "Chamber," a nonprofit 501 (c)(6) corporation, and the City of Homer, whose address is 491 E. Pioneer Avenue, Homer, AK 99603, herein referred to as the "City."

WHEREAS, the City has designated the Chamber as the lead marketing entity of the Homer community and the recipient of public funds which are to be utilized and expended for the promotion of the Homer economic development and tourism marketing, and

WHEREAS, the Chamber can best accomplish this mission most efficiently by focusing its energies on marketing the city and managing the marketing activities, and

WHEREAS, The City has determined that it is most efficient and cost effective to contract with the Chamber for marketing services instead of attempting to perform that function itself; and

WHEREAS, the Chamber is an organization whose mission is to promote and support a diversified economy for a positive business and living environment for its members and the greater Homer area. The Chamber accomplishes that mission by marketing the City of Homer as a destination for conferences, economic development and tourism in general as an economic development strategy for the community at large and its supporting members, specifically, and

WHEREAS, the Chamber has acquired the resources, facilities, and personnel with the specialized skills to conduct tourism and economic development marketing programs to attract and serve new businesses and visitors of all types.

NOW, THEREFORE, the parties, each in consideration of the promise herein agree as follows:

1. The City hereby engages the Chamber to market business and industry development and tourism for Homer. The term of this Agreement shall initially be three (3) years, unless notice of termination of the Agreement is given pursuant to paragraph 7 hereof.
2. The Chamber accepts the engagement and shall diligently promote such businesses by producing marketing, sales promotion, and publicity programs including:

A. Sales calls to potential convention, tradeshow, and conference prospects;

- B. Participation in regional advisory committees engaged in business and industry development issues;
 - C. Exhibits at various conference shows and special events as deemed necessary by the Chamber to promote economic development and the visitor industry;
 - D. Conducting Homer familiarization tours and product development tours and activities;
 - E. Oversight of certain special community-wide events currently being held in Homer as noted in annual addendum;
 - F. Hosting prospective meeting planners and other clients in Homer to promote business and industry development and the tourism industry;
 - G. Development, production, and distribution of promotional sales materials;
 - H. Providing community and visitor information and assistance;
3. The Chamber shall conduct economic development and tourism industry promotion to aid the City in achieving their mission to increase customers coming to Homer, and attracting new business and industry to Homer by conducting programs including:
- a) Tourism marketing, sales, and promotion campaigns;
 - b) Generic advertising of the City's assets and tourism attractions;
 - c) Market cooperatively with the Chamber's members to the mutual benefit of its members and the City;
 - d) Produce by itself, or by contract, brochures, visitors guides, maps, and other publications useful to Homer's economic development and it's tourism visitors;
 - e) Promote economic development and tourism via electronic media;
 - f) Operate a Visitor Information Center to serve visitors;
 - g) Work with other community groups and non-profits (such as the Arts) to market the broad quality of life aspects of living in Homer;
 - h) Work with other business sectors not necessarily Chamber members (such as Marine Trades) to promote the unique services that exist in Homer.
4. For the promotion and marketing services rendered by the Chamber to the City for the community-at-large, the City shall pay to the Chamber, subject to appropriation, the amounts as detailed in an annual addendum as referenced in paragraph 5 hereof.
5. The Chamber will annually, by November 15 of each year, provide a marketing work-plan and budget ("Marketing Plan and Budget") outlining anticipated expenditures to conduct the aforementioned services on behalf of the City and the Homer community. The Marketing Plan and Budget is required and, upon completion, shall be incorporated into this Agreement. The Marketing Plan and Budget shall also compare the prior year's plan with actual results.
6. The Chamber shall utilize and dedicate all funds received from the City for the promotion of economic development and tourism in the Marketing Plan.
7. This Agreement may be terminated by either party serving upon the other six months prior written notice of termination of the Agreement. ~~This Agreement is binding upon both parties and shall inure to the benefit of their successors in interest.~~ If the City terminates this agreement, the City agrees to pay for expenses already incurred at the time of notification of termination.

8. The Chamber shall defend, indemnify and hold harmless the City, its officials, employees, agents and contractors from any and all liability (including attorney fees) or claims for damages, including personal injuries, environmental damage, death and property damage arising out of or resulting from the Chamber's use of the City's funds or the Chamber's actions taken pursuant to this Agreement, including the Chamber's employees, assignees, contractors, agents or the public.
9. Prior to disbursement of any funds by the City, the Chamber shall procure and maintain, at the Chamber's sole cost and expense, comprehensive commercial general liability insurance with limits of liability of not less than TWO MILLION DOLLARS (\$2,000,000) for all injuries and/or deaths resulting to any one person and ONE MILLION DOLLARS (\$1,000,000) limit from any one occurrence. The Chamber will add the City to its generally liability insurance as an Additional Insured.
10. In addition to the insurance described in Paragraph 9, the Chamber shall maintain, at the Chamber's sole cost and expense, workers' compensation insurance as required under Alaska law and owned and non-owned automobile liability insurance with limits of liability of not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000) per occurrence combined single limit for bodily injury and property damage, and FIVE HUNDRED THOUSAND (\$500,000) total aggregate.
11. All insurance policies shall provide for thirty (30) days' notice of cancellation and/or material change to be sent to the City. All such policies shall be written by insurance companies legally authorized or licensed to do business in Alaska and acceptable to the City (Best's Rating B+ or better). The City shall be listed as an additional insured. Upon execution of this Agreement, the Chamber shall furnish certificates proving that it has procured the insurance required under this Agreement. The minimum insurance requirements under this Agreement shall not act to limit the Chamber's liability for any occurrence and shall not limit the Chamber's duty to defend and indemnify the City for claims related to this Agreement.

IN WITNESS THEREFORE, the parties hereto executed the Agreement by duly authorized offices respectively.

By: _____
Brad Anderson / Homer Chamber, Executive Director

By: _____
Katie Koester / City of Homer, City Manager

ATTEST:

Melissa Jacobsen, City Clerk

Date



Our Mission: To support our membership through cooperative economic development and community service.

2020 Marketing Plan

The information below describes the Homer Chamber of Commerce's planned use of the \$51,000 from the city for advertising, marketing and economic development.

Core programs that will use these funds in 2020 to increase community participation and generate economic impact:

Major Events

- Winter King Tournament
- Halibut Tournament

Major Festivals

- Shorebird Festival
- Alaska World Arts Festival

Community Service Events

- Tree Lighting Celebration
- Winter Carnival Parade
- July 4th Parade
- Clean Up Day

Marketing Homer

- Homer Visitor and Relocation Guides
- New Neighbor Program
- HomerAlaska.org Website
- Booth at Anchorage Sportsman Show
- Marketing Homer as a Wedding Destination
- Marketing City of Peonies
- Coordinating Familiarization Tours with journalists

2019 Results

- 120,000 Visitor Center Guides were distributed
- 15,890 Visitors who called or came into the VIC, an increase of 1,000 over 2018
- 900 Welcome Packets were mailed out
- 12 major conferences with 25-175 attendees. Welcome packages were given to each attendee
- Hosted 14 Cruise ships, over 5,000 Visitor Guides were handed out to passengers
- Winter King Tournament brought over 1500 people to Homer, 425 boats and \$100,000 in prizes. First female winner.



Mission: To support our membership through cooperative economic development and community service.

Proposed 2020 Budget Addition

The information below describes the Homer Chamber of Commerce’s planned use of the \$14,000 additional funding request from the City to refurbish the Spit Visitors Center building.

This building had been used as our “Derby Shack” for many years. Staffing for this building had been funded by the Halibut Derby revenue which has seen significant reductions the last few years. As the decision was made to replace the summer-long Halibut Derby with a Halibut Tournament, we are looking to convert this building into a true Visitors Information Center office to help provide Spit visitors and locals with information about places to visit throughout Homer with the goal of increasing overall tourist spending. The Halibut Tournament will likely not generate the same overall revenue to cover the staffing expenses.

Budget Summary - \$14,000

Staffing of the Spit Visitors Center between May 1 st till September 30 th \$15 per hour, 40 hours per week for 20 weeks	\$12,000
Refurbish the VIC building and replace signage	\$2,000

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

3 City Manager

4 **RESOLUTION 20-005**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL ADOPTING THE
7 COMMERCIAL WASTE DISPOSAL PERMIT AND WATER FILLING
8 STATION PERMIT AS PART OF THE PUBLIC UTILITY SYSTEM
9 APPLICATION PROCESS.

10
11 WHEREAS, Since October 2018, the City has reviewed public utility provisions in Homer
12 City Code (HCC), City practices, and procedures regarding public utilities to ensure clarity and
13 consistency; and

14
15 WHEREAS, Removing conflicting or inconsistent terminology and requirements ensures
16 that the laws governing the public utility system are comprehensible and user friendly; and

17
18 WHEREAS, Consolidating administrative procedures to the greatest extent possible
19 encourages compliance and ensures the public knows its rights, remedies, and
20 responsibilities; and

21
22 WHEREAS, Current Code contains specific technical requirements that are best
23 addressed via permit criteria rather than provisions in the Code; and

24
25 WHEREAS, The specific technical requirements outlined in HCC Titles 14 and 17 for
26 commercial waste disposal and water system filling stations can be consolidated into a permit
27 application process that is comprehensible and user friendly; and

28
29 WHEREAS, A permit application process also ensures the City recoups fees associated
30 with services provided and the public has a clear understanding of project costs; and

31
32 WHEREAS, The City of Homer Fee Schedule will reflect the fees for water and sewer
33 related permits; and

34
35 WHEREAS, The adoption of the Commercial Waste Disposal Permit and Water Filling
36 Station Permit follows the adoption of the Water/Sewer Extension Permit and Water/Sewer
37 Connect Permit made by Resolution 19-068(S)(A).

38
39 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby adopts the
40 Commercial Waste Disposal Permit and Water System Filling Station Permit as part of the
41 public utility system application process.

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43 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2020.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal information: N/A



CITY OF HOMER

Department of Public Works

Commercial Waste Disposal Permit Application

Date: _____

Location of Proposed Discharge: _____
(include drawing of location) _____

Proposed Material to be Discharged _____ Quantity: _____

Timing of Discharge: _____ Material Concentration: _____

Property Owner Name _____

Address: _____

Contact: _____

Phone: _____ Email: _____

Known Alternatives to Proposed Discharge(s) _____

Please call Water/Sewer Superintendent at (907) 235-3170 for an appointment to discuss potential permit conditions and fees.

A permit is required before disposing of commercial waste into the City sewer system. Commercial waste is waste from all properties that are not single-family residential properties or properties that are required to obtain an industrial waste disposal permit (HCC 14.04.080). Please consult the Public Works Department if you are unsure whether you need a Commercial Waste Disposal Permit or an Industrial Waste Disposal Permit. Disposing of unauthorized waste into the City sewer system is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before you begin disposal. Commercial 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. The Fee Schedule is posted on the City of Homer website at www.cityofhomer-ak.gov/.

Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information.

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).



CITY OF HOMER

Department of Public Works

Water Filling Station Permit Application

Date: _____

Location of Proposed Station: _____
(include drawings of Station) _____

Proposed Quantity of Water to be Sold: _____ Hours of Operation: _____

Property Owner Name _____

Address: _____

Contact: _____

Phone: _____ Email: _____

Engineer's Name _____

Address: _____

Contact: _____

Phone: _____ Email: _____

Applicant must submit plans for review and approval by the City, provide a copy of ADEC approval to construct/operate the facility.

Before establishing or operating a water filling station to obtain water from the City of Homer water system, a permit is required. See HCC 14.08.170. Operating an unauthorized water filling station is a violation subject to a civil penalty. See HCC 14.01.040. Complete this application form and submit it to the Public Works Department along with the required fee well in advance to ensure approval before your construction date.

The Fee Schedule is posted on the City of Homer website at <https://www.cityofhomer-ak.gov/>. Please contact the Public Works Department with any questions about the permit criteria, building specifications, approval process, timing, fees, or other information. Please complete this application and submit it, along with the information requested within this application, to the Public Works Department. Please include the appropriate fee with your completed application. (See City of Homer Fee Schedule for associated fees)

If you are dissatisfied with either the approval or denial of this permit, you have the right to appeal the decision to the City Manager no more than 30 days after the Public Works Director approves or denies the permit. See HCC 14.01.050. If you choose to appeal, you must file a written notice of appeal with the City Clerk and pay the fee set for the in the Fee Schedule within 30 days of the Public Works Director's decision on the permit application. Additional requirements for an appeal can be found in HCC 14.01.050(b).

Document and Information Request

Please provide the following information and documentation to the Public Works Director:

Copies of licenses you hold – City business license, state business license, and/or state contractor license. (HCC 14.01.070(b)(1))

Copy of ADEC approval to construct and/or operate the facility.

A statement demonstrating your experience in substantially similar or the same construction projects. (HCC 14.01.070(b)(2))

Proof of liability insurance of not less than \$500,000 (or more if required by the Public Works Director). (HCC 14.01.070(b)(3))

A written description of the proposed water filling station site. Please include proposed quantity of water to be sold and your hours of operation.

Uniform or site-specific flow rate restrictions. (HCC 14.08.170(c))

Storage tank requirements. (HCC 14.08.170(c))

An itemized cost breakdown of the proposed water filling station improvements.

Provide the contact information for the engineering firm that will perform the work.

Engineering Firm: _____

Contact Name: _____

Address: _____

Phone Number: _____ email address: _____

Questions

Will the proposed water filling station cause adverse effects to the City Water System, and if so, how will the adverse effects be minimized? (HCC 14.08.170(c))

APPLICANT

Signature: _____ Date: _____

For Public Works Department use only

Fee paid? _____

Bond/Cash Deposit required by HCC 14.01.070? _____ If yes, amount: _____

Permit approved? _____

PUBLIC WORKS DIRECTOR

Signature: _____ Date: _____

List any Conditions imposed under HCC 14.08170(c):

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 20-006

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
AUTHORIZING THE CITY TO ACCEPT A LAND TRANSFER FROM THE
NATURE CONSERVANCY FOR A 2.62 ACRE PARCEL ON THE
WESTERN SIDE OF THE HOMER SPIT, ALSO KNOWN AS KENAI
PENINSULA BOROUGH PARCEL ID NUMBER 18103007, AND
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
THE APPROPRIATE DOCUMENTS.

WHEREAS, In 2001, Mayor Cushing requested The Nature Conservancy (TNC) acquire the 2.62 acre parcel located on the western side of the Homer Spit as part of City Council's longstanding goal and the City's Capital Improvement Program; and

WHEREAS, The Capital Improvement Program stated the intent of this acquisition was "to preserve the natural ecosystem and protect future ecotourism activities that are emerging as a major industry in Homer" with the specific benefit of protecting the natural habitat of waterfowl and other wetland dependent species; and

WHEREAS, The 2.62 acre parcel, also known as T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD or Kenai Peninsula Borough Parcel ID number 18103007, is adjacent to over one mile of City property used by the community as public beach and zoned Open Space Rec; and

WHEREAS, By accepting this parcel, the City agrees to be bound by the terms of the original grant agreement held between the US Fish and Wildlife Service and The Nature Conservancy under Agreement Number 98210-0-G702; and

WHEREAS, The North American Wetlands Conservation Fund funds TNC used to purchase the property require the parcel to be held in perpetuity as conservation land; and

WHEREAS, TNC is ready to transfer the parcel at no cost to the City, aside from recording and title report fees, through a special warranty deed, which has been approved by the City Attorney per HCC 18.06.020 (a); and

WHEREAS, The City Manager has furnished Council with a title report regarding the parcel per HCC 18.06.020 (b).

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, authorizes the City to accept the land transfer from The Nature Conservancy for a 2.62 acre parcel on the western side of the Homer Spit, also known as Kenai Peninsula Borough Parcel ID number

45 18103007, to be held in perpetuity as conservation land and authorizes the City Manager to
46 negotiate execute the appropriate documents.

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48 PASSED AND ADOPTED by the Homer City Council this 13th day of January, 2020.

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CITY OF HOMER

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KEN CASTNER, MAYOR

54 ATTEST:

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58 MELISSA JACOBSEN, MMC, CITY CLERK

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60 Fiscal Note: Acct. No. 100.0130.5210, \$300, in FY19.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum 20-004

TO: Mayor Castner and Homer City Council
THROUGH: Julie Engebretsen, Deputy City Planner
FROM: Parks, Art, Recreation and Culture Advisory Commission
DATE: October 23, 2019
SUBJECT: Budget recommendation

At the regular meeting of October 17, 2019, the Parks, Art, Recreation and Culture Advisory Commission unanimously recommended approval of city acceptance of the land donation.

Unapproved Minutes Excerpt:

NEW BUSINESS

A. Nature Conservancy Land Donation, Homer Spit

Deputy City Planner Engebretsen provided an overview of how in 2001 the City acquired conservation properties on the Spit. One parcel of that land is still owned by The Nature Conservancy (TNC), who has recently reached out to the City wishing to donate the land to a local entity to continue the stewardship of the land. Ms. Engebretsen explained that the City is amenable to the transfer; it is stated in our Comprehensive Plan to acquire lands on the outside of the Spit for public enjoyment. A resolution will be before City Council at their next meeting and the City Manager is seeking a motion of support to accept the land donation.

LOWNEY/FAIR MOVED THAT THE CITY ACCEPT THIS LAND AS A DONATION.

Commissioner Lowney voiced her full support of accepting the land donation. She opined that they should be protecting as much as possible on the Spit, and it comes at no cost. Commissioner Fair agreed in support of the donation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.



The Nature Conservancy in Alaska
715 L Street, Suite 100
Anchorage, AK 99501

tel [907] 276-3133
fax [907] 276-2584
nature.org/alaska

July 30, 2019

Katie Koester
City Manager
City of Homer, Alaska
491 E. Pioneer Avenue
Homer, Alaska 99603

Dear Ms. Koester,

In 2001, The Nature Conservancy (TNC) purchased a 2.62-acre parcel on the western (seaward) side of the Homer Spit from Sprague Resources Corporation, a Seattle, Washington-based realty firm. At that time, TNC and the City of Homer collaborated to transfer ownership of this parcel to the City of Homer as part of the 2001 City of Homer Capital Improvement Program. Our collective intent was to support preservation of natural ecologic processes and ecotourism on the Homer Spit, as indicated in the attached memorandum from former Mayor of Homer Jack Cushing dated May 14, 2001 (Attachment A). Our original intent for long term management of the parcel, which remains today, is to keep it in its natural state, preclude any further subdivision of the parcel itself and restrict development activities other than non-motorized recreation and wildlife viewing.

Time passed, administrations changed, and the transfer of ownership was postponed for many years. However, the importance of protecting erosion-prone intertidal areas on the Homer Spit is as critical now as it was in 2001, and TNC would like to complete this transaction by conveying the parcel to the City of Homer at no cost.

The Sprague Resources parcel (identified in Attachment B: Location Map) will add to seven contiguous parcels owned by the City of Homer on the western side of the Homer Spit and contribute to over 400 acres of city-owned lands on the Homer Spit.

After almost two decades, the Nature Conservancy is excited to complete this project. We understand that the City of Homer will need to pass an ordinance to accept the property. If there is anything TNC can do to assist you or your staff in this process, please let us know.

Sincerely,

A handwritten signature in black ink, appearing to read "Adrianna Muir", with a long, sweeping horizontal flourish extending to the right.

Adrianna Muir, Ph.D.
Conservation Director
The Nature Conservancy, Alaska



Office of the Mayor
Jack Cushing

(907) 235-8121
Fax 235-3140

Homer City Hall 491 E. Pioneer Avenue • Homer, Alaska 99603-7624

May 14, 2001

Randy Hagenstein, Associate State Director
The Nature Conservancy, Alaska Chapter
421 W. 1st Ave.; Suite 200
Anchorage, AK 99501

SUBJECT: Sprague Resources Corporation property on Homer Spit

Dear Randy:

I am requesting that The Nature Conservancy acquire for the City of Homer approximately 2.62 acres located on the Homer Spit in Homer, Alaska, known as the Sprague Resources Corporation Tract. The purchase of Spit property has been a long standing goal, approved by the Council, and is within our current Capital Improvement Program (CIP). This program states in part, "The intent is to preserve the natural ecosystem and protect future eco-tourism activities that are emerging as a major industry in Homer. . . . In order to protect this valuable resource, it is necessary for the public to acquire the property."

This specific property is included in the area detailed by this CIP priority and is immediately adjacent to 100 plus acres the city has recently acquired or already owned, and designated for protection. It would be the City of Homer's intention to accept conveyance of this property from The Nature Conservancy and designate it similarly as part of the City's Conservation District. Acquisition of the property from the Conservancy is contingent upon final approval by the Homer City Council.

I understand that the Conservancy intends to purchase the property with funds from the North American Wetland Conservation Act grant and that the City will bear no expenses associated with purchase of the property from Sprague Resources Corporation or conveyance from the Conservancy to the City.

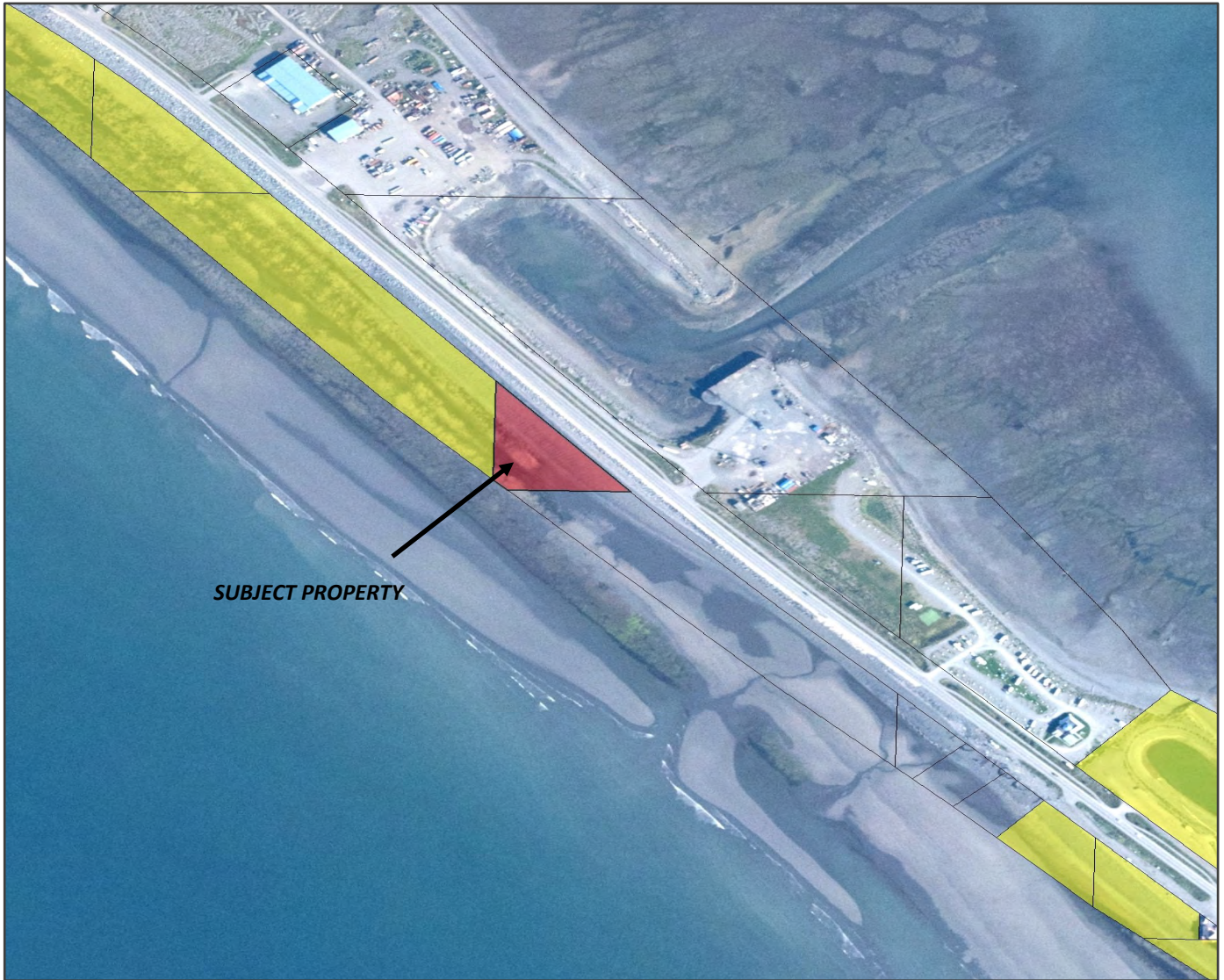
We appreciate the Conservancy's willingness to purchase the property and hold it prior to conveyance to the City of Homer and will work with your staff to ensure timely transfer of the property to the City. Thanks for your foresight in helping to assure balanced development for generations to come.

Yours truly,

Jack Cushing
Mayor, City of Homer

"WHERE THE LAND ENDS AND THE SEA BEGINS"

THE NATURE CONSERVANCY HOMER SPIT PARCEL



SUBJECT PROPERTY

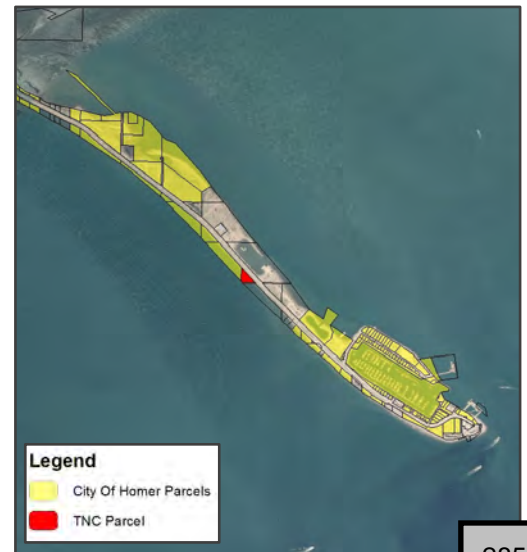
PARCEL INFORMATION

LEGAL DESCRIPTION: T 6S R 13W SEC 35 SEWARD MERIDIAN HM THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD

KPB Parcel ID: 18103007

Area (Acres): 2.62

KPB Assessed Value (2018): \$4,000



Legend

- City Of Homer Parcels
- TNC Parcel



KACHEMAK BAY WETLANDS CONSERVATION PROJECT, ALASKA

PROJECT OFFICER:

Name: Randy Hagenstein
Title: Director of Conservation Programs
Organization: The Nature Conservancy of Alaska
Address: 421 W. 1st Avenue, Suite 200, Anchorage, AK 99501

Telephone Number: (907) 276-3133
Facsimile Machine Phone Number: (907) 276-2584
Electronic Mail Address: rhagenstein@tnc.org

LATITUDE/LONGITUDE:

59° 30'N latitude and 151° W longitude.

DATE SUBMITTED:

August 2, 1999

CHECK-OFF SECTION:

- YES NO Did you use the most current version of the U.S. Standard Grant Application Instructions booklet and disk to complete the proposal?
- YES NO Did you contact a North American Waterfowl Management Plan Joint Venture Coordinator during proposal development?
- YES NO Did you send a copy of the completed proposal to the Joint Venture Coordinator?

YOUR COMMENTS:

This proposal is a re-submission of a proposal originally submitted in March 1999. Based on the comments of NAWCA staff, the proposal has been significantly strengthened by removing some acquisition properties from the original proposal that staff felt did not meet NAWCA grant standards and replacing with other wetland properties of higher ecological value and lower cost per acre. For example, the previous proposal sought grant funds for purchase of 178 acres at \$5,500/acre; the current proposal seeks grant funding to purchase 726 acres at a cost of \$1,138/acre. Additions to the proposal include the two most important Aleutian tern nesting colonies in Kachemak Bay.

The proposed acquisitions all build on past work of The Nature Conservancy and partners. Although the acquisitions are distributed among several locations throughout Kachemak Bay, all are important wetlands for migratory and nesting waterfowl and other wetland dependant birds and all are adjacent to past habitat protection projects. Additionally, in the words of the Pacific Coast JV coordinator, "we will never have the opportunity to protect more important colonial bird nesting habitat" than we do with this proposal.

We are pleased to bring a diverse partnership to this project that will protect the most important wetlands and habitats for migratory birds within the Kachemak Bay ecosystem and look forward to working with NAWCC to make this important work happen.

**NORTH AMERICAN WETLANDS CONSERVATION ACT PROPOSAL
KACHEMAK BAY WETLANDS CONSERVATION PROJECT, ALASKA**

COUNTY, STATE, CONGRESSIONAL DISTRICT: Kenai Peninsula Borough, Alaska. Congressional District 1.

TITLE HOLDERS AND MANAGERS: The Nature Conservancy (619 acres); Kachemak Heritage Land Trust (288 acres); Alaska Division of Parks and Outdoor Recreation (104 acres); City of Homer (151 acres); USFWS (3 acres).

FUNDING, PROPOSAL COSTS, AND ACRES () = duplicated acres:

GRANT FUNDS (Recipient: The Nature Conservancy)	\$ 856,700
PARTNER FUNDS	\$3,273,150
- The Nature Conservancy	\$ 1,795,150
- Kachemak Heritage Land Trust	\$ 86,900
- Alaska Division of Parks and Outdoor Recreation	\$ 116,000
- City of Homer (non-matching)	\$ 41,000
- Exxon Valdez Oil Spill Council (non-matching)	\$ 1,234,100
 TOTAL FUNDS	 \$ 4,129,850

	GRANT ACRES	PARTNER ACRES	TOTAL ACRES	TOTAL COST	
ACQUISITION			1,165.7	\$ 4,078,450	(\$3,499 /ac)
Fee	726.7	414	1,140.7	\$ 3,875,550	(\$3,397/ac)
Fee Donated		25	25	\$ 202,900	(\$8,116/ac)
Easement				0	
Easement Donated				0	
Lease				0	
Lease Donated				0	
Other Acquisition Costs				\$ 51,400	
RESTORATION				0	
ENHANCEMENT				0	
OTHER				0	
TOTAL ACRES & COST	726.7	439	1,165.7	4,129,850	(\$3,543/ac)

PURPOSE AND WORK PLAN:

Used by millions of shorebirds, thousands of waterfowl, gulls and terns, seabirds, and raptors, Kachemak Bay is one of the most critical sites for migratory birds in the world. This project strengthens the work of numerous partners operating to conserve wetlands and waterfowl within the Kachemak Bay area. It builds on the Kachemak Bay and Fox River Flats Critical Habitat Area Plan, the Kachemak Bay National Estuarine Research Reserve Final Management Plan, the Western Hemisphere Shorebird Network designation, and The Nature Conservancy’s Site Conservation Plan. The Kachemak Bay Wetlands Conservation Project is a high priority for continued conservation in this globally significant waterfowl site.

Already, partners have conserved over 200 acres of wetlands and associated uplands in the past two years. This includes acquisition of 18 acres in Beluga Wetlands/Airport Critical Habitat Area, 106 acres of intertidal wetlands by the City of Homer and the Exxon Valdez Oil Spill Council on Homer Spit, Overlook Park, and Beluga Slough, and seven acres by DNR Division of State Parks and Outdoor Recreation in China Poot Bay. TNC will use private funds to acquire nearly 211 acres at China Poot Bay- the largest enclosed tidal estuary in lower Cook Inlet, which supports salt marsh, intertidal wetlands, and gravel bars and uplands that buffer critical estuarine wetlands. TNC will also acquire Gull Island an important habitat for over 13,000 nesting seabirds. With grant funds, partners will protect over 700 acres of additional wetlands and associated uplands on Homer Spit, Beluga Slough and Lake, Lampert Lake, Stone Steps Lake, and Fox River Flats (see maps).

This project is part of The Nature Conservancy's landscape scale conservation effort in this part of Alaska. Identified as one of the most critical watersheds in the Cook Inlet ecoregion, the Conservancy will be investing resources in community-based conservation to insure the conservation of important wetland habitat throughout Kachemak Bay. The protection efforts in this proposal are just part of a broader effort that will attempt to insure the long-term survival of all native species within the Kachemak Bay watershed. This work will involve additional upland acquisition, education and outreach, and the encouragement of a local economy compatible with the important resources of the area.

Primarily, this phase of the project will use critical acquisitions to accomplish our goals in the area. Partners will use grant and partner funds to acquire tracts in fee-simple on Homer Spit, Fox River Flats, China Poot Bay, Beluga Slough and Lake, Lampert Lake, and Stone Steps Lake.

WETLANDS VALUES:

Several important wetland types will be protected through this project. Marine intertidal, palustrine forested, palustrine emergent, and estuarine intertidal emergent (all decreasing) will be a major focus. With partners, we will acquire these wetland types around China Poot Bay, Beluga Slough, and Homer Spit, and will acquire forest, grassland, and gravel bar associated uplands as important feeding and nesting areas buffering these important wetland habitats. Acquisition of 239 acres in the Fox River Flats will protect riverine and estuarine intertidal emergent wetlands (decreasing) which provides habitat for nesting waterfowl, migrating shorebirds, bald eagles, moose and brown bear. Approximately 164 acres of marine intertidal wetlands (decreasing) will also be protected, providing increased habitat for shorebirds and feeding waterfowl. At Lampert Lake and Stone Steps Lake, the two most important Aleutian tern breeding areas in Kachemak Bay, partners will protect approximately 440 acres of lacustrine, palustrine shrub, and palustrine emergent (decreasing) wetlands for over 60 breeding pairs of Aleutian terns. The proposal area contains breeding habitat for red-faced cormorant, black turnstone, Aleutian tern, and 14 other priority wetland dependent species. *In total, this project will protect 846 acres of wetlands (73% of the total acreage to be protected). Of these, 58% are declining types that are buffered by associated uplands and stable or increasing wetlands.* The project will produce hundreds of waterfowl annually including mallard, pintail, greater scaup, Canada geese, and common eider. Wetlands and associated uplands acquired through this project will also help maintain water quality and will provide some flood control by helping store flood waters in the wetlands of Beluga Slough and Fox River Flats and the extensive wetlands associated with Lampert and Stone Steps Lakes.

PUBLIC BENEFITS AND SPECIAL CIRCUMSTANCES:

The public has been informed about the proposal through key community leaders involved in its development. Public lands in the proposal area are open to the public for a variety of uses including bird watching, hiking, hunting, research, etc. Some restrictions may apply on Nature Conservancy and Kachemak Heritage Land Trust lands, especially during certain vulnerable periods and in vulnerable areas such as Gull Island to protect breeding or sensitive species. The area includes Kachemak Bay State Park that is open to the public for hiking and sea kayaking. Lands adjacent to Beluga Slough will house a new visitor center for the Alaska Maritime National Wildlife Refuge. Protecting lands adjacent to this site will provide valuable opportunities to share the importance of wetlands to migratory birds with the visiting public. The China Poot Bay lands will provide a living laboratory for students working at the Center for Alaskan Coastal Studies' Peterson Bay field station, which is adjacent to this match-acquisition property. Finally, the involvement of the National Estuarine Research Reserve (NERR) will provide opportunities for the public to access project acreage through this important partner, and produce additional benefits through the research function of the NERR.

This proposal involves a unique combination of partners, including some that are new to the NAWCA program (Seldovia Native Association, Kachemak Heritage Land Trust, Center for Alaskan Coastal Studies, City of Homer, and Alaska Department of Natural Resources- Division of Parks and Outdoor Recreation). Tracts on Homer Spit are zoned for commercial use and will be developed within 2-3 years. Both Beluga and Lampert Lake properties are subdivided into smaller lots and surrounded by residential and commercial properties. Properties in China Poot Bay, and Fox River Flats are threatened with residential development and logging, and if not acquired could be altered in the next 3 years.

PROPOSAL PART 2. DETAILED INFORMATION

EXTRA INFORMATION FOR PART 1:

BUDGET TABLE:

MATCH- & GRANT-SUPPORTED WORK COST ELEMENTS & ACTIVITIES	GRANT \$	NON-FEDERAL PARTNERS & MATCH \$ (in thousands of \$; e.g. 10 = \$10,000. Amounts have been rounded.)				FEDERAL PARTNERS & NON-MATCH \$	TOTAL \$
		OLD CASH \$	NEW CASH \$	OLD OTHER \$	NEW OTHER \$		
Personnel	10		T 10				20
Travel							-
Appraisals	20	T 11					31
Fee Acquired	827		T 1,774			E 1,275	3,876
Fee Donated		K 87 A 116					203
Easement Acquired							
Easement Donated							
Lease Acquired							
Lease Donated							
Total ACQUISITION	857	214	1,784	0	0	1,275	4,130
GRAND TOTAL \$\$\$	857	214	1,784	0	0	1,275	4,130
Partner Symbols & \$:							
-The Nature Conservancy (T)			1,795				1,795
-Kachemak Heritage Land Trust (K)			87				87
-Alaska Division of State Parks (A)			116				116
-City of Homer (H)						41	41
-Exxon Valdez Oil Spill (E)						1,234	1,234
Grant = NAWCA	857						857
TOTALS	\$ 857		\$ 1,998		\$ 0	\$ 1,275	\$ 4,130

BUDGET NARRATIVE AND MATCH ELIGIBILITY

(*denotes match actions that have not yet occurred and that coincide with “New” column in Budget Table):

ACQUISITION - \$4,129,850 (\$ 856,700 Grant, \$1,998,050 Match Partners, 1,275,100 Non-match Partners)

PERSONNEL \$ 20,000 (\$ 10,000 Grant, \$ 10,000 Partners)

1.*\$10,000 Grant. Cost estimate is based on .2 FTE based on \$50,000/year. Rate is fair market value for this service. Personnel costs will be incurred by both The Nature Conservancy and Kachemak Heritage Land Trust.

2.*\$10,000 The Nature Conservancy. Cost estimate is based on .2 FTE based on \$50,000/year. Rate is fair market value for this service. Partner funds will be from a non-Federal source (private membership funds).

APPRAISALS \$ 31,400 (\$ 20,000 Grant, \$ 11,400 Partners)

- 1.*\$ 20,000 Grant. Cost estimate is based on 10 appraisals at \$2,000 each. Although more than 10 parcels will need to be appraised, many are very similar and there should be significant economy in conducting appraisals. Rate is fair market value for this service.
2. \$ 11,400 The Nature Conservancy. Cost estimate is based on invoice for service provided in 1998. Rate is fair market value for this service. Partner funds were from a non-Federal source (private foundation).

FEE ACQUIRED \$ 4,078,450 (\$ 826,700 Grant, \$ 3,251,750 Partners)

1.*\$ 826,700 Grant. \$ 1,138/acre = 726.7 acres. Cost estimates are based May 1999 tax assessments (which reflect current fair market value reasonably well according to a local real estate appraiser). Tracts are located on maps in the proposal and identified as follows: Homer Spit (Grant); Beluga Slough (Grant); Beluga Lake (Grant); Lampert Lake (Grant); Stone Steps Lake (Grant); and Fox River Flats(Grant). Collectively, these acquisitions significantly increase protection to the most important wetlands on the north side of Kachemak Bay (where the development pressure is most severe) and augment past conservation efforts of many state, federal, and local partners. There are no improvements or development on any of the grant properties with the exception of two cabins on one of the Stone Steps Lake parcels as noted below. The following information is provided for each grant tract:

Tract designation on map in proposal: Beluga Lake (Grant)

Approximate acreage of wetlands and other habitats: Two parcels totaling 31.28 acres with approximately 18 acres of palustrine forested 10 acres of palustrine emergent, and 3 acres of palustrine shrub wetlands.

Key migratory bird habitat values: These tracts are part of a major wetland complex at the head of Beluga Lake, a locally important area for nesting and migrating waterfowl as well as other wetland-dependant species. Concentrations of moose are particularly high on this site. These two tracts are adjacent to two properties owned by the Kachemak Heritage Land Trust, one of which is included in this proposal as a match.

Value: \$35,100 for 31.28 acres (\$1,122/acre) based on 1999 tax assessment of the property.

Tract designation on map in proposal: Beluga Slough (Grant)

Approximate acreage of wetlands and other habitats: 1.2 acres of estuarine intertidal emergent wetlands generally inundated on monthly high tides.

Key migratory bird habitat values: This tract is the last remaining unprotected and developable parcel within an extremely valuable intertidal estuary and is surrounded by USFWS lands. The tract and surrounding estuarine lands support high numbers and variety of migratory waterfowl and shorebirds in the spring and fall and nesting/feeding habitat for waterfowl and shorebirds in the summer.

Value: \$30,200 for 1.2 acres (\$25,812/acre) based on 1999 tax assessment of the property.

Tract designation on map in proposal: Lampert Lake (Grant)

Approximate acreage of wetlands and other habitats: These 32.97 acres in four parcels are almost entirely wetlands including approximately 11 acres of lacustrine habitat, 12 acres of palustrine shrub wetlands, and 8 acres of palustrine emergent wetlands. Additional opportunities to conserve wetlands (beyond the scope of this proposal) exist here.

Key migratory bird habitat values: Lampert Lake and the associated patterned wetlands to the northeast support breeding Aleutian terns as well as migratory and nesting waterfowl. The terns nested on this site in 1999 and sporadically prior to that. The area is also important for overwintering moose.

Value: \$75,400 for 32.97 acres (\$2,287/acre) based on 1999 tax assessment of the property.

Tract designation on map in proposal: Stone Steps Lake (Grant)

Approximate acreage of wetlands and other habitats: The proposed tracts total 410.2 acres dominated by palustrine forested, palustrine emergent, and palustrine shrub wetlands. A 45 acre lake and 20 acres of riparian wetlands are also included in these properties. Additional opportunities to conserve wetlands (beyond the scope of this proposal) exist here.

Key migratory bird habitat values: The Stone Steps Lake wetland is a large complex of lake/patterned bog/riparian forest with extensive values for migratory birds. It supports the largest breeding population of Aleutian terns in the Kachemak Bay area (over 60 pairs) as well as breeding areas for waterfowl, shorebirds, bald eagles, kingfishers, and other species. Migratory waterfowl use the lake and emergent

wetlands extensively in spring and fall. The riparian areas associated with Fritz Creek that runs through the tracts are extremely important for overwintering moose, black and brown bear, and other mammals and support species such as American dippers.

Value: \$403,900 for 410.2 acres (\$985/acre) based on 1999 tax assessment of the property. There are two small unused recreational cabins on Stone Steps Lake as well as a dock and some sheds.

Tract designation on map in proposal: Fox River Flats (Grant)

Approximate acreage of wetlands and other habitats: These two tracts total 239 acres including approximately 30 acres each of palustrine emergent and palustrine forested wetlands, 80 acres of riparian wetlands, and 60 acres of palustrine shrub wetlands. Additional opportunities to conserve wetlands (beyond the scope of this proposal) exist here.

Key migratory bird habitat values: The Fox River Flats contain the most important and extensive nesting habitat for mallards, pintails, and other dabbling ducks in Kachemak Bay and are extremely important for other migratory waterfowl and shorebirds. These two tracts, together with a 160 acre parcel owned by the Kachemak Heritage Land Trust conserve approximately a two mile corridor of private land adjacent to Fox River and buffer the extensive public lands in the Fox River Flats Critical Habitat Area.

Value: \$198,000 for 238.76 acres (\$829/acre) based on 1999 tax assessment of the property.

Tract designation on map in proposal: Homer Spit (Grant)

Approximate acreage of wetlands and other habitats: Two tracts totaling 12.32 acres are entirely marine intertidal wetlands and include approximately 1/3 mile of shoreline.

Key migratory bird habitat values: This area of intertidal shoreline and flats provides important feeding areas for a broad variety of migratory and overwintering shorebirds. Rock sandpipers use the area extensively in the winter. Additionally, the area is important for waterfowl such as common and Steller's eiders that feed on sea grass in the waters immediately adjacent to the property throughout the year. Conservation of these lands will prevent the sprawl of commercial lands at the end of the Homer Spit and provide a contiguous area of public lands that extend for three miles along the Homer Spit.

Value: \$84,100 for 12.32 acres (\$6,826/acre) based on 1999 tax assessment of the property.

2.*\$ 1,773,750 The Nature Conservancy. \$8,406/acre = 211 acres. Partner funds will be from a non-Federal source (private foundation and individual donations). The following information is provided for each match tract:

Tract designation on map in proposal: China Poot (TNC)

Approximate acreage of wetlands and other habitats: 211 acres including 67 acres of marine intertidal and estuarine intertidal emergent wetlands and 144 acres of uplands.

Key migratory bird habitat values: This tract provides ideal winter habitat for sea ducks and nesting habitat for mallards and other waterfowl. Other habitat in this tract is important for migrating shorebirds, nesting murrelets, seabirds, and nesting bald eagles. Common eiders nest on the spits that protect China Poot estuary.

Value: Based on 1998 appraisal of this property.

3. \$ 1,275,100 (\$41,000 City of Homer; \$1,234,100 Exxon Valdez Oil Spill Council). \$6,281/acre = 203 acres. The tracts below were purchased with funds from the City of Homer and the Exxon Valdez Oil Spill (EVOS) Council. The EVOS funds are not eligible as a match for NAWCA funding (federal source), and the City of Homer funds have already been used to match federal funds associated with the Kachemak Bay National Estuarine Research Reserve, but both are part of the broader partnership to protect important wetlands in Kachemak Bay. The parcels were acquired within the 2-year NAWCA match eligibility period and are adjacent to parcels to be acquired with grant funds. The following information is provided for each tract:

Tract designation on map in proposal: Homer Spit (H&E); Beluga Slough (H&E); Overlook Park (E)

Approximate acreage of wetlands and other habitats: 38 acres of estuarine intertidal wetlands in Beluga Slough and 68 acres on Homer Spit including 60 acres of marine intertidal wetlands. The Overlook Park parcel contains the most diverse tidepool communities on the north shore of Kachemak Bay and are used extensively by migratory shorebirds. Uplands included in this property provide a buffer to this sensitive site.

Key migratory bird habitat values: These areas are extremely important for migrating shorebirds, nesting and migrating waterfowl and nesting bald eagles. The Beluga Slough tract may provide important nesting habitat for Aleutian Terns.

Value: Appraisals were the basis for valuation.

FEE DONATED \$ 202,900 Partners

1. \$ 86,900 Kachemak Heritage Land Trust. \$4,828/acre = 18 acres. This parcel was donated to the Kachemak Heritage Land Trust by a private donor (Harry Buxton) in September 1997, within the 2-year NAWCA match eligibility period. The following information is provided for the tract:

Tract designation on map in proposal: Beluga Lake (KHLT)

Approximate acreage of wetlands and other habitats: 18 acres, including 9 acres of uplands and 9 acres of palustrine/shrub and palustrine/emergent wetlands.

Key migratory bird habitat values: This tract buffers major wetlands at the head of Beluga Lake, a locally important area for nesting and migrating waterfowl as well as other wetland-dependant species.

Concentrations of moose are particularly high on this site.

A description of how the donated property increases the resource values of the proposal or increases the degree of protection or management of wetlands: This tract contains palustrine emergent wetlands and associated uplands which are decreasing worldwide, so it adds significant value to the project. The purpose of the donation was to ensure the conservation, open space, wetland, wildlife habitat, and educational values of the property. This tract is adjacent to two tracts to be purchased with grant funds.

Value: The tax assessment was used as the basis of the valuation as no appraisal was performed at the time of donation.

2. \$ 116,000 Alaska Dept. of Natural Resources Division of Parks and Outdoor Recreation. \$16,571/acre = 7 acres. Donation was made to Alaska Division of Parks and occurred in December 1998, within the 2-year NAWCA match eligibility period. The donation from a private individual (Tim Christy) included 7 contiguous one-acre tracts that were recreationally subdivided. The following information is provided for these match tracts:

Tract designation on map in proposal: China Poot (State Parks)

Approximate acreage of wetlands and other habitats: 6 acres of uplands associated with one acre of marine intertidal wetlands.

Key migratory bird habitat values: This tract buffers important migratory bird habitat in China Poot Bay. There is one known Bald Eagle nest on the property, and adjacent wetlands provide winter habitat for sea ducks and nesting habitat for mallards and other waterfowl.

A description of how the donated property increases the resource values of the proposal or increases the degree of protection or management of wetlands: The donated lots contribute to protection of resource values by limiting opportunities for shoreline development and by reducing potential disturbance to marine intertidal wetlands. The tract was donated to Kachemak Bay State Park to conserve the shoreline and associated uplands in China Poot Bay. These lands protect nesting habitats for bald eagles, pigeon guillemots, marbled murrelets, and other species that use the forested fringe around important wetlands.

Value: The tax assessment for 1998 was used as the basis for determining value of these lots. Analysis of comparable sales and appraisals of adjacent parcels supports this high value per acre. These lands are in an area of prime development potential for recreational properties.

MILESTONES AND PREVIOUS AND FUTURE PROPOSALS

MILESTONES	ESTIMATED COMPLETION DATE
• Acquired 18 acres (KHLT)	September 97
• Acquired 7 acre addition to State Park (DNR)	December 98
• Acquired 203 acres on Homer Spit, Beluga Slough and Overlook Park (City and EVOS)	March 98
• Acquire China Poot Tracts (TNC)	Grant Agreement date + 90 days
• Acquire Lampert Lake and Stone Steps Lake tracts (TNC)	Grant Agreement date + 180 days
• Acquire Homer Spit Tract (City)	Grant Agreement date + 360 days
• Acquire Fox River Flats/Beluga Slough Tracts (KHLT)	Grant Agreement date + 450 days
• Kachemak Bay Phase II Grant	Grant Agreement date + 360 days

**TECHNICAL ASSESSMENT QUESTION 1
HOW DOES THE PROPOSAL CONTRIBUTE TO THE CONSERVATION OF
WATERFOWL HABITAT?**

A.

HIGH PRIORITY SPECIES	BREEDING	WINTERING	MIGRATION	IMPACT
Tule Greater White-fronted Goose			U	P
Cackling Canada Goose			U	P
Northern Pintail	C	C	C	P
Mallard	C	C	C	P
Lesser Scaup			U	P
Greater Scaup	C	C	C	P

NARRATIVE:

This project will protect habitat for all of the species listed above. Protection of existing wetlands and associated uplands especially in the Fox River Flats, Stone Steps Lake, and China Poot Bay area will provide breeding habitat for northern pintail, mallards, and greater scaup. In addition to prime breeding habitat, thousands of mallards, and pintails congregate during spring and fall staging on Fox River Flats. All of the species will benefit from increased protection in acquired wetlands during migratory stopovers, and protected winter habitat for mallards, pintails, and greater scaups. Greater White-fronted Geese and Cackling Canada Geese estimated at times near 1,000 individuals both stopover in the wetlands of Fox River Flats and will benefit from this project.

B.

OTHER PRIORITY SPECIES	BREEDING	WINTERING	MIGRATION	IMPACT
Wrangel Island Snow Goose			R	P
Pacific Brant			U	P
Redhead			U	P
Canvasback			U	P
Ring-necked Duck			R	P
Common Eider	C	C	C	P

NARRATIVE: Common eiders breed on project sites and protection of spits and barrier islands near China Poot Bay will benefit this species. Eiders also use the marine areas west of the tracts on Homer Spit extensively to feed. Wrangel Island snow geese, brants, redheads, canvasbacks, and ring-necked ducks all use the Fox River Flats and China Poot Bay area during migration where acquisitions of wetland and adjacent uplands will benefit these species.

C. OTHER WATERFOWL: American wigeon, harlequin duck, black scoter, common goldeneye, bufflehead, green winged teal, common and red-breasted merganser, trumpeter swan, northern shoveler, Gadwall, king eider, Steller’s eider, oldsquaw, surf scoter, white-winged scoter, and trumpeter and tundra swan.

NARRATIVE: American wigeon, harlequin duck, black scoter, common goldeneye, bufflehead, green winged teal, common and red-breasted merganser, and trumpeter swan all breed at project sites, and will benefit from lands acquired with project funds. Northern shoveler, gadwall, king eider, Stellers eider, oldsquaw, surf scoter, white-winged scoter, and tundra swan all use project sites and will also benefit from acquisitions funded by this project. The Bay supports over 100,000 wintering waterfowl (90% of Cook Inlet population of over-wintering waterfowl). Scoters resting in China Poot Bay during spring and fall migrations often number 10,000 to 11,000. Trumpeter swans also stage in the Fox River Flats and they have been recorded in densities of 2.6 swans/square mile during spring and fall.

TECHNICAL ASSESSMENT QUESTION 2
HOW DOES THE PROPOSAL CONTRIBUTE TO THE CONSERVATION OF
OTHER WETLAND-DEPENDENT OR WETLAND-ASSOCIATED MIGRATORY BIRDS?

A. BREEDING AND WINTERING PRIORITY SPECIES

96-SOUTHERN ALASKA COAST	TIER 1 High Priority Species	TIER 2 Priority Species	IMPACT
Red-faced Cormorant	B,W		MA
Black Turnstone	B		MI
Rock Sandpiper	W		MA
Aleutian Tern	B		MA
Common Loon		B	MA
Bald Eagle		B,W	MA
Greater Yellowlegs		B	MA
Wandering Tattler		B	MA
Short-billed Dowitcher		B	MI
Glaucous-winged Gull		B	MA
Pigeon Guillemot		B,W	MA
Kittlitz's Murrelet		B	MI
Ancient Murrelet		B,W	MI
Cassin's Auklet		W	MA
Short-eared Owl		B	MI
Rufous Hummingbird		B	MI
American Dipper		B,W	MA
Swainson's Thrush		B	MA

NARRATIVE: Between 50 and 60 Red-faced Cormorants breed on Gull Island which will be acquired with match funds. Black turnstone, and Aleutian tern both breed at project sites. Approximately 60 pairs of Aleutian terns were observed nesting in the Stone Steps Lake wetlands in 1999 and documented nesting occurs at Lampert Lake sporadically. These species are particularly sensitive during breeding, and acquisition of lands in Beluga, Lampert, and Stone Steps Lakes as well as Beluga Slough, Homer Spit, and China Poot Bay will reduce disturbance to these species during breeding. Nearly 7,000 black turnstone have been reported from Homer Spit in one season. Rock sandpipers, numbering about 1,000, over-winter on Homer Spit, and will also benefit from acquisitions there. Common loons and bald eagles are present throughout the watershed; 10 bald eagle nests have been identified on the China Poot Bay property, which will be acquired with match funds. Greater Yellowlegs, wandering tattlers and short-billed dowitchers are present on the Homer Spit and barrier beaches of China Poot Bay. Upwards of 7,700 dowitchers were counted in 1992 on Homer Spit. Glaucous winged gulls (700 individuals), and pigeon guillemots (40 individuals) breed on Gull Island. Kittlitz' murrelets, ancient murrelets, and Cassin's auklet feed in China Poot Bay buffered by Island Peninsula, which also provides nesting habitat for pigeon guillemots and Cassin's auklet. Short-eared owls, rufous hummingbirds, and swainson's thrush will all benefit from associated upland protected from development on lands around China Poot Bay and intertidal estuarine wetlands, associated uplands on Fox River Flats, and wetlands around Stone Steps Lakes and Beluga Lake. American dippers use the riparian areas on the Fox River Flats and in Fritz Creek that flows through the Stone Steps Lake wetlands.

B. IN-TRANSIT MIGRANTS OF CONCERN

SPECIES	USE	IMPACT
American Golden Plover	C	MA
Whimbrel	C	MA
Hudsonian Godwit	R	MI
Marbled Godwit	X	MI
Red Knot	U	MI
Semipalmated Sandpiper	C	MA
Short-billed Dowitcher	U	MI
Long-billed Dowitcher	C	MA

NARRATIVE:

Millions of migrating shorebirds use Kachemak Bay each spring. American golden plovers and whimbrels will benefit from land acquisition and restoration on Homer Spit, Fox River Flats and China Poot Bay estuary where the majority of these species stopover for several weeks. In 1992, 82 whimbrel individuals were recorded on Homer Spit, and an equal number is likely on the China Poot Bay spits. Increased protection of this habitat will help keep this species from declining. Hudsonian and marbled godwits, red knots, and short billed dowitchers have been recorded from Homer Spit, China Poot Bay, and Fox River Flats where their small numbers will benefit from acquisitions. Semipalmated sandpipers, and long-billed dowitchers occur in China Poot Bay, on Homer Spit, and in the Fox River Flats; biologists estimate their numbers in the thousands. Long-billed dowitchers also use the emergent wetlands that fringe Lampert and Stone Steps Lakes. No accurate counts have taken place, but acquisition of wetlands in Fox River Flats and the mud flats and barrier spits at China Poot Bay, as well as acquisition on Homer Spit will keep lands from being disturbed thus benefiting these species.

C. OTHER WETLAND-DEPENDENT SPECIES

Black bellied plover, dunlin, baird's sandpiper, great blue heron, sandhill crane, osprey, northern harrier, northern goshawk, yellow billed loon, red-throated loon, golden eagle.

NARRATIVE: All the above species use wetlands that will be acquired or restored with match and grant funds. Great blue herons are only occasional visitors, but Kachemak Bay marks one of the northern/western extensions of its range and thus makes it important for this species. Sandhill cranes, northern harriers, northern goshawks, red throated loons, and golden eagles breed in the project area and use project wetlands extensively. Acquisitions will benefit these species by protecting nesting and feeding areas from development. Numbers will likely remain stable or increase due to protection efforts outlined in this proposal. Yellow-billed loons are winter residents and will benefit from wetland protection. Ospreys migrate through the area and feed in wetlands associated with Fox River Flats and China Poot Bay. Acquisitions in this area will benefit osprey, protecting their feeding habitat from development or alteration.

TECHNICAL ASSESSMENT QUESTION 3

HOW DOES THE PROPOSAL BENEFIT THE NORTH AMERICAN WATERFOWL MANAGEMENT PLAN AND CONTRIBUTE TO SITES THAT HAVE BEEN RECOGNIZED FOR WETLAND VALUES?

A. The Pacific Coast Joint Venture has proposed that Alaska be added to this Joint Venture, and Alaska is a part of the developing Sea Duck Joint Venture. The Kachemak Bay Project is part of the Cook Inlet Waterfowl Habitat Area of Concern. Kachemak Bay is *continentally important* as a resting area for ducks and geese on their migratory routes to nesting areas in northern Alaska. Fox River Flats and China Poot Bay provide ideal staging, resting and nesting habitat for dabbling ducks such as mallard, pintail and green winged teal. Over 100,000

waterfowl also use the upper end of Kachemak Bay for over wintering habitat, and over 5,000 mallards over winter in China Poot Bay. Kachemak Bay is the most important marine bird/sea duck habitat in Cook Inlet with over 90% of the wintering marine birds in Cook Inlet. This area is also important for feeding, nesting rearing, and migratory staging throughout the year. The inner coastline of the Bay has an estimated total year-round density of 679 birds/mile². It is also *globally important* as a site for migrating shorebirds with several million shorebirds frequenting the area each spring. Acquisition of critical wetlands and associated uplands in Fox River Flats, China Poot Bay, Beluga Slough, Lampert Lake, Stone Steps Lake, and Homer Spit will protect habitat from development and disturbance.

B. Kachemak Bay is designated a Western Hemisphere Shorebird Reserve Network site, a State Critical Habitat Area, is part of a National Estuarine Research Reserve, includes units of Alaska Maritime National Wildlife Refuge, and was identified by the World Bank as one of two bodies of water in the U.S. meriting special attention for its extraordinary productivity. Work accomplished under this proposal will enhance the site in ways that are compatible with the intent of the above designations. The protection and restoration of wetlands and associated uplands will add lands to the refuge system and the critical habitat area, will enhance shorebird habitat, and will provide access to sites for staff associated with the National Estuarine Research Reserve.

**TECHNICAL ASSESSMENT QUESTION 4
HOW DOES THE PROPOSAL RELATE TO THE
NATIONAL STATUS AND TRENDS OF WETLANDS TYPES?**

Sum of A + B acres below = 1,165
Sum of acres NOT IN PARENTHESES in Part 1 = 1,165

A. Wetlands 846 ACRES 73 %

Decreasing Types

130 Acres PALUSTRINE EMERGENT
108 Acres PALUSTRINE FORESTED
74 Acres ESTUARINE INTERTIDAL EMERGENT
176 Acres MARINE INTERTIDAL

Stable Types

198 Acres PALUSTRINE SHRUB
100 Acres RIVERINE (all types)
 Acres ESTUARINE INTERTIDAL FORESTED/SHRUB

Increasing Types

59 Acres LACUSTRINE (all types)
 Acres PALUSTRINE NON-VEGETATED
 Acres ESTUARINE INTERTIDAL
 Acres ESTUARINE SUBTIDAL (all types)

NARRATIVE: 58% of the wetlands included in this proposal are decreasing types that are buffered by associated stable and increasing wetlands and upland habitats. The majority of the wetlands are estuarine intertidal emergent and marine intertidal in the areas of China Poot Bay, Fox River Flats, and Homer Spit. Beluga Slough and portions of the China Poot Bay area contain palustrine emergent wetlands and several acres of palustrine shrub wetlands. Beluga Lake, Lampert Lake, and Stone Steps Lake tracts each contain abundant palustrine forested, emergent, and shrub wetlands. There are about 100 acres of riverine wetlands on the Fox River Flats tracts and in the Stone Steps Lake wetland complex.

B. Uplands 319 ACRES 27 %

NARRATIVE:

Uplands included in the proposal are: a) forested and adjacent to important decreasing wetlands or b) uplands at and above high tide including cliffs, beach strand communities, and forested coastal fringe. The lands just above high tide include a 2-acre cluster of islands where approximately 13,000 marine birds nest including several priority species. The forested areas as well as the lands at or above high tide provide an important buffer to decreasing wetlands included in this proposal. If unprotected, uses such as logging and residential development would significantly degrade the habitat value of adjacent wetlands. The forested areas also serve as important habitat for wetland-dependant and migratory birds including bald eagles and marbled murrelets. The coastal fringe to be acquired with this project also provides important nesting habitat for pigeon guillemots. All of the uplands to be acquired are within tracts that contain important wetlands.

**TECHNICAL ASSESSMENT QUESTION 5
HOW DOES THE PROPOSAL CONTRIBUTE TO
LONG-TERM CONSERVATION OF WETLANDS AND ASSOCIATED HABITATS?**

Sum of A + B + C + D acres below = 1,165

Sum of acres NOT IN PARENTHESES + acres IN PARENTHESES in Part 1 = 1,165

A. Benefits in perpetuity 1,165 ACRES 100 %

Acres of EASEMENTS

1,189 Acres of FEE-TITLE that do not need restoration

Acres of FEE-TITLE that need restoration and RESTORATION IS INCLUDED in proposal

Acres of LEASES

Acres permanently RESTORED

Acres permanently ENHANCED

Other Acres

NARRATIVE:

D. Wetlands Significance.

The Kachemak Bay area is one of Alaska’s most important areas for wetland conservation. The City of Homer and the lower Kenai Peninsula are experiencing rapid development (nearly 4% /year) similar to that in the Lower 48, but with fewer regulatory controls. Wetland conversion is a serious problem in this area both from commercial and residential development and recreational use and regulatory agencies have yet to substantially reduce the rate of wetland loss in this part of Alaska. Though the Kenai Peninsula Borough Coastal Plan and the City of Homer Comprehensive Plan indicate the need to limit growth in coastal, estuarine, and riverine wetlands, this growth continues. Growth is most evident in buffering uplands, but actual conversion of wetlands to development sites is taking place throughout the watershed, especially on Homer Spit. Protection of critical tracts identified in this proposal will help avert the damaging impacts of wetland conversion. Prevention now is much less expensive than restoration several years from now. Although restoration of tidal inundation to Mariner Park may be a part of Phase II, we will focus on acquisition in this proposal.

**TECHNICAL ASSESSMENT QUESTION 6
HOW DOES THE PROPOSAL CONTRIBUTE TO THE CONSERVATION OF HABITAT FOR
FEDERALLY-LISTED, PROPOSED, AND CANDIDATE ENDANGERED SPECIES;
STATE- LISTED SPECIES; AND OTHER WETLAND-DEPENDENT FISH AND WILDLIFE?**

A. How Federally threatened, endangered, proposed or Category I candidate species will benefit.

There are seven federally listed or proposed listed species that will benefit from this project. Beluga whales (Cook Inlet population is proposed for listing as endangered), Steller Sea Lion (Endangered), Humpback whale (Endangered), American peregrine falcon (Endangered), Olive-sided flycatcher, Steller’s eider (proposed), and spectacled eiders (Threatened) all use the project area and will benefit from the protection of buffer lands to China Poot Bay and wetlands of the Fox River Flats. Beluga whales feed in the shallows of Fox River flats and adjacent to Homer Spit on salmon. These salmon are dependent on the wetlands adjacent to Fox River and Homer Spit for spawning and rearing. Actions taken to acquire critical habitat in the upper bay, and Homer Spit will enhance

this species. Steller sea lions periodically haul-out on Gull Island and eiders feed adjacent to this site, so habitat here is critical for improving the population status of these listed species. Protecting habitat is identified in the recovery plan for both Steller sea lions and spectacled eiders. American peregrine falcon numbers will increase as this species will benefit from the protection of wetland and mudflat feeding areas and improved prey populations.

B. How State-Listed endangered or threatened species will benefit.

Four State listed species will directly benefit from this project. Gray cheeked thrush (State Special Concern), Townsend's warbler (State Special Concern), blackpoll warbler (State Special Concern), and harbor seal (State Special Concern) all frequent the area. The gray-cheeked thrush and the two warblers will benefit from improved and protected habitat on Island Peninsula and their numbers are likely to increase from this project. Harbor seals use China Poot Bay, and often haul-out on the gravel bars, mud flats and rocky Islets that will be acquired with this project. Thus, their populations will be less threatened after this project is completed. The population of brown bears on the Kenai Peninsula has been identified by the state of Alaska as a "species of special concern" due to a small, isolated population in an area of increasing human use. The tracts on the north side of Kachemak Bay (especially Stone Steps Lake) and in the Fox River Flats will benefit this population.

C. How other wetland-dependent fish and wildlife will benefit.

At least 21 species of terrestrial mammals, and four species of Pacific salmon inhabit wetlands protected by this project. Brown and black bear, moose, river otter, grey wolf, lynx, marten, mink, beaver, weasel, and snowshoe hare all use the wetlands to be acquired with project funds. These species will benefit from increased protection from development or disturbance. Chinook, chum, coho, and sockeye salmon will all benefit from protection of lands identified in this proposal. Salmon rearing areas are particularly important, and will be protected through acquisitions identified herein. Species injured by the Exxon Valdez oil spill such as salmon, blue mussels, marbled murrelets, murrelets, harlequin ducks, sea otters, killer whales, harbor seals and sea lions will also benefit indirectly from this project as lands acquired will buffer important habitat for these species. Marbled murrelets, river otters, bald eagles, harbor seals, and sea otters in particular use the gravel spits to be acquired at China Poot Bay.

**TECHNICAL ASSESSMENT QUESTION 7
HOW DOES THE PROPOSAL SATISFY THE PARTNERSHIP PURPOSE OF THE NORTH
AMERICAN WETLANDS CONSERVATION ACT?**

A. Ratio category of the non-Federal match to the grant request.

Match = \$1,998,050 Grant = \$856,700 Ratio of match:grant = 2.3:1
Ratio Category = \geq 2:1 match:grant request

B. Number of non-Federal partners who contribute at least 10% of the grant request.

Number of Non-Federal 10% Partners = 3
Non-Federal 10% partners are: 3: The Nature Conservancy, Kachemak Heritage Land Trust, Alaska Department of Natural Resources Division of Parks and Outdoor Recreation

C. Number of categories represented by funds documented with partner letters (8 partner categories are shown below:

- 4 Documented Federal agency partners: Exxon Valdez Oil Spill Trustees Council.
- 4 Documented State agency partners: Alaska Department of Natural Resources Division of Parks and Outdoor Recreation
- 4 Documented Non-governmental conservation organizations (e.g., local wildlife club, Ducks Unlimited, Inc., The Nature Conservancy) partners: The Nature Conservancy, Kachemak Heritage Land Trust
- 4 Documented Local governments, counties or municipalities (e.g., Conservation District) partners: City of Homer

Number of Partner Categories = >3

D. Important partnership aspects (e.g., new grant recipient, significant new partners, large number of partners under any category in C. above, non-financial contributions).

This proposal is a culmination of several on-going community based efforts that include a large number and variety of partners. It represents a groundswell of informed community support for ongoing wetland conservation work in this critical, stunning, and highly threatened wetland complex. The partners listed above (including several new partners) have or will provide matching funds or have received donated lands that meet the match eligibility requirements. Nine significant additional partners are vital to the success of wetland conservation efforts in Kachemak Bay. These partners are contributing time and expertise and include:

- Seldovia Native Association (Alaska Native Corporation)
- Center for Alaskan Coastal Studies (non-profit research & education institute)
- Trust for Public Land (non-profit land conservation organization)
- Kachemak Bay Wilderness Lodge (local business)
- Richard and Rhoda Goldman Fund (philanthropic foundation, major funding source)
- U.S. Fish and Wildlife Service, Alaska Maritime National Wildlife Refuge
- 3 private landowners (lands donated)

MAPS: Required maps are attached.

PARTNER LETTERS OF FUNDING COMMITMENT:

Included for the following funding partners: The Nature Conservancy, Kachemak Heritage Land Trust, Alaska Department of Natural Resources Division of Parks and Outdoor Recreation, City of Homer, and Exxon Valdez Oil Spill Trustee Council. Additionally, general letters of support are included for: Seldovia Native Association, U.S. Fish and Wildlife Service, and the Center for Alaskan Coastal Studies.

Original partner letters were submitted with our 3/26/99 NAWCA proposal and are on file with the NAWCA Coordinator. Copies are provided in this application package. Only the Kachemak Heritage Land Trust and City of Homer letters have been updated. Originals of these letters are included herein or are being sent directly to the NAWCA Coordinators office.

STANDARD FORM 424 “APPLICATION FOR FEDERAL ASSISTANCE” AND ASSURANCES “B - NON-CONSTRUCTION PROGRAM” AND “D - CONSTRUCTION PROGRAM”: Completed and signed Standard Form 424 and appropriate B and/or D Assurance Forms are attached.



City of Homer

Capital Improvement Program

2001 through 2006

Project Title: Purchase/Exchange Properties on the Spit

Project Cost: \$350,000

Description and Objective:

This project involves the City purchasing private property on the Homer Spit. The intent is to preserve the natural ecosystem and protect future eco-tourism activities that are emerging as a major industry in Homer. The City of Homer hosts the annual Shorebird Festival which attracts birding enthusiasts from Alaska and the lower 48.

Mud Bay on the Homer Spit is a habitat for shorebirds. Several private property parcels are located within this area. In order to protect this valuable resource, it is necessary for the public to acquire the property.

Benefit:

To protect the natural habitat of shorebirds.

Schedule: 2001 - 2006

Project Classification	Utilities	Roads	Equipment	Structure
Economic Development				X
Community Development				X
Areawide				X
Local				X

Contact:

Jack Cushing, Mayor

235-8121

Ronald Drathman, City Manager

235-8121

GRANT AGREEMENT
BETWEEN
U. S. FISH AND WILDLIFE SERVICE
AND
THE NATURE CONSERVANCY

PLA
9/20/00
This award has been
OBLIGATED in FFS

I. RECIPIENT

The Nature Conservancy
421 W. 1st Avenue, Suite 200
Anchorage, Alaska 99501

Project Officer: Randall H. Hagenstein
Phone: (907) 276-3133
FAX: (907) 276-2584
E-mail: rhagenstein@tnc.org

II. FINANCIAL DATA

Agreement Number: 98210-0-G702

Accounting Data: 2000-91080-411G-9676-0053

Tax Identification Number: 53-0242652

DUNS Number: 840632269

Amount Obligated from North American Wetlands Conservation Fund (NAWCF): \$846,200

Estimated Partners' Cash and In-kind Commitments: Recipient, \$1,795,150; Kachemak Heritage Land Trust, \$86,900; Alaska Division of Parks and Outdoor Recreation, \$116,000; City of Homer, \$41,000; and Exxon Valdez Oil Spill Council, \$1,234,100. Total - \$3,273,150.

Authorized Pre-award Cost Included in Amount Obligated from NAWCF: \$157,500 (See Section IX.C.)

Date on Which Obligation of Pre-award Costs may Begin: July 10, 2000

Catalog of Federal Domestic Assistance (CFDA) Number: 15.623 (NAWCF)

III. AUTHORITY

The U.S. Fish and Wildlife Service (FWS) and The Nature Conservancy (Recipient) enter into this Agreement under the authority of Public Law 101-233, the North American Wetlands Conservation Act, as amended (16 USC 4401 *et seq.*). This Agreement supports the **Kachemak Bay Wetlands Conservation Project**, which was recommended by the North American Wetlands Conservation Council on December 8, 1999, and approved by the Migratory Bird Conservation Commission on March 22, 2000.

IV. PURPOSE

The purpose of this Project is to strengthen the work of numerous partners operating to conserve wetlands and waterfowl within the Kachemak Bay area through the fee-title acquisition of an estimated 727 acres of important wetlands and associated uplands.

V. SCOPE OF WORK

This Agreement incorporates by reference the Recipient's Kachemak Bay Wetlands Conservation Project

Proposal (Proposal) dated August 2, 1999, as clarified in Randall H. Hagenstein's letter to Bettina Sparrowe dated October 8, 1999. The incorporated Proposal includes its budget and partners' letters of commitment. See Section XIV before deviating from the Proposal.

VI. PROJECT PERIOD

The project period starts on the date the FWS Contracting Officer signs this Agreement and ends two years later.

VII. MEASURABLE OUTCOMES

The Recipient must be able to demonstrate on-site accomplishment of all the Project's milestones, goals, and objectives as presented in the Proposal including the acres in the responses to Technical Assessments Questions 4 and 5.

VIII. REPORTS & OTHER REQUIRED DOCUMENTATION

The Recipient must provide the FWS Project Officer with the following:

(1) Performance reports and associated documentation.

<u>Report</u>	<u>Period Covered</u>	<u>Due Date</u>
Annual	1 st year after FWS signs Agreement	90 days after 1 st period completed
Final	Entire project period	90 days after end of project period

The performance reports must include or be accompanied by:

- a comparison of actual accomplishments with the milestones and the other goals and objectives for the period including the number of acres acquired in the same categories as in the responses to Technical Assessment Questions 4 and 5 of the Proposal;
- explanation of any differences between actual accomplishments and the objectives for the period including the acres projected in each category in Technical Assessment Questions 4 and 5;
- computation of the cost per acre presented in the same categories as in the response to Technical Assessment Question 5;
- analysis and explanation of any cost overruns or high unit costs;
- Standard Form 269, Financial Status Report (Long Form), completed on a "cash" basis as explained on the back of the form (available at <http://www.whitehouse.gov/WH/EOP/OMB/Grants>) for projects with nonconstruction costs or a computer-generated table with identical information.

The final performance report must also include or be accompanied by:

- a comparison of each partner's matching and non-matching commitments as stated in the Proposal with the amounts actually contributed;

- a delineation of the boundaries of all interests in real property purchased with NAWCF or matching dollars or received as in-kind matching donations on a U.S. Geological Survey (USGS) 7½ minute topographic quadrangle map(s);
- a delineation of the boundaries of all habitat restoration, enhancement, or creation accomplished with NAWCF dollars or used as match for NAWCF dollars on a USGS 7½ minute topographic quadrangle map(s);
- *(as an alternative for habitat restoration, enhancement, or creation sites smaller than 247 acres [100 hectares])* a coordinate pair list of the approximate geographic center of each contiguous parcel in the UTM (Universal Transverse Mercator) coordinate system with the datum (NAD27 or NAD83) of the map from which coordinates were extracted or from any GPS receiver used to acquire the coordinates, with each polygon, point, or coordinate pair cross-referenced to an individual database accomplishment record which describes the actual habitat modification at a particular site;
- an article of 500 words or less about the Project for the North American Waterfowl Management Plan's newsletter, *Birdscapes*. More than 4,000 copies of the newsletter are distributed in Canada, the U.S., and Mexico. The article must contain the Project's name, location, partners, total number of NAWCF and partners' dollars, benefits to wildlife and people, and any special or unusual aspects. A 35 mm slide(s) or photograph(s) must accompany the article with the photographer's name and organization and a caption. The Recipient may direct questions to, and request a copy of *Birdscapes* from, the Director of Communications, North American Waterfowl and Wetlands Office at (703) 358-1884, or e-mail dee_butler@fws.gov.

[Items (2)-(8) below are more fully explained in the referenced sections of the Agreement.]

(2) A copy of the Summary Statement of Just Compensation given to each seller of real property interest purchased for the project with NAWCF or matching dollars or: (a) documentation that the Recipient or subrecipient qualifies for an exemption or waiver, and (b) a copy of a written offer of fair market value. (Sections XIII.A.1. and XIII.A.6.)

(3) A copy of the summary and signature pages of an approved appraisal [see (4) below] completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) for any interest in real property (a) purchased with NAWCF or matching dollars, or (b) received as a matching in-kind donation, except as specified in Section XIII.A.2. If the Recipient or subrecipient qualifies for an exemption or waiver, it must submit (a) documentation that it qualifies for the exemption or waiver, and (b) documentation in support of an offer of fair market value. (Section XIII.A.2. and XIII.A.6.)

(4) A copy of an appraisal review which approves or recommends approval of any appraisal required in Section XIII.A.2. as an adequate basis for the establishment of an offer of just compensation for any interest in real property purchased with NAWCF or matching dollars or received as a matching in-kind donation. (Section XIII.A.3.)

(5) A statement that the Recipient has reviewed and has complied with the relocation assistance requirements of 49 CFR, part 24, subparts C.& D. (See Section XIII.A.4. for specific contents of statement.) or documentation that the Recipient or subrecipient qualifies for an exemption or waiver. (Section XIII.A.6.)

(6) A copy of the closing statement for each interest in real property purchased with NAWCF or matching dollars. (Section XIII.A.7.)

(7) Copies of the deeds conveying title to all interests in real property acquired with NAWCF or matching dollars or received as a matching in-kind donation. (Section XIII.A.8.)

(8) (a) A copy of a statute(s) or other legal instrument(s) that guarantees the long-term conservation of the wetlands, migratory birds, and other fish and wildlife of a Federal, State, or Tribal land-management system if the Recipient or subrecipient places in that system interests in real property purchased with NAWCF or matching dollars or received as an in-kind matching donation. (See Section XIII.B.1. for details); or

(b) A copy of a recorded Notice of Grant (or Cooperative) Agreement for all interests in real property purchased with NAWCF or matching dollars or received as an in-kind matching donation that do not qualify under Item (8)(a) above. (Section XIII.B.2.)

IX. FINANCIAL ADMINISTRATION

A. **NAWCF Funding**: The NAWCF provides funding for this Project via FWS not-to-exceed the "AMOUNT OBLIGATED ..." in Section II. This funding must be expended in accordance with the Proposal's Budget Table and the associated Budget Narrative unless modified as stipulated in Section XIV. In no event, does the funding provided by the NAWCF exceed 50 percent of the total cost of the Project.

The amount under "Amount Obligated ..." in Section II. is currently obligated and will defray the cost of performance from the effective date through the project period. The Recipient must not incur costs to be charged to the FWS, nor is the FWS obligated to reimburse the Recipient in excess of the funding obligated under this Agreement.

B. **Other Donations**: The partners listed in Section II. of this Agreement under "Estimated Partners' Cash and In-kind Commitments to Project" must make available the estimated amounts of cash and in-kind commitments for use on the Project as specified in the Proposal. All funds and in-kind donations used as a match against NAWCF funds for this Project must be from non-Federal sources and must not previously have been used as match for other Federal funds.

C. **Pre-Award Costs**: FWS authorizes pre-award costs not to exceed the amount entered under "Authorized Pre-award Costs Included in Amount Obligated from NAWCF" in Section II. of this Agreement. FWS may reimburse the Recipient for such direct and indirect costs as were incurred from the "Date on Which Obligation of Pre-award Costs May Begin" in Section II. of this Agreement to the date the FWS Contracting Officer signs this Agreement only to the extent they would have been allowable if incurred after the date the FWS Contracting Officer signs the award. The amount entered as the "Authorized Pre-award Costs Included in Amount Obligated from NAWCF" in Section II. of this Agreement is included in the "not-to-exceed" amount in Section IX.A. of this Agreement.

D. **Program Income**: Program income is gross income earned by the Recipient during the project period that is directly generated as a result of the award or earned by the Recipient as a result of the award. Program income includes, but is not limited to, income from fees for services performed, the use,

rental, or sale of real or personal property acquired under federally funded projects, and the sale of commodities or items fabricated under an award.

The Recipient must report any program income earned during the project period to the FWS Project Officer. FWS will not deduct it from the total project allowable cost and will treat it as additional funds committed under this grant agreement for the purposes of the Project if the Recipient sends a written request to the FWS Project Officer which:

(a) specifies the exact amount of program income which has been or will be earned during the project period, or, as an alternative, estimates an upper limit on what the Recipient anticipates will be earned during the project period;

(b) demonstrates how the Recipient or subrecipients will use the program income to further the Project Proposal's Purpose and Work Plan; and

(c) demonstrates that the costs of the work to be done with the program income are reasonable and consistent with the applicable Federal Cost Principles. (See Section IX.F.)

E. Financial Management System: The Recipient's, and any subrecipient's, financial management systems must adhere to the standards established in 43 CFR §12.60 or §12.921 as applicable. These systems must be capable of reporting receipts and expenditures (or use) of: (a) NAWCF dollars, (b) matching dollars, and (c) in-kind matching donations with reference to dollar values. The Recipient and any subrecipients must report these expenditures, receipts, and values with the performance reports and upon demand if special audits are required.

F. Allowable Costs: The following documents establish principles for determining which costs are allowable or eligible:

OMB Circular A-122, "Cost Principles for Non-Profit Organizations," <http://www.whitehouse.gov/OMB/grants/index.html>

OMB Circular A-87, "Cost Principles for State, Local and Indian Tribal Governments," <http://www.whitehouse.gov/OMB/grants/index.html>

OMB Circular A-21, "Cost Principles for Educational Institutions," <http://www.whitehouse.gov/OMB/grants/index.html>

Title 48 Code of Federal Regulations §31.2 "Contracts with Commercial Organizations," <http://www.arnet.gov>

North American Wetlands Conservation Act, U.S. Standard Grant Application Instructions, 1999, Eligible and Ineligible Costs, pp 39-41.

Unless otherwise indicated, the Cost Principles apply to the use of both NAWCF and matching dollars and in-kind matching donations. The applicability of the Cost Principles depends on the type of organization incurring the costs. Thus, a recipient may be subject to different Cost Principles than its subrecipients. In addition to restrictions in the applicable Cost Principles, the Recipient or subrecipient must not use NAWCF or matching dollars for annual payments to landowners, research

studies, non-Project-specific communications products, or travel for Federal employees.

Those recipients and subrecipients that are institutions of higher education or other non-profit organizations must maintain written procedures to determine reasonableness, allocability, and allowability of costs in accordance with the provisions of the applicable Federal cost principles and the terms and conditions of this Agreement [43 CFR §12.921(b)(6)]. In the absence of these procedures and to satisfy this requirement, such a recipient or subrecipient must comply with the following procedure:

Any of the Recipient's staff, agents, or subrecipients (if any), who have the authority to administer or manage this Project or obligate funds for it, will review the terms of this Agreement and the provisions of the applicable Office of Management and Budget (OMB) Cost Principles or Federal regulations before making a decision that will directly or indirectly result in expenditure of funds for the Project.

- G. Advance Payments and Reimbursements: To receive payment, the Recipient must submit: (1) a completed Standard Form 270 (Request for Advance or Reimbursement), which is available at <http://www.whitehouse.gov/OMB/grants/index.html>; or (2) its computer-generated equivalent. The Recipient must prepare the Standard Form 270 or its equivalent on a cash basis for either an advance payment or a reimbursement as explained on the back of the form. The Recipient must enter the "Agreement Number" listed in Section II. and the period covered by the request on the Standard Form 270 or its computer-generated equivalent. Use the columns of Block 11a,b, and c on the Standard Form 270 (employing additional forms as necessary for continuation sheets) to differentiate outlays/requested amounts in the categories of the Project Proposal's Budget Table.

To receive advance payments, the Recipient must maintain written procedures that minimize the time elapsing between the transfer of funds and disbursement by the Recipient [43 CFR §12.61(c) or §12.921(b)(5) as applicable]. To comply with this requirement, the Recipient agrees to ensure that the FWS Project Officer will receive a completed Standard Form 270 or its computer-generated equivalent 15-30 days before the date on which the Recipient or any subrecipient must disburse the funds.

In signing this Agreement, a Recipient institution of higher learning or other non-profit organization certifies that, if it requests an advance of funds, its financial management systems will meet the standards for fund control and accountability in 43 CFR §12.921 (available at <http://www.nara.gov/fedreg>).

NAWCF funds must be received through the electronic funds transfer process.

X. PROJECT OFFICERS

FWS Project Officer:

David K. Weaver, Ph.D.

North American Waterfowl & Wetlands Office

DOI - Fish & Wildlife Service

4401 N. Fairfax Drive, Suite 110

Arlington, Virginia 22203

Phone: (703) 358-1883 FAX: (703)358-2282

E-mail: david_k_weaver@fws.gov

Recipi

See Se

~~From Barney~~

11/02 ~~as of~~
12/01

Sarah Pearson Mott
Div. Bird Hab. Cons.
US FWS
4401 N Fairfax
MB SP 4075

The FWS Project Officer is responsible for administering the performance of work under this Agreement. However, no understanding, agreement, modification, change order, or other matter deviating from the terms of this Agreement is effective or binding upon the Government unless formalized by proper documentation executed by the FWS Contracting Officer. The Recipient must inform the Contracting Officer (see Section XIV) of any actions or inactions by either party to this Agreement which will change the required delivery or completion times stated in the Agreement.

On all matters that pertain to the terms of this Agreement, the Recipient must communicate with the Contracting Officer. Whenever, in the opinion of the Recipient, the Project Officer requests effort outside the scope of the Agreement, the Recipient must so advise the Project Officer. If there still exists a disagreement as to proper work coverage, the Recipient must notify the Contracting Officer immediately, preferably in writing. Proceeding with work outside the terms and conditions of the Agreement could result in nonpayment of Requests for Advance or Reimbursement.

XI. SPECIAL PROVISIONS - GENERAL

- A. Property Standards: State, local, and tribal governments must comply with 43 CFR §12.71 through §12.74, and institutions of higher learning and nonprofit organizations must comply with 43 CFR §12.930 through §12.937 in managing and disposing of real property, equipment, supplies, and intangible property acquired in whole or in part under this Agreement. Key provisions on real property disposal specific to this grants program or stipulated in 43 CFR, part 12, are in Section XIII.C.
- B. Information Releases: News releases or other information on the project published or released for publication by the Recipient or subrecipients must acknowledge that funding was made possible through the North American Wetlands Conservation Act. The Recipient must send two copies of any publication on the Project, its accomplishments, or data obtained as a result of the Project to the Natural Resources Library with a transmittal that identifies the sender and the publication. The address is:

U.S. Department of the Interior
Natural Resources Library
Div. of Information & Library
Services, Gifts & Exchanges Section
1849 C Street, NW
Washington, DC 20240

The Recipient further agrees to include the above provisions of Section XI.B. in a subaward to any subrecipient.

- C. Government Right to Publish and Use Data: Unless waived by FWS, the Federal Government has the right to:
- (1) Obtain, reproduce, publish or otherwise use the data first produced under an award; and
 - (2) Authorize others to receive, reproduce, publish, or otherwise use the data for Federal purposes.
- D. Metric: For recipient institutions of higher education and non-profit organizations, 43 CFR §12.915

requires the following:

All progress and final reports, other reports, or publications produced under this award shall employ the metric system of measurements to the maximum extent practicable. Both metric and inch-pound units (dual units) may be used if necessary during any transition period(s). However, the Recipient may use non-metric measurements to the extent that the Recipient has supporting documentation that the use of metric measurements is impracticable or is likely to cause significant inefficiencies or loss of markets to the Recipient, such as when foreign competitors are producing competing products in non-metric units.

- E. Buy American: 43 CFR part 12, subpart E, contains specific "Buy American" requirements for recipients. It requires the FWS, as the awarding agency, to provide the following notice to each recipient:

Pursuant to sec. 307 of the Omnibus Consolidated Appropriations Act of 1997, Public Law 104-208, 110 Stat. 3009, as adopted in subsequent Appropriations Acts, please be advised of the following:

In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

XII. SPECIAL PROVISIONS - NAWCA HABITAT RESTORATION AND ENHANCEMENT

- A. Management for Project Purposes: The Recipient must ensure that any lands and waters on which habitat is restored, enhanced, and/or created in this Project are managed for the purposes for which they were intended in the Proposal. If these lands and waters cease to be used for these purposes in whole or in part, the Recipient agrees to compensate the Federal Government in cash for the NAWCF dollars used to restore, enhance, or create that habitat, plus interest at the then current prime rate. The Recipient must repay the Federal Government on terms and conditions satisfactory to FWS.
- B. Inspection: The Recipient must ensure that the owner of any habitat restored, enhanced, or created in the Project (including such work completed with matching funds or as a matching in-kind contribution) will work with the FWS Project Officer to develop a cooperative site-inspection schedule. The purpose of site inspections is to ensure that such habitat is managed for the purposes for which it was intended in the Proposal. Section XII of this Agreement will be in force for 25 years from the end of the project period unless limited by easements, leases, other legal instruments of shorter duration, or special considerations as may be described in the Project Proposal or approved by the FWS Project Officer.

XIII. SPECIAL PROVISIONS - NAWCA REAL PROPERTY ACQUISITION

- A. Acquisition of Interest in Real Property: If the Proposal includes the purchase or lease of interest in real property with NAWCF or matching dollars and/or the use of interest in real property as a match for NAWCF dollars, the following terms and conditions apply unless otherwise indicated:
1. Summary Statement of Just Compensation: Before delivery of the initial written offer to the owner or the owner's representative to purchase an interest in real property for the Project, the Recipient or subrecipient must establish an amount which it believes to be just compensation for the real property. The amount must not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. *[The amount must also not exceed the approved appraisal of the fair*

market value to comply with the requirement of the applicable Cost Principles as incorporated in 43 CFR 12 that costs be reasonable.] Promptly thereafter, the Recipient or subrecipient must make a written offer to the owner to acquire the property for the full amount believed to be the just compensation. (49 CFR §24.2 Initiation of negotiations, §24.102, & §104)

Along with the initial written purchase offer, the owner must be given a written statement of the basis for the offer of just compensation, which must include:

(a) A statement of the amount offered as just compensation. In the case of a partial acquisition, the compensation for the real property to be acquired and the compensation for damages, if any, to the remaining real property must be separately stated.

(b) A description and location identification of the real property and the interest in real property to be acquired.

(c) An identification of the buildings, structures, and other improvements (including removable building equipment and trade fixtures) which are considered to be part of the real property for which the offer of just compensation is made. [See Section IX.F. Allowable Costs.] Where appropriate, the statement must identify any separately held ownership interest in the property, e.g., a tenant-owned improvement, and indicate that such interest is not covered by the offer.

If the information presented by the owner, or a material change in the character or condition of the property, indicates the need for new appraisal information, or if a significant delay (one year or longer except in rapidly changing real estate markets where shorter delays will be considered significant) has occurred since the time of the appraisal(s) of the property, the Recipient or subrecipient must have the appraisal(s) updated or obtain a new appraisal(s). If the latest appraisal information indicates that a change in the purchase offer is warranted, the Recipient or subrecipient must promptly reestablish just compensation and offer that amount to the owner in writing.

The Recipient must provide the FWS Project Officer with a copy of the Statement of Just Compensation or documentation that it qualifies for an exemption or waiver as provided in Section XIII.A.6.: (a) at the time the Recipient requests payment for the purchase from NAWCF; and (b) as soon as feasible during the project period for real property purchased with matching funds or received as a matching in-kind donation.

2. Appraisals: The Recipient must ensure that appraisals are conducted and approved [see Section XIII.A.3.] for all interests in real property purchased with NAWCF or matching dollars or received as matching in-kind donations except as noted below. It is the Recipient's or subrecipient's responsibility to pay for the appraisal with NAWCF dollars or matching or non-matching contributions unless the landowner releases the Recipient or subrecipient from such obligation. These appraisals must be completed in accordance with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) (Interagency Land Acquisition Conference, Washington, D.C., 1992).

Appraisals are not required for:

(a) less-than-permanent easements;

(b) acquisition by leasing where the lease term, including option(s) for extension, is 50 years or less;

(c) an acquisition for which the valuation problem is uncomplicated and the fair market value is estimated at \$2,500 or less, based on a review of available data; or

(d) an acquisition that qualifies for an exemption or waiver as provided in Section XIII.A.6.

For each purchase, donation, or transfer of ownership of an interest in real property for the purposes of the project, the Recipient must ensure that the FWS Project Officer receives a copy of each appraisal's summary page(s) and its signature page. The summary page(s) must include the appraised fair market value. The FWS Project Officer must receive these copies: (a) at the time the Recipient requests payment for the purchase from NAWCF; and (b) as soon as feasible during the project period for real property purchased with matching funds or received as a matching in-kind donation. As an alternative to submitting a copy of each appraisal's summary and signature page(s), the Recipient may submit documentation that an acquisition qualifies for an exemption or waiver as provided in Section XIII.A.6..

3. Appraisal Reviews: The Recipient must obtain an appraisal review by sending any appraisal required in Section XIII.A.2. to the appropriate Joint Venture Coordinator or his or her designee. *[Alaska project Recipients must send appraisals directly to the Division of Realty in the Anchorage Regional Office.]* The Recipient must indicate whether the appraisal is for an interest in real property: (a) purchased with NAWCF funds, (b) purchased with matching funds, or (c) received as a matching in-kind donation. The Joint Venture Coordinator or his or her designee will then deliver it to the FWS Realty Office or its designee with enough lead time for the reviewing appraiser to review it and resolve any problems. This will generally be three months before the anticipated date of purchase or three months before the anticipated date of requesting payment from FWS for acquisition costs, whichever comes first.

For each purchase, donation, or transfer of ownership of an interest in real property for the purposes of the project, the Recipient must ensure that the FWS Project Officer receives a copy of the appraisal review: (a) at the time the Recipient requests payment for the purchase from NAWCF; and (b) as soon as feasible during the project period for real property purchased with matching funds or received as a matching in-kind donation. The reviewing appraiser must approve or recommend approval of an appraisal as an adequate basis for the establishment of an offer of just compensation for each interest in real property purchased with NAWCF or matching dollars or received as a matching in-kind donation except as specified in Section XIII.A.2.

In very limited extenuating circumstances associated with specific interests in real property, the FWS Project Officer may extend the required submission time for an appraisal review. Recipients and subrecipients must not use NAWCF or matching dollars to pay landowners any more than the valuation of the interest in real property as determined in an approved appraisal. Recipients and subrecipients also must not accept as match any valuation of an in-kind donation of real property that is in excess of the value determined in an approved appraisal.

4. Relocation Assistance: When a Recipient or subrecipient acquires an interest in real property with NAWCF or matching dollars or receives an interest in real property as a matching in-kind donation, the landowner selling the interest and/or the landowner's tenant(s) may be eligible for relocation assistance. Some of the potentially eligible expenses under certain conditions may include, but are not limited to: transportation of personal property including livestock, storage of personal property for up to 12 months, actual direct loss of tangible personal property as a

result of discontinuing a farm operation, searching for a replacement location, and purchase of substitute personal property.

If a Recipient or subrecipient anticipates that a landowner or tenant may be eligible for relocation assistance, the Recipient must notify the appropriate Joint Venture Coordinator or his or her designee. The Joint Venture Coordinator will then notify the Realty Office in the FWS administrative region where the project is located. Alaska project Recipients must notify the Division of Realty in the Anchorage Regional Office directly. If the Realty Office determines that the acquisition of an interest in real property will result in unanticipated relocation expenses, the FWS Project Officer will consider any request by the Recipient to redirect NAWCF or matching dollars currently obligated for the project to cover these expenses.

For each purchase, donation, or transfer of ownership of an interest in real property for the purposes of the project, the Recipient must provide the FWS Project Officer with a statement that the Recipient has reviewed the relocation assistance requirements of 49 CFR, part 24, subparts A, C, D, E, F, and Appendix A, unless it qualifies for an exemption (not possible for relocation payments or assistance due a tenant) or a waiver under Section XIII.A.6. and it has:

- (a) provided, and ensured that its subrecipients (if any) have provided, all relocation payments or other relocation assistance due landowners or tenants; or
- (b) not incurred and its subrecipients (if any) have not incurred any legal obligation to provide relocation payments or other relocation assistance.

The Recipient must submit the above statement: (a) at the time the Recipient requests payment for the purchase from NAWCF; and (b) as soon as feasible during the project period for real property purchased with matching funds or received as a matching in-kind donation.

5. Expenses Incidental to Transfer of Title: Unless an acquisition qualifies for an exemption or waiver under Section XIII.A.6. the Recipient or subrecipient must reimburse the owner of the real property for all reasonable expenses the owner necessarily incurred for:

- (a) recording fees, transfer taxes, documentary stamps, evidence of title, boundary surveys, legal descriptions of the real property, and similar expenses incidental to conveying the real property to the Recipient or subrecipient. (However, the Recipient or subrecipient is not required to pay costs solely required to perfect the owner's title to the real property.); and
- (b) penalty costs and other charges for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and
- (c) the pro rata portion of any prepaid real property taxes which are allocable to the period after the agency obtains title to the property or effective possession of it, whichever is earlier.

Whenever feasible, the Recipient or subrecipient must pay these costs directly so that the owner will not have to pay such costs and then seek reimbursement from the Recipient or subrecipient.

6. Exemptions and Waivers: Some recipients and subrecipients may qualify for an exception (exemption) to the requirements on appraisals, appraisal reviews, expenses incidental to transfer

of title, just compensation, and relocation assistance to a landowner (but not to a tenant) if the transaction is voluntary and the following conditions apply:

[Conditions a and b are required of any recipient or subrecipient seeking an exemption.]

(a) Prior to making an offer for the property, the Recipient or subrecipient clearly advises the owner in writing that it is unable to acquire the property in the event negotiations fail to result in an amicable agreement.

(b) The Recipient or subrecipient in a written and signed communication informs the owner of what it believes to be the fair market value of the property. This offer must be adequately supported in the file and copies of the file documentation must be acceptable to the FWS Project Officer. It may consist of recent sale prices of specific identified comparable properties, or other similar factual data. An appraisal is not required if the acquisition qualifies for an exemption. However, if the Recipient or subrecipient obtains an appraisal even though it is not required, it must be used as one of the determinants of the offer of fair market value. If an appraisal is completed no more than one year prior acquisition, and if it reflects nationally recognized appraisal standards, and if a qualified reviewing appraiser approves the appraisal as an adequate basis for the establishment of an offer of just compensation, the appraisal would normally be the sole determinant of the offer of fair market value.

[Conditions c and d are also required for any recipient or subrecipient that has eminent domain authority and that is seeking an exemption.]

(c) No specific site or property needs to be acquired, although the Recipient or subrecipient may limit its search for alternative sites to a general geographic area. Where a Recipient or subrecipient wishes to purchase more than one site within a geographic area on this basis, all owners are to be treated similarly.

(d) The property to be acquired is not part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.

The Recipient or subrecipient wishing to qualify for an exemption must provide copies of communications with landowners that demonstrate compliance with conditions a and b including documentation in support of an offer of fair market value.

Recipients may request that the FWS Project Officer grant a waiver from the requirements on appraisals, appraisal reviews, offers of just compensation, expenses incidental to transfer of title, and relocation assistance. To qualify for a waiver, the Recipient or subrecipient must provide a signed statement from the landowner (or tenant) whose property is being acquired. This written statement must confirm the following:

(a) The landowner or tenant understands the assistance or protections provided under 49 CFR, part 24, that pertain to the subject of the waiver request. *For waiver requests relating to relocation benefits, the written statement must also confirm that a FWS realty specialist interviewed the landowner or tenant to explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures*

for obtaining such assistance [49 CFR §24.205(c)].

(b) The requested waiver would not reduce any assistance or protection provided in 49 CFR, part 24 related to just compensation or relocation assistance.

As an alternative to a separate statement, landowners may include this statement in the purchase and sale agreement, provided that the Recipient provide a copy to the FWS Project Officer when requesting the waiver. If a landowner includes such a statement in the purchase and sale agreement, a tenant (if any) must still provide a signed statement as described above in this paragraph.

7. Closing Statement: The Recipient must submit to the FWS Project Officer a copy of the closing statement on all interests in real property purchased with grant or matching funds. The Recipient must submit the closing statement at the time it requests reimbursement for the purchase of the interests in real property. If the Recipient requested an advance of funds for the purchase of the interests in real property, the closing statement must be submitted no later than 90 days after closing in the case of post-award acquisitions or 90 days after FWS signs the Agreement in the case of acquisitions that occurred prior to the date of signature of the FWS Contracting Officer. The FWS Project Officer will use the closing statement to confirm that the amount paid by the Recipient or subrecipient is consistent with the approved appraised value, the documentation of fair market value, and the Recipient's responsibilities for costs incidental to transfer.
 8. Title: The Recipient must ensure that title to any interest in real property purchased or contributed for the Project is recorded in fee simple, free and clear of all easements, reservations, exceptions, restrictions, and encumbrances except where: (a) the Proposal indicates that easements or leases will be acquired; (b) the Proposal indicates that the title to the interest in real property is, or will be, subject to easements, reservations, exceptions, restrictions, and encumbrances and these are specified in the proposal; or (c) the FWS Project Officer determines that any existing easements, reservations, exceptions, restrictions, and encumbrances do not jeopardize the purposes for which the land was purchased or donated for the Project. The Recipient must provide the FWS Project Officer with (a) a copy of the deeds conveying title to all interests in real property purchased with NAWCF or matching dollars or received as matching in-kind donations, and (b) copies of any Notice of Grant [or Cooperative] Agreement recorded pursuant to Section XIII.B.2. The Recipient must provide the FWS Project Officer with these items as soon as it is feasible to do so during the project period.
- B. Long-term Conservation: The Recipient must ensure that any interest in real property purchased or contributed for the Project is managed: (a) to achieve the purpose(s) of the Project as stated in the Proposal and Section IV. of this Agreement; (b) consistent with any management plan, objectives, goals, or descriptions of desired habitat stated in the Proposal; and (c) for the long-term conservation and management of the affected wetland ecosystem and the fish and wildlife dependent thereon.
1. Federal, State, or Tribal Land Management Systems: In some projects, an interest in real property purchased or contributed for the project is included in a Federal, State, or Tribal system of lands managed for long-term conservation. In such projects, the Recipient must provide the FWS Project Officer with copies of any statutes or other legal instruments that established and otherwise govern the system. The Recipient must provide the FWS Project Officer with these

items as soon as it is feasible to do so during the project period. If, in FWS's opinion, the applicable statutes or other instruments do not ensure that the interest in real property will be administered for the long-term conservation and management of the wetland ecosystem and the fish and wildlife dependent thereon, a recorded Notice of Grant [or Cooperative] Agreement as described in Section XIII.B.2. will be required.

2. Notice of Grant [or Cooperative] Agreement: In other projects, an interest in real property purchased or contributed for the project may not be included in a Federal, State, or Tribal land management system managed for long-term conservation. In such projects, the Recipient or subrecipients must record a Notice of Grant [or Cooperative] Agreement in the appropriate local government office. The Notice of Grant [or Cooperative] Agreement must: (a) reference the Agreement; (b) state the project purpose; (c) state that the interest in real property will be managed in perpetuity for the Project purpose [unless otherwise provided in the Proposal or permitted by the FWS Project Officer]; and (d) state that the interest in real property will not be encumbered or conveyed, in whole or in part, to another party without FWS's consent.
- C. Real Property Disposal: If the Recipient or subrecipient is no longer able or willing to retain title to or administer any part of the interests in real property acquired for this Project for the Project's authorized purpose as stated in Section IV. of this Agreement, it must request disposition instructions from FWS or its successor.
1. Authorized Conveyance: When a Recipient or subrecipient requests disposition instructions for real property interest acquired in this Project, FWS will give (at its option) one or more of the following instructions (a) through (e): *[43 CFR §12.71, 43 CFR §12.932, 43 CFR §12.972(b)]*
 - (a) The Recipient or subrecipient may be permitted to retain title without further obligation to the Federal Government after it compensates the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the Project.
 - (b) The Recipient or subrecipient may be directed to sell the property under guidelines provided by FWS and pay the Federal Government for that percentage of the current fair market value of the property attributable to the Federal participation in the Project (after deducting actual and reasonable selling or fix-up expenses, if any, from the sales proceeds). When the Recipient or subrecipient is authorized or required to sell the interest in real property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.
 - (c) The Recipient or subrecipient may be directed to transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the Recipient or subrecipient shall be entitled to compensation for its attributable percentage of the current fair market value of the property.

[Option (d) is only for institutions of higher education and other non-profit organizations.]

 - (d) The Recipient or subrecipient may be directed to use the property in other federally-sponsored projects. Use in other projects must be limited to those under federally-sponsored projects (i.e., awards) or programs that have purposes consistent with those authorized for support by the Department of the Interior.

transfer between direct and indirect costs. The Recipient must send a revised proposal with any request for prior approval of budget transfers if the FWS Project Officer requests one.

The Recipient must send all requests for prior approval to the FWS Project Officer who will make a recommendation to the Contracting Officer. The Contracting Officer will make the final determination and notify the Recipient in writing.

XV. GENERAL PROVISIONS

General provisions applicable to this Agreement are in 43 CFR, part 12, entitled, "Administrative and Audit Requirements and Cost Principles for Assistance Programs." General provisions for acquisition of interests in real property and relocation assistance are also in 49 CFR, part 24, entitled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs." These regulations are available at <http://www.nara.gov/fedreg> and are hereby incorporated by reference.

XVI. CERTIFICATIONS AND ASSURANCES

Certifications and Assurances applicable to Federal Grants and Cooperative Agreements executed by the Recipient are a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed.

THE NATURE CONSERVANCY

U.S. FISH & WILDLIFE SERVICE



Signature

Signature

Elliot Marks

Nedra A. Stallone

Typed or Printed Name

Typed or Printed Name

Vice President
NW and HI Regional Director

Contracting Officer

Title

Title

September 19, 2000

9-20-00

Date

Date

C:\WP\wg702grt.doc

NAWCA Map Kachemak Bay, Alaska

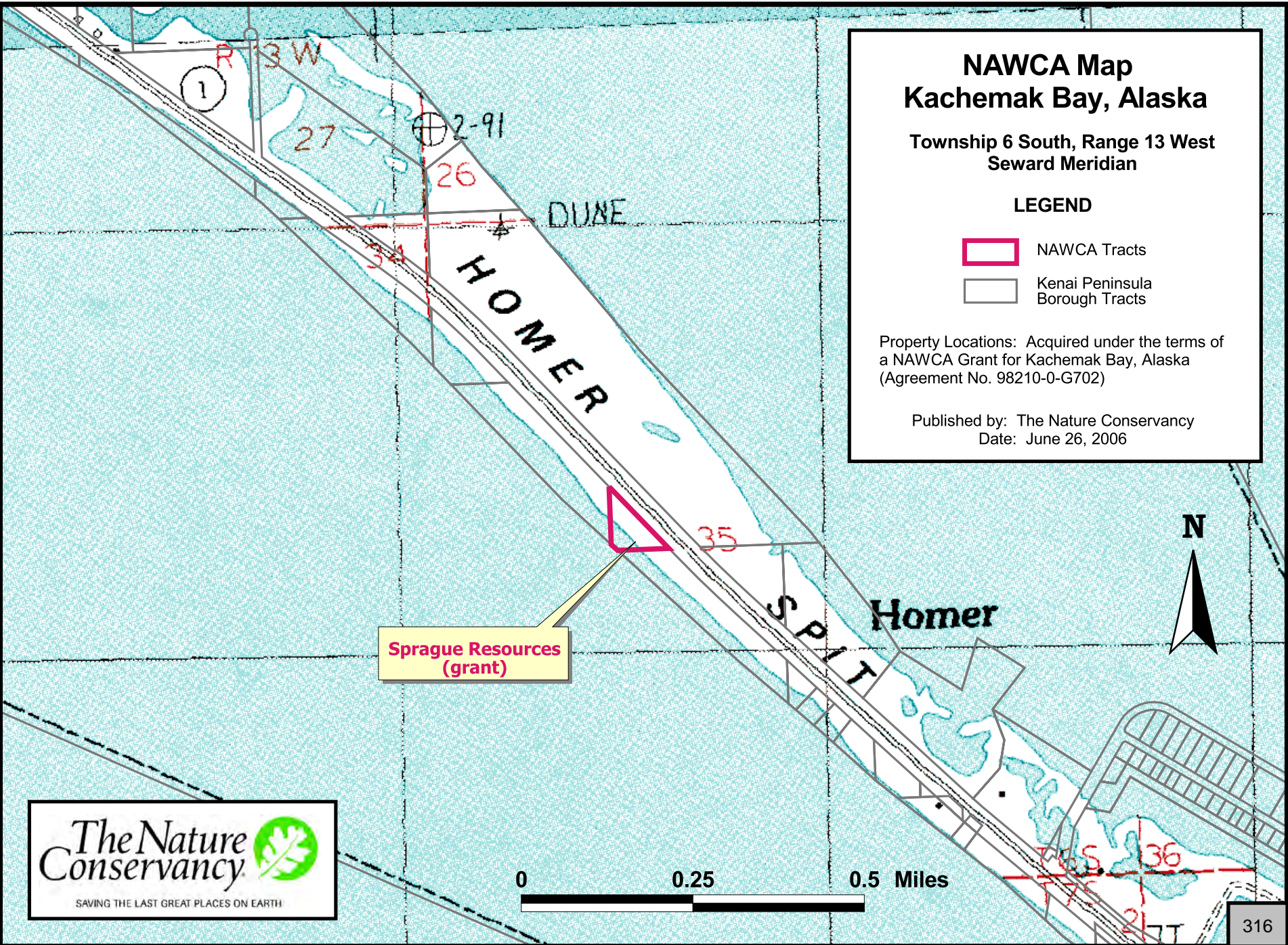
Township 6 South, Range 13 West
Seward Meridian

LEGEND

-  NAWCA Tracts
-  Kenai Peninsula Borough Tracts

Property Locations: Acquired under the terms of
a NAWCA Grant for Kachemak Bay, Alaska
(Agreement No. 98210-0-G702)

Published by: The Nature Conservancy
Date: June 26, 2006



**Sprague Resources
(grant)**



22252

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
The Nature Conservancy
217 Pine Street, St 1100
Seattle, WA 98101

) FOR REGULAR TAX NOTICES
) The Nature Conservancy
) PO Box 3231
) Homer, AK 99603

BK 00314 PG 0768

Statutory Warranty Deed

The Grantor, SPRAGUE RESOURCES CORPORATION, A Washington Corporation, pursuant to *Sec. 34.15.030, Alaska Statutes, for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other valuable consideration in hand paid, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and warrant to Grantee, THE NATURE CONSERVANCY, a District of Columbia non - profit corporation, the following described real property, together with all tenements, hereditaments and appurtenances located in the Kenai Peninsula Borough, State of Alaska:

That portion of Government Lot 3 lying southwest of the Homer Spit Road, Section 35, Township 6 South, Range 13 West, Seward Meridian, in the Homer Recording District, Third Judicial District, State of Alaska.

SUBJECT to:

1. Reservations and exceptions as contained in U.S. Patent, and/or in acts authorizing the issuance thereof:
2. Taxes due for the year and subsequent years.
3. Rights of the Public and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Kachemak Bay and any questions of right of access to Kachemak Bay in the event said lands do not in fact abut the Kachemak Bay.
4. Any prohibition or limitation on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

TO HAVE AND TO HOLD the said property, with its appurtenances, unto the Grantee, its heirs and assigns forever.

BK 00314 PG 0769

Grantor covenants and warrants that he is lawfully seized and possessed of the real property aforesaid and has the full right, power and authority to execute this conveyance, and that said real property is free and clear of all liens, claims or encumbrances, except as shown above, and that he will defend the title to the real property conveyed herein and quiet enjoyment thereof against the lawful claims and demands of all persons.

DATED this 22 day of May, 2001.

GRANTOR:

SPRAGUE RESOURCES CORPORATION, A Washington Corporation

By: [Signature]
GEORGE S. SCHUCHART, JR.

Its President

STATE OF WASHINGTON)
COUNTY OF KING) ss.
)

The foregoing instrument was acknowledged before me this 22nd day of MAY, 2001, by GEORGE S. SCHUCHART, JR., known or identified to me to be the PRESIDENT of the corporation that executed the above instrument on behalf of the corporation and acknowledged to me that such corporation executed the same.



Arlene E. Fredericson
Notary Public

My Commission expires: 1-24-02

002248
REG. DISTRICT

2001 MAY 31 AM 12 1800
REQUESTED BY KBT

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

The Nature Conservancy
715 L Street; Suite 100
Anchorage, AK 99501



2006-002948-0

Recording Dist: 309 - Homer
6/23/2006 10:13 AM Pages: 1 of 2

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S
K
A



NOTICE OF GRANT AGREEMENT

ccjx

The Nature Conservancy is the owner of a property (the "Property") in the vicinity of Homer, Alaska known as the Sprague Resources tract more particularly described in Exhibit A attached hereto and made part hereof.

Notice is hereby given that the property acquired by the The Nature Conservancy was acquired using North American Wetlands Conservation Fund ("NAWCA") funds pursuant to a grant agreement between the U.S. Fish and Wildlife Service and The Nature Conservancy dated September 20, 2000, Agreement Number: 98210-0-G702, a copy of which is kept at the North American Waterfowl and Wetlands Office, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, VA. 22203, and at the office of The Nature Conservancy, 715 L Street, Anchorage, AK 99501.

The purpose of the NAWCA grant is to permanently preserve significant privately-owned wetlands through acquisition to benefit waterfowl and other wetland-dependent species.

The State of Alaska hereby confirms its obligations with regards to the Property pursuant to the terms of the Grant Agreement, including ensuring the long term conservation of the Property in accordance with the provisions of the Grant Agreement and obtaining the consent of the U.S. Fish and Wildlife service prior to the conveyance of any interest therein.

IN WITNESS WHEREOF, the State of Alaska has set its hand and seal this 16 day of June 2006.

BY: *Randall H. Hagenstein*
Randall H. Hagenstein

ITS: Alaska Conservation Director, DULY AUTHORIZED



State of Alaska)
)SS
Third Judicial District)

This is to certify that on this 16 day of June, 2006, before me personally appeared Randall H. Hagenstein, to me personally known, who, being by me sworn did say that he is the Alaska Conservation Director of the corporation named in the foregoing instrument and acknowledged said instrument to be the free act and deed of said corporation.

Shelly Morgan
NOTARY PUBLIC in and for Alaska
My Commission Expires: 10/17/09

(SEAL)

EXHIBIT A

Legal Description of the Sprague Resources tract

THAT PORTION OF GOVT LOT 3 LYING SOUTHWEST OF THE HOMER SPIT RD
IN T06S R13W Sec. 35 Seward Meridian.



2 of 2

2006-002948-0

320

THE UNITED STATES OF AMERICA
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS

WHEREAS: a certificate of the register of the Land Office at Anchorage, Alaska has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1863, to secure Homesteads to Actual Settlers on the Public Domain and the Acts supplemental thereto, the claim of JOHN R. CRITTENDEN, has been established and duly consummated, in conformity to law, for the Lots one, two, three, four and five of Section thirty-five and lot one of Section twenty-six in township six of Range thirteen west of the Seward Meridian, Alaska, containing one hundred thirty and seven hundredths of an acre, according to the official Plat of the Survey of the said lands, returned to the General Land Office; by the Surveyor General.

NOW KNOW YE, that here is, therefore granted by the United States unto the said claimant the ~~said~~ tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other ~~uses~~ purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches ~~or canals~~ or canals constructed by the authority of the United States. And there is also, reserved to the United States, a right of way for the construction of railroads, telegraph and telephone lines in accordance with the Act of March 12, 1914, (38. Stat. 308).

IN TESTIMONY WHEREOF, I CALVIN COOLIDGE, President of the United States of America, have caused these letters to be made PATENT, and the seal of the General Land Office to be hereunto affixed.

Given under my hand at the City of Washington, the Second day of April, in the year of our Lord one thousand nine hundred and twenty-four and of the Independence of the United States the one hundred and forty-eighth.

by the President, CALVIN COOLIDGE

SEAL

By, Viola B. Pugh, Sec.

M.P. LeRoy

Recorder for the General Land Office.

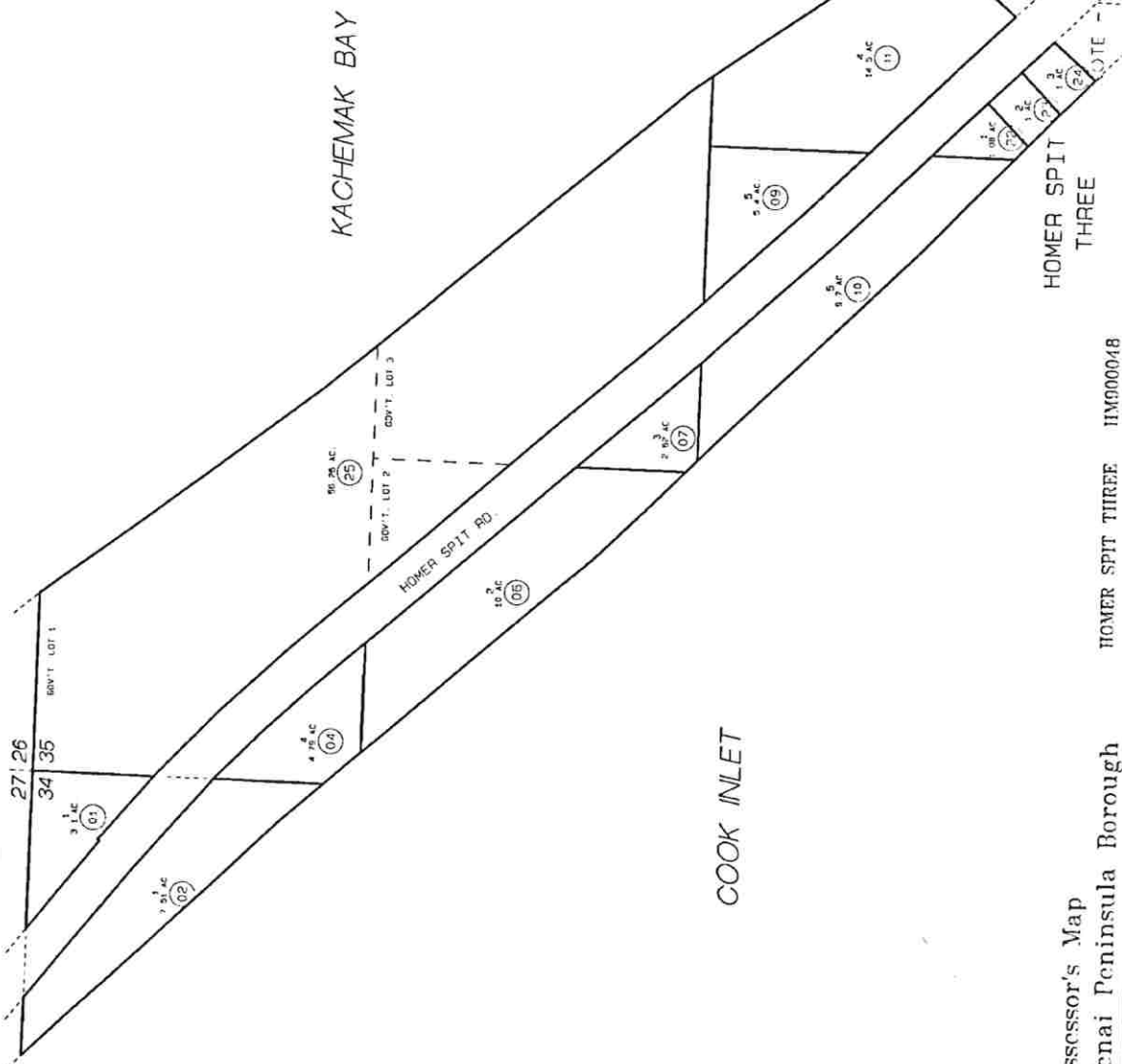
Recorded Patent No. 935560.

Filed for the record on the 21st day of February, 1931, at the request of John R. Crittenden and recorded in Book 1, at page 75 in the Book of Deeds in the Seldovia Recording District, and recorded by W.A. Vinal.

PORTION OF SEC. 34, 35, T6S, R13W, SEWARD MERIDIAN

181-030

(2)



DATE: FEB. 6, 1997

FOR 1997 ASSESSMENT ROLL	
DELETE	REVIS
ADD	REVISED
3.5.B	25

Assessor's Map
Kenai Peninsula Borough

HOMER SPIT THREE HW900048

THIS MAP IS PREPARED FOR KENAI PENINSULA BOROUGH ASSESSING DEPT. USE ONLY AND IS NOT INTENDED FOR ANY OTHER USE OR REPRESENTATION

031

Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Circles

ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY
STEWART TITLE GUARANTY COMPANY

STEWART TITLE GUARANTY COMPANY, a Texas Corporation ("Company"), for a valuable consideration, commits to issue its policy or policies of title insurance, as identified in Schedule A, in favor of the Proposed Insured named in Schedule A, as owner or mortgagee of the estate or interest in the land described or referred to in Schedule A, upon payment of the premiums and charges and compliance with the Requirements; all subject to the provisions of Schedules A and B and to the Conditions of this Commitment.

This Commitment shall be effective only when the identity of the Proposed Insured and the amount of the policy or policies committed for have been inserted in Schedule A by the Company.

All liability and obligation under this Commitment shall cease and terminate six months after the Effective Date or when the policy or policies committed for shall issue, whichever first occurs, provided that the failure to issue the policy or policies is not the fault of the Company.

The Company will provide a sample of the policy form upon request.

This Commitment shall not be valid or binding until countersigned by a validating officer or authorized signatory.

IN WITNESS WHEREOF, Stewart Title Guaranty Company has caused its corporate name and seal to be affixed by its duly authorized officers on the date shown in Schedule A.

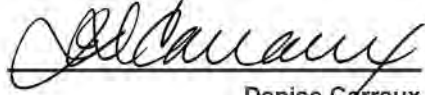
Countersigned by:


Authorized Countersignature

Kachemak Bay Title Agency, Inc.
3733 Ben Walters Lane, Suite 1
Homer, AK 99603
(907) 235-8196




Matt Morris
President and CEO


Denise Carraux
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company.

CONDITIONS

1. The term mortgage, when used herein, shall include deed of trust, trust deed, or other security instrument.
2. If the proposed Insured has or acquired actual knowledge of any defect, lien, encumbrance, adverse claim or other matter affecting the estate or interest or mortgage thereon covered by this Commitment other than those shown in Schedule B hereof, and shall fail to disclose such knowledge to the Company in writing, the Company shall be relieved from liability for any loss or damage resulting from any act of reliance hereon to the extent the Company is prejudiced by failure to so disclose such knowledge. If the proposed Insured shall disclose such knowledge to the Company, or if the Company otherwise acquires actual knowledge of any such defect, lien, encumbrance, adverse claim or other matter, the Company at its option may amend Schedule B of this Commitment accordingly, but such amendment shall not relieve the Company from liability previously incurred pursuant to paragraph 3 of these Conditions.
3. Liability of the Company under this Commitment shall be only to the named proposed Insured and such parties included under the definition of Insured in the form of policy or policies committed for and only for actual loss incurred in reliance hereon in undertaking in good faith (a) to comply with the requirements hereof, or (b) to eliminate exceptions shown in Schedule B, or (c) to acquire or create the estate or interest or mortgage thereon covered by this Commitment. In no event shall such liability exceed the amount stated in Schedule A for the policy or policies committed for and such liability is subject to the insuring provisions and Conditions and the Exclusions from Coverage of the form of policy or policies committed for in favor of the proposed Insured which are hereby incorporated by reference and are made a part of this Commitment except as expressly modified herein.
4. This Commitment is a contract to issue one or more title insurance policies and is not an abstract of title or a report of the condition of title. Any action or actions or rights of action that the proposed Insured may have or may bring against the Company arising out of the status of the title to the estate or interest or the status of the mortgage thereon covered by this Commitment must be based on and are subject to the provisions of this Commitment.
5. *The policy to be issued contains an arbitration clause. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. You may review a copy of the arbitration rules at < <http://www.alta.org/>>.*

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252.

COMMITMENT FOR TITLE INSURANCE
SCHEDULE A

File No.: 34970

1. **Effective Date:** September 27, 2019 at 8:00 A.M.

2. **Policy or Policies to be issued:**

Type of Policy	Amount	Premium
(a) A.L.T.A. Owner's 2006 (Standard)	\$4,000.00	\$250.00

Proposed Insured:

City of Homer

(b) A.L.T.A. Loan Policy

N/A

3. **The estate or interest in the land described or referred to in this Commitment and covered herein is:**

Fee Simple

4. **Title to the said estate or interest in said land is at the effective date hereof vested in:**

The Nature Conservancy, a District of Columbia non-profit corporation

5. **The land referred to in this Commitment is described as follows:**

That portion of Government Lot 3 lying southwest of the Homer Spit Road in Section 35, Township 6 South, Range 13 West, Homer Recording District, Third Judicial District, State of Alaska.

For Information purposes only, the property address is purported to be:
NHN Homer Spit Rd., Homer, AK 99603

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART I

File No.: 34970

The following are the requirements to be complied with:

- a. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured:
- b. Pay us the premiums, fees and charges for the policy.
- c. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
- d. You must tell us in writing the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
- e. Pursuant to the State of Alaska, Division of Insurance Order No. R92-1, dated May 4, 1992, the charge for providing this commitment is to be billed at this time. Payment of this charge must be made within 30 days of this initial billing. In the event this transaction fails to close, the minimum billing will be the cancellation fee in accordance with our filed rate schedule.

NOTE: Investigation should be made to determine if there are any service, installation, maintenance, construction, reimbursement and/or hookup charges/costs for sewer, water, garbage, electricity or other utilities outstanding and not of record.

NOTICE

In 1999, the Alaska Department of Natural Resources began recording maps of claimed rights of way which may have been created under a federal law known as "RS 2477", pursuant to Alaska Statute 19.30.400. Because the maps are imprecise, the exception from coverage shown in Paragraph 7, General Exceptions has been taken. Questions regarding the State's RS 2477 claims should be directed to the Department of Natural Resources, Public Information Center, 550 W. 7th Ave. Anchorage, Alaska 99501.

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

File No.: 34970

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Rights or claims of parties in possession not shown by the Public Records.
2. Easements, or claims, of easement, not shown by the Public Records.
3. Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the Land.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Taxes or special assessments which are not shown as existing liens by the Public Records.
6. (a) Unpatented mining claims;
(b) reservations or exceptions in patents or in Acts authorizing the issuance thereof;
(c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records
7. Rights of the state or federal government and/or public in and to any portion of the land for right of way as established by federal statute RS 2477 (whether or not such rights are shown by recordings of easements and/or maps in the public records by the State of Alaska showing the general location of these rights of way).
8. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
9. **RESERVATIONS** and exceptions as contained in U.S. Patent, and/or acts authorizing the issuance thereof.
10. **TAXES AND ASSESSMENTS**, if any due the taxing authority indicated (We will advise by submitting a copy of our report upon receipt of the information):
Taxing Authority: CITY OF HOMER
11. **TAXES AND ASSESSMENTS**, if any, due the taxing authority indicated:
Taxing Authority: KENAI PENINSULA BOROUGH
12. **RESERVATION OF EASEMENT** for highway purposes, and any assignments or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 10, 1949 and amended by Public Land Order No. 757, dated October 10, 1959; Public Land Order No. 1613, dated April 7, 1958; and Department of the Interior Order No. 2665, dated October 16, 1951, Amendment No. 1 thereto, dated July 17, 1952 and Amendment No. 2 thereto, dated September 15, 1956, filed in the Federal Register.
13. **ANY PROHIBITION OR LIMITATION** on the use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

COMMITMENT FOR TITLE INSURANCE
SCHEDULE B
PART II

14. **RIGHTS OF THE PUBLIC** and or governmental agencies in and to that portion of said premises lying below the mean high water mark of Kachemak Bay and any questions of right of access to the bay in the event said lands do not in fact abut the bay.
15. **ANY ADVERSE CLAIM** based upon the assertion that some portion of said land is tide or submerged lands, or has been created by artificial means or has accreted to such portion so created.
16. **RIGHTS AND EASEMENTS** of the United States over and across lands lying beneath Navigable Waters, Tide Lands necessary to its jurisdiction over Commerce, Navigation and Fisheries.
17. **NOTICE OF GRANT AGREEMENT**, including the terms and conditions therein:
Recorded: June 23, 2006
Volume/Page: 2006-002948-0
18. **PROPER SHOWING** of the authorization for the proposed transaction by the herein named party according to its operating agreement, constitution, charter, discipline or by-laws, including authorization for the party or parties acting on its behalf:
Party: The Nature Conservancy, a District of Columbia non-profit corporation
19. **PROPER SHOWING** of the authorization for the proposed transaction by the herein named party according to its operating agreement, constitution, charter, discipline or by-laws, including authorization for the party or parties acting on its behalf:
Party: City of Homer

PROPOSED INSURED: City of Homer, and we find no unsatisfied judgments or tax liens against the above named in the Homer Recording District.

NOTE: There are no taxes on this property.

Kenai Peninsula Borough Tax Parcel No. 18103007

2019 Assessed Values as follows for:
Land: \$4,000.00
Improvements: \$0
Total: \$4,000.00
TCU #: 20

NOTE: These values are being provided as a courtesy for informational purposes only.

NOTE: IN THE EVENT THIS TRANSACTION FAILS TO CLOSE, a cancellation fee of \$250.00 will be charged in accordance with our rate schedule, due and payable within 30 days

NOTE: Investigation should be made to determine if there are any service, installation, maintenance or construction charges for sewer, water or electricity.

9/27/19: tc

STG Privacy Notice Stewart Title Companies

WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you — For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to optout@stewart.com or fax to 1-800-335-9591.
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

SHARING PRACTICES

How often do the Stewart Title Companies notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do the Stewart Title Companies protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
How do the Stewart Title Companies collect my personal information?	We collect your personal information, for example, when you <ul style="list-style-type: none"> ▪ request insurance-related services ▪ provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact us: *If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1360 Post Oak Blvd., Ste. 100, Privacy Officer, Houston, Texas 77056*

STG Privacy Notice 2 (Rev 01/26/09) Independent Agencies and Unaffiliated Escrow Agents

WHAT DO/DOES THE Kachemak Bay Title Agency, Inc. DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of Kachemak Bay Title Agency, Inc., and its affiliates (" N/A "), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as Kachemak Bay Title Agency, Inc., need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information	Do we share?	Can you limit this sharing?
For our everyday business purposes — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
For our marketing purposes — to offer our products and services to you.	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies.	Yes	No
For our affiliates' everyday business purposes — information about your creditworthiness.	No	We don't share
For our affiliates to market to you	Yes	No
For non-affiliates to market to you. Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. [We do not control their subsequent use of information, and suggest you refer to their privacy notices.]

Sharing practices	
How often do/does Kachemak Bay Title Agency, Inc. notify me about their practices?	We must notify you about our sharing practices when you request a transaction.
How do/does Kachemak Bay Title Agency, Inc. protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal and state law. These measures include computer, file, and building safeguards.
How do/does Kachemak Bay Title Agency, Inc. collect my personal information?	<p>We collect your personal information, for example, when you</p> <ul style="list-style-type: none"> • request insurance-related services • provide such information to us <p>We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.</p>
What sharing can I limit?	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

Contact Us	If you have any questions about this privacy notice, please contact us at: Kachemak Bay Title Agency, Inc., 3733 Ben Walters Lane, Suite 1, Homer, AK 99603
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Kachemak Bay Title Agency, Inc.

3733 Ben Walters Lane, Suite 1

Homer, AK 99603

Tel: (907) 235-8196 Fax: (907) 235-2420

September 27, 2019

INVOICE

City of Homer
AK

RE: Order No.: 34970

Your Reference No.:

Proposed Insured: Nature Conservancy / City of Homer

ITEM DESCRIPTION	<u>Amount</u>	<u>Premium</u>
Owner's Standard Coverage	\$4,000.00	\$250.00
Mortgagee's Standard Coverage		

In accordance with Order No. 92-01 issued by Division of Insurance, the premium quoted above is due as of the date hereof, and delinquent 30 days from said date. Said amount is required prior to delinquency. In the event of cancellation, a refund will be made after deduction of our cancellation fee, plus applicable sales tax, as required and filed in our rate schedule.

Please write the order number on all payments to our office.

Thank you.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Julie Engebretsen, Deputy City Planner
FROM: Parks, Art, Recreation and Culture Advisory Commission
DATE: October 23, 2019
SUBJECT: Budget recommendation

At the regular meeting of October 17, 2019, the Parks, Art, Recreation and Culture Advisory Commission unanimous recommended approval of city acceptance of the land donation.

Unapproved Minutes Excerpt:

NEW BUSINESS

A. Nature Conservancy Land Donation, Homer Spit

Deputy City Planner Engebretsen provided an overview of how in 2001 the City acquired conservation properties on the Spit. One parcel of that land is still owned by The Nature Conservancy (TNC), who has recently reached out to the City wishing to donate the land to a local entity to continue the stewardship of the land. Ms. Engebretsen explained that the City is amenable to the transfer; it is stated in our Comprehensive Plan to acquire lands on the outside of the Spit for public enjoyment. A resolution will be before City Council at their next meeting and the City Manager is seeking a motion of support to accept the land donation.

LOWNEY/FAIR MOVED THAT THE CITY ACCEPT THIS LAND AS A DONATION.

Commissioner Lowney voiced her full support of accepting the land donation. She opined that they should be protecting as much as possible on the Spit, and it comes at no cost. Commissioner Fair agreed in support of the donation.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Chair Zimmerman confirmed with the commission that they have Homer Spit Parking Plan on the January agenda.

NEW BUSINESS

INFORMATIONAL MATERIALS

- A. Letter from The Nature Conservancy Re: Land Donation to City of Homer
- B. Letter from Dave Brann Re: Alternatives to “Paving Paradise”
- C. Kachemak Bay Birders Letter Re: Seafarer’s Memorial Parking Expansion
- D. Port & Harbor Monthly Statistical Report for October & November 2019
- E. Water/Sewer Bills Report for October & November 2019
- F. Crane & Ice Report
- G. Dock Activity Reports
- H. PHC 2020 Meeting Calendar
- I. Commissioner Attendance at 2020 City Council Meetings

The commission took a moment to review and comment on the letters provided and the 2020 City Council meeting calendar. Commissioner Zeiset volunteered for September meetings, Mr. Stockburger for February and October, Ms. Ulmer for June and July, Mr. Zimmerman for March and April, Mr. Donich for January and May, and Mr. Carroll for August and September; November was left blank since the commission does not meet that month.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY STAFF

Port Director Hawkins commented on the load-out of 10,000 Sulphur bags from Nikiski, which is on schedule and leaving later this week. He also updated the commission on the derelict vessel Kupreanof; the City entered into an agreement with Kachemak Marine Haul Out to have it removed.

Deputy City Clerk Tussey reminded the commission that there is still an opening for a Homer-area high school Student Representative and that the Port and Harbor Commission has never had one.

COMMENTS OF THE CITY COUNCILMEMBER

COMMENTS OF THE CHAIR

Chair Zimmerman thanked the commission for a good meeting.

COMMENTS OF THE COMMISSION

Commissioner Ulmer commended the commission for their good work.

CLERK'S AFFIDAVIT OF POSTING

I, Rachel Tussey, Deputy City Clerk for the City of Homer, Alaska, do hereby certify that a copy of the Public Hearing Notice for:

Ordinance 19-55, An Ordinance of the City Council of Homer, Alaska 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 4.35.040 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos.

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.

Ordinance 19-58, An Ordinance of the City Council of Homer, Alaska, Transferring \$3,101,082 from the Utility Operations Fund (200) to the HAWSP Fund (205) to Correct the Misallocation of Beginning Fund Balance for the Utility Fund when Converting from an Enterprise Fund to a Special Revenue Fund. Mayor.

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.

...was distributed on Monday, January 6, 2020 to the City of Homer kiosks located at City Clerk's Office, the Homer Public Library, and posted on the City of Homer website.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of said City of Homer this 6th day of January 2020.



Rachel Tussey, Deputy City Clerk I

**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinances 19-55, 19-57, 19-58, & 19-59

A **public hearing** is scheduled for **Monday, January 13, 2020** during a Regular City Council Meeting. The meeting begins at 6:00 p.m. in the Homer City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Ordinance 19-55, An Ordinance of the City Council of Homer, Alaska 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 4.35.040 Certification of Election to Clarify the Time for Certification of a Regular and Special Election. Evensen/Hansen-Cavasos.

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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.

Written testimony received by the Clerk's Office prior to the meeting will be provided to Council.

** Copies of proposed Ordinances in entirety, are available for review online at <https://www.cityofhomer-ak.gov/ordinances>, at the Homer City Clerk's Office, and the Homer Public Library. Contact the Clerk's Office at City Hall if you have any questions. 235-3130, Email: clerk@ci.homer.ak.us

Melissa Jacobsen, MMC, City Clerk
Ad# 20-005 Publish 010920

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)
 - a. [Ordinance 16-01 \(A\)\(S\)](#) as backup
3. City Council Regular Meeting January 13, 2020 Public Hearing and Second Reading

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

Katie Koester, City Manager

Michael Gatti, City Attorney

197

198 Date: _____

Date: _____

43 standing rules adopted by the City Council. In all other cases, bylaws, the code or the
44 standing rule shall prevail.

45
46 e. ~~The Council's agenda format specified in the City of Homer City Council Operating~~
47 ~~Manual, as the same may be amended from time to time, is incorporated herein by~~
48 ~~reference.~~

- 49 1. ~~The manual may be revised with Council approval;~~
50 2. ~~A copy of the manual shall be available to the public during regular business~~
51 ~~hours at the Homer City Hall and be available during City Council meetings.~~

52
53 d. ~~Regular Meetings.~~
54 1. ~~Second and fourth Mondays of each month at 6:00 p.m., unless otherwise~~
55 ~~provided by two thirds vote of the City Council;~~
56 2. ~~The agenda shall be provided to each Council member 36 hours prior to~~
57 ~~meeting, by City Clerk;~~
58 3. ~~Adding items to or removing items from the agenda will be by unanimous~~
59 ~~consent of the Council;~~
60 4. ~~Public notice of a regular meeting shall be made as provided in Chapter 1.14~~
61 ~~HCC.~~

62
63 e. ~~Special Meetings.~~
64 1. ~~Called by Mayor or majority of the Council;~~
65 **2. Held for certification of regular election results and swearing in newly**
66 **elected members following the completion of the canvass by the Election**
67 **Board, prior to convening Committee of the Whole.**
68 **3. Held for certification of a special election, when necessary, following the**
69 **completion of the canvass by the Election Board.**
70 2 ~~3.~~ ~~If a majority of members are given at least 36 hours' oral or written notice~~
71 ~~and reasonable efforts are made to notify all members, a special meeting may~~
72 ~~be held at the call of the presiding officer or at least one third of the members;~~
73 3 ~~4.~~ ~~Agenda shall be as per subsection (c) of this section;~~
74 4 ~~5.~~ ~~Public notice of a special meeting shall be made as provided in Chapter 1.14~~
75 ~~HCC.~~

76
77 f. ~~Emergency Meetings.~~
78 1. ~~By unanimous consent of quorum;~~
79 2. ~~Required justifiable reason;~~
80 3. ~~Informal agenda limited to emergency;~~
81 4. ~~Public notice shall be made as provided in Chapter 1.14 HCC.~~

82
83 g. ~~Teleconference participation in meetings may be authorized pursuant to HCC~~
84 ~~2.08.100 through 2.08.120.~~

85
86 h. ~~Quorum—Voting. Four Council members shall constitute a quorum. Four affirmative~~
87 ~~votes are required for the passage of an ordinance, resolution, or motion. A member of~~
88 ~~the Council acting as Mayor Pro Tem shall not lose his vote as the result of serving in~~
89 ~~such office. The Mayor is not a Council member and may vote only in the case of a tie.~~
90 ~~The final vote on each ordinance, resolution, or substantive motion may be a roll call~~
91 ~~vote or may be done in accordance with subsection (k) of this section (see AS~~
92 ~~29.20.160(c)(d)).~~

93
94 i. ~~Motions to Reconsider. A member of the Council who voted with the prevailing side~~
95 ~~on any issue may move to reconsider the Council's action at the same meeting or at the~~
96 ~~next regular meeting of the body. Notice of reconsideration shall be given to the Mayor~~
97 ~~or City Clerk within 48 hours from the time the original action was taken.~~

98
99 j. ~~Abstentions. All Council members present shall vote unless abstention is required by~~
100 ~~law (AS 29.20.160(d)).~~

101
102 k. ~~Consensus. The Council may, from time to time, express its opinion or preference~~
103 ~~concerning a subject brought before it to consideration. The statement, representing~~
104 ~~the will of the body and a meeting of the minds of the members, may be given by the~~
105 ~~presiding officer as the consensus of the body as to that subject without taking a motion~~
106 ~~and roll call vote.~~

107
108 l. ~~Vacancies. An elected municipal office is vacated under the following conditions and~~
109 ~~upon the declaration of vacancy by the Council. The Council shall declare an elective~~
110 ~~office vacant when the person elected:~~

- 111 1. ~~Fails to qualify or take office within 30 days after his election or appointment;~~
- 112 2. ~~Resigns and his resignation is accepted;~~
- 113 3. ~~Is physically or mentally unable to perform the duties of the office as~~
114 ~~determined by two thirds vote of the Council;~~
- 115 4. ~~Is convicted of a felony or misdemeanor described in AS 15.56 and two thirds~~
116 ~~of the members of the Council concur in expelling the person elected;~~
- 117 5. ~~Misses three consecutive regular meetings unless excused;~~
- 118 6. ~~Is convicted of a felony or of an offense involving a violation of the oath of~~
119 ~~office;~~
- 120 7. ~~Is convicted of a violation of AS 15.13 concerning Alaska Public Offices~~
121 ~~Commission reporting requirements;~~
- 122 8. ~~No longer physically resides in the municipality and the City Council by two-~~
123 ~~thirds vote declares the seat vacant; and~~
- 124 9. ~~Is physically absent from the municipality for 90 consecutive days unless~~
125 ~~excused by the City Council.~~

126

127 m. ~~Salaries of Elected Officials.~~

128 1. ~~The Mayor and each Council member shall be paid a stipend of \$75.00 for each~~
129 ~~council meeting day in which the person participates in person, or \$50.00 per~~
130 ~~council meeting day in which a majority of the person's participation time is~~
131 ~~telephonic. A council meeting day is any calendar day in which the person~~
132 ~~participates in any one or more of the following:~~

133
134 a. ~~A scheduled and publicly noticed meeting of the City Council,~~
135 ~~including without limitation a regular meeting, special meeting,~~
136 ~~committee of the whole meeting and meeting in executive session.~~

137 b. ~~A scheduled and publicly noticed meeting of the Board of Adjustment,~~
138 ~~Board of Ethics, or other board or commission that is composed of the~~
139 ~~Mayor and Council members.~~

140 c. ~~Training or continuing education programs, and work sessions, that~~
141 ~~are required by law or commonly recognized best practice to perform the~~
142 ~~duties of Mayor or Council member.~~

143
144 ~~The City shall not spend any funds for elected officials' membership in~~
145 ~~the Public Employees Retirement System. An elected official may not~~
146 ~~receive any other compensation for service to the City unless specifically~~
147 ~~authorized to do so by ordinance. Per diem payments or~~
148 ~~reimbursements for expenses are not compensation under this section.~~

149
150 a. The governing body of the City of Homer shall consist of six Council members, two
151 of whom are elected at large each year for three-year terms and until a successor
152 qualifies.

153 b. The Mayor shall be elected for a two-year term and until a successor qualifies.

154
155 c. A person so elected to office under this chapter shall take office at the first regular
156 Council meeting following the election, immediately after the final certification of that
157 election, except that when HCC 4.40.010(c)(3) applies, the person shall take office at the
158 first regular Council meeting following the runoff election; **Election certification will**
159 **take place** immediately after the certification of that election **agenda approval.**

160
161 Section 2. Homer City Code 4.35.040 Certification of election is hereby amended to read
162 as follows:

163
164 4.35.040 Certification of election.

165
166 The Council shall certify the results of the election at the next regular Council meeting
167 following completion of the canvass by the Canvass Board
168

169 ~~**a. The Council shall certify the results of a regular election at a special**~~
170 ~~**meeting scheduled prior to Committee of the Whole following completion**~~
171 ~~**of the canvass by the Canvass Board.**~~

172 ~~**b. The Council shall certify a special election at the next regular Council**~~
173 ~~**meeting or a special Council meeting following completion of the canvass**~~
174 ~~**by the Canvass Board.**~~
175

176 Section 3: This ordinance is of a permanent and general character and shall be
177 included in the City Code.
178

179 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
180 2019.

181
182 CITY OF HOMER

183
184
185 _____
186 KEN CASTNER, MAYOR
187

188 ATTEST:
189
190 _____
191 MELISSA JACOBSEN, MMC, CITY CLERK
192

193 YES:

194 NO:

195 ABSTAIN:

196 ABSENT:
197
198

199 First Reading:

200 Public Hearing:

201 Second Reading:

202 Effective Date:
203

204 Reviewed and approved as to form:

205

206

207

208 _____
Katie Koester, City Manager

209

210 Date: _____

Michael Gatti, City Attorney

Date: _____

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-58

An Ordinance of the City Council of Homer, Alaska, Transferring \$3,101,082 from the Utility Operations Fund (200) to the HAWSP Fund (205) to Correct the Misallocation of Beginning Fund Balance for the Utility Fund when Converting from an Enterprise Fund to a Special Revenue Fund. Mayor.

Sponsor: Mayor

1. City Council Regular Meeting December 9, 2019 Introduction
 - a. HAWSP Analysis from Altman Rogers as backup
2. City Council Regular Meeting January 13, 2020 Public Hearing and Second Reading

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.
39

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

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: _____

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
 - a. [Memorandum 19-155](#) from Finance Director as backup
2. City Council Regular Meeting January 13, 2020 Public Hearing and Second Reading

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

3 Mayor

4 **ORDINANCE 19-57**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 TRANSFERRING NECESSARY FUNDING TO PROPERLY CLOSE
8 PROJECTS CITYWIDE IN THE 2019 FISCAL YEAR (GENERAL FUND,
9 WATER/SEWER FUND AND PORT & HARBOR FUND).

10
11 WHEREAS, The Finance Department has identified capital project accounts that were
12 not closed out despite the projects' completion over the last 19 years; and

13
14 WHEREAS, The Homer City Council was briefed on the status of the projects during the
15 Committee of the Whole on November 25, 2019 and in Memorandum 19-155; and

16
17 WHEREAS, Some of these projects were open with a negative or positive balance, which
18 could mean a transfer of funds may never have been recorded, there were coding errors, or the
19 project over or under spent its appropriation; and

20
21 WHEREAS, In the case of projects that came in under budget and clear authority on
22 where the funds came from, the open balance was returned to the fund of origin and the
23 project was closed out and documented below in this ordinance; and

24
25 WHEREAS, Twenty-three general fund, six water/sewer, and ten port/harbor capital
26 projects under \$10,000 have been closed out by the City Manager and are documented below
27 in this ordinance; and

28
29 WHEREAS, No new funds have been expended to close out the projects listed below;
30 this ordinance acknowledges transfers for expenditures that have already occurred; and

31
32 WHEREAS, Administration is developing systems to prevent projects from being left
33 open through internal measures such as close out meetings, forms, regular reports to the City
34 Manager and an annual report to Council; and

35
36 WHEREAS, The transfers authorized in this ordinance will be booked in the 2019 fiscal
37 year in order to provide the most complete and accurate financial statements possible for the
38 fiscal year; and

39
40 WHEREAS, The Finance Department is still in the process of investigating 20 projects
41 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			

117 Section 3. That four General Fund capital projects were incorrectly categorized in this
 118 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>
119			
120	160-0375	HART Roads	(\$487,048.71)
121	151-0002	General Repaving	\$487,048.71
122			
123	157-0780	Non-Capital ASTEP DUI Enforcement	(\$661.25)
124	151-0780	Capital ASTEP DUI Enforcement Grant	\$661.25
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			
136	<u>Account</u>	<u>Description</u>	<u>Amount</u>
137	215-0834	Kach Dr Water Main Phase III	(\$157.52)
138	205-0375	HAWSP	\$157.52
139			
140	215-0836	Old Cast Iron Water Main Rep De	(\$5,693.07)
141	205-0375	HAWSP	\$5,693.07
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			
146	<u>Account</u>	<u>Description</u>	<u>Amount</u>
147	256-0379	Sewer Reserves	(\$1,894.29)
148	215-0001	Lillian Walli	\$1,894.29
149			
150	256-0379	Sewer Reserves	(\$295.36)
151	215-0002	Kach Dr III Sewer	\$295.36
152			
153	256-0378	Water Reserves	(\$18,147.83)
154	215-0003	Kach Dr III Water	\$18,147.83
155			
156	205-0375	HAWSP	(\$53,785.71)
157	215-0815	Bartlett/Hohe Reconstruction	\$53,785.71
158			
159	256-0379	Sewer Reserves	(\$120.00)
160	215-0826	Kach Dr Phase I Sewer	\$120.00
161			
162	205-0375	HAWSP	(\$15,276.00)
163	215-0829	East End Road PVC Pipe Replacement	\$15,276.00
164			
165	205-0375	HAWSP	(\$5,199.78)
166	215-0837	Shellfish Ave/South Slope Water Main	\$5,199.78
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: _____

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

3 Mayor

4 **ORDINANCE 19-57(S)**
5

6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 TRANSFERRING NECESSARY FUNDING TO PROPERLY CLOSE
8 PROJECTS CITYWIDE IN THE 2019 FISCAL YEAR (GENERAL FUND,
9 WATER/SEWER FUND AND PORT & HARBOR FUND).
10

11 WHEREAS, The Finance Department has identified capital project accounts that were
12 not closed out despite the projects' completion over the last 19 years; and
13

14 WHEREAS, The Homer City Council was briefed on the status of the projects during the
15 Committee of the Whole on November 25, 2019 ~~and~~ in Memoranda 19-155 **and 20-012**; and
16

17 WHEREAS, Some of these projects were open with a negative or positive balance, which
18 could mean a transfer of funds may never have been recorded, there were coding errors, or the
19 project over or under spent its appropriation; and
20

21 WHEREAS, In the case of projects that came in under budget and clear authority on
22 where the funds came from, the open balance was returned to the fund of origin and the
23 project was closed out and documented below in this ordinance; and
24

25 WHEREAS, ~~Twenty three general fund, six water/sewer, and ten port/harbor capital~~
26 ~~projects under \$10,000 have been closed out by the City Manager and are documented below~~
27 ~~in this ordinance; and~~ **Included in this Ordinance are projects that were found to have**
28 **existing authorization and as such properly closed; and**
29

30 WHEREAS, No new funds have been expended to close out the projects listed below;
31 this ordinance acknowledges a transfer for an expenditure that has already occurred; and
32

33 WHEREAS, Administration is developing systems to prevent projects from being left
34 open through internal measures such as close out meetings, forms, regular reports to the City
35 Manager and an annual report to Council; and
36

37 WHEREAS, The transfers authorized in this ordinance will be booked in the 2019 fiscal
38 year in order to provide the most complete and accurate financial statements possible for the
39 fiscal year; and
40

41 ~~WHEREAS, The Finance Department is still in the process of investigating 20 projects~~
42 ~~with open balances as detailed in Memorandum 19-155 and will include as many projects close~~

43 out recommendations as they are able to work through in the allotted time between meetings
 44 in a substitute ordinance for second reading.

45

46 NOW, THEREFORE, The City of Homer Ordains:

47

48 Section 1. That ~~six~~ **twelve** General Fund capital projects came in under appropriation
 49 totaling ~~\$226,022.09~~ **\$1,553,948.05** and are to be closed per funding transfers detailed as
 50 follows:

51

52	<u>Account</u>	<u>Description</u>	<u>Amount</u>
53	151-0003	Soundview Safety	(\$154,150.64)
54	160-0375	HART Roads	\$154,150.64
55			
56	151-0720	Computer Software Upgrade (Caselle)	(\$26,433.26)
57	100-0099	GF Fund Balance	\$26,433.26
58			
59	151-0726	Hockey Grant	(\$750.15)
60	100-0099	GF Fund Balance	\$750.15
61			
62	151-0727	Mariner Park	(\$22,581.78)
63	156-0385	Parks CARMA	\$22,581.78
64			
65	151-0777	Cruise Ship Enhancements (Dtwn Restrooms)	(\$225.00)
66	156-0385	Parks CARMA	\$225.00
67			
68	151-0779	Fishing Lagoon Improvements	(\$21,881.26)
69	151-0776	KPHI Phase I	\$21,881.26
70			
71	160-0375	HART Roads	(\$175,041.93)
72	151-7004	Frisbee CT	\$175,041.93
73			
74	151-0721	Consortium Library	(\$110,436.44)
75	803-0375	Library CARMA	\$110,436.44
76			
77	151-0722	New Library	(\$14,880.74)
78	803-0375	Library CARMA	\$14,880.74
79			
80	151-0723	Library Expansion	(\$40,574.95)
81	803-0375	Library CARMA	\$40,574.95
82			
83	151-0275	Special Fund	(\$924,403.63)
84	100-0100	GF Fund balance	924,403.63

85			
86	<u>Account</u>	<u>Description</u>	<u>Amount</u>
87	151-0728	Animal Shelter	(\$45,227.62)
88	156-0370	Animal Shelter CARMA	\$45,227.62
89			
90	151-7002	Waddell Way	(\$39,241.97)
91	160-0375	HART	\$39,241.97
92			

93 Section 2. That ~~fourteen~~ **nineteen** General Fund capital projects came in over
 94 appropriation totaling ~~\$113,584.08~~ **\$235,435.95** and are to be closed per funding transfers
 95 detailed as follows:

96			
97	<u>Account</u>	<u>Description</u>	<u>Amount</u>
98	160-0375	HART Roads	(\$386.85)
99	151-0001	Bunnell Street Storm Drain Rehab	\$386.85
100			
101	156-0378	Fire Hall Reserves	(\$925.00)
102	151-0004	Fire Hall Improvements	\$925.00
103			
104	156-0390	Library CARMA	(\$2,149.86)
105	151-0005	Library Backup Generator	\$2,149.86
106			
107	156-0388	Airport CARMA	(\$133.90)
108	151-0388	Old Airport Reserves	\$133.90
109			
110	156-0393	Fire CARMA	(\$4,050.00)
111	151-0719	Live Fire Training Trailer	\$4,050.00
112			
113	165-0375	HART Trails	(\$6,073.84)
114	151-0772	Beluga Slough Trails	\$6,073.84
115			
116	620-0375	Revolving Energy Fund	(\$19,773.00)
117	156-0375	General Fund CARMA	(\$76,347.18)
118	151-0775	City Hall Expansion & Remodel	\$96,120.18
119			
120	175-0375	Natural Gas Line Capital Project Fund	(\$0.05)
121	151-0778	South Peninsula Gas Line	\$0.05
122			
123	156-0369	Seawall CARMA	(\$202.47)
124	151-0788	Seawall Maintenance	\$202.47
125			
126	165-0375	HART Trails	(\$6,930.79)

127	151-0792	Spit Trail Completion	\$6,930.79
128			
129	<u>Account</u>	<u>Description</u>	<u>Amount</u>
130	156-0394	Police CARMA	(\$333.42)
131	151-0795	Homeland Security/Radio	\$333.42
132			
133	100-0375	General Fund CARMA	(\$3,207.63)
134	151-0863	Manley Building Fuel Spill	\$3,207.63
135			
136	100-0100	GF Fund Balance	(\$12,732.09)
137	151-0936	Skyline Fire Station	\$12,732.09
138			
139	156-0394	Police CARMA	(\$111.00)
140	151-7006	FY16 Homeland Security Grant	\$111.00
141			
142	100-0100	GF Fund Balance	(\$89,757.14)
143	151-0735	Jack Gist Park	\$89,757.14
144			
145	100-0100	GF Fund Balance	(\$12,292.55)
146	151-0776	Karen Hornaday Park	\$12,292.55
147			
148	100-0100	GF Fund balance	(\$19,802.18)
149	156-0377	Public Safety Bldg	\$322,588.88
150	156-0376	Police Design	(\$87,271.10)
151	156-0378	Fire Hall Improvements	(\$215,515.60)

152

153 Section 3. That ~~four~~ **eight** General Fund capital projects were incorrectly categorized
 154 in this fund totaling ~~\$517,875.09~~ **\$1,095,615.18** and are to be closed per funding transfers
 155 detailed as follows:

156			
157	<u>Account</u>	<u>Description</u>	<u>Amount</u>
158	160-0375	HART Roads	(\$487,048.71)
159	151-0002	General Repaving	\$487,048.71
160			
161	157-0780	Non-Capital ASTEP DUI Enforcement	(\$661.25)
162	151-0780	Capital ASTEP DUI Enforcement Grant	\$661.25
163			
164	157-0781	Non-Capital ASTEP Seatbelt Enforcement	(\$2,843.27)
165	151-0781	Capital ASTEP Seatbelt Enforcement Grant	\$2,843.27
166			
167	<u>Account</u>	<u>Description</u>	<u>Amount</u>
168	100-0100	GF Fund Balance	(\$27,321.86)

169	151-0798	Natural Gas SAD	\$27,321.86
170			
171	151-0779	Fishing Lagoon Improvements	(\$21,881.26)
172	151-0776	KPHI Phase I	\$21,881.26
173			
174	151-0736	Fire Dept Small Grants	\$7,390.40
175	157-0736	Fire Dept Misc grants	(\$7390.40)
176			
177	151-0785	Homeland Security 05 - Fire	\$5,557.91
178	151-0375	Interest Income	(\$5,557.91)
179			
180	173-0375	Seawall Assessments	(\$542,910.52)
181	151-0741	Ocean Dr Bluff Erosion	\$542,910.52

182
 183 Section 4. That ~~two~~ **five** Water and Sewer capital projects came in under appropriation
 184 totaling ~~\$5,850.59~~ **\$962,478.98** and are to be closed per funding transfers detailed as follows:
 185

186	<u>Account</u>	<u>Description</u>	<u>Amount</u>
187	215-0834	Kach Dr Water Main Phase III	(\$157.52)
188	205-0375	HAWSP	\$157.52
189			
190	215-0836	Old Cast Iron Water Main Rep De	(\$5,693.07)
191	205-0375	HAWSP	\$5,693.07
192			
193	215-0835	Water System Distr/storage	(\$21,077.88)
194	205-0375	HAWSP	\$21,077.88
195			
196	215-0859	East End W/S Expansion	(\$507,994.00)
197	205-0375	HAWSP	\$507,994.00
198			
199	215-0865	Design Water Plant	(\$427,556.51)
200	205-0375	HAWSP	\$427,556.51

201
 202 Section 5. That eight Water and Sewer capital projects came over appropriation
 203 totaling \$95,713.97 and are to be closed per funding transfers detailed as follows:
 204

205	<u>Account</u>	<u>Description</u>	<u>Amount</u>
206	256-0379	Sewer Reserves	(\$1,894.29)
207	215-0001	Lillian Walli	\$1,894.29
208			
209	<u>Account</u>	<u>Description</u>	<u>Amount</u>
210	256-0379	Sewer Reserves	(\$295.36)

211	215-0002	Kach Dr III Sewer	\$295.36
212			
213	256-0378	Water Reserves	(\$18,147.83)
214	215-0003	Kach Dr III Water	\$18,147.83
215			
216	205-0375	HAWSP	(\$53,785.71)
217	215-0815	Bartlett/Hohe Reconstruction	\$53,785.71
218			
219	256-0379	Sewer Reserves	(\$120.00)
220	215-0826	Kach Dr Phase I Sewer	\$120.00
221			
222	205-0375	HAWSP	(\$15,276.00)
223	215-0829	East End Road PVC Pipe Replacement	\$15,276.00
224			
225	205-0375	HAWSP	(\$5,199.78)
226	215-0837	Shellfish Ave/South Slope Water Main	\$5,199.78
227			
228	256-0378	Water Reserves	(\$995.00)
229	215-0866	Electric Turbine/Hydro	\$995.00
230			
231			

232 Section 6. That two Water and Sewer capital projects had an incorrect rebalancing
 233 journal entry of \$20,299.16 and are to be closed per funding transfers detailed as follows:

234	<u>Account</u>	<u>Description</u>	<u>Amount</u>
235	215-0832	Sanitary Sewer Rehab	(\$20,299.16)
236	215-0833	Pressure Reducing Valve	\$20,299.16
237			

238

239 Section 7. That ~~four~~ **five** Port and Harbor capital projects came in under appropriation
 240 totaling ~~\$26,795.49~~ **\$156,018.58** and are to be closed per funding transfers detailed as follows:

241	<u>Account</u>	<u>Description</u>	<u>Amount</u>
242	415-0380	Old Port Reserves	(\$2,394.99)
243	456-0380	Port Reserves	\$2,394.99
244			
245	415-0923	Security Gates & Video Surveillance DWD	(\$2,501.00)
246	456-0380	Port Reserves	\$2,501.00
247			
248	415-0924	DWD Expansion Phase I	(\$17,910.50)
249	456-0380	Port Reserves	\$17,910.50
250			
251	<u>Account</u>	<u>Description</u>	<u>Amount</u>
252	415-0928	Harbor Trails to DWD & Coal Point	(\$3,989.00)

253	456-0380	Port Reserves	\$3,989.00
254			
255	415-0931	Harbor Restrooms/Shelter/Etc	(\$129,223.09)
256	456-0380	Port Reserves	\$129,223.09
257			

258 Section 8. That ~~six~~ **nine** Port and Harbor capital projects came in over appropriation
 259 totaling ~~\$110,306.57~~ **\$1,744,948.06** and are to be closed per funding transfers detailed as
 260 follows:

261	<u>Account</u>	<u>Description</u>	<u>Amount</u>
262	456-0380	Port Reserves	(\$155.00)
263	415-0926	Cruise Ship Dock & Passenger Facility	\$155.00
264			
265	456-0380	Port Reserves	(\$160.20)
266	415-0932	Anhydrous Ammonia HAZWOPER Training	\$160.20
267			
268	456-0380	Port Reserves	(\$74.44)
269	415-0934	Homer Load & Launch Ramp	\$74.44
270			
271	456-0380	Port Reserves	(\$108,068.29)
272	415-0935	P&H Building (Harbormasters Office)	\$108,068.29
273			
274	<u>Account</u>	<u>Description</u>	<u>Amount</u>
275	456-0380	Port Reserves	(\$1,401.38)
276	415-0938	Fishing Lagoon Fish Cleaning	\$1,401.38
277			
278	456-0380	Port Reserves	(\$447.26)
279	415-0940	Homeland Security FY15 Generator Grant	\$447.26
280			
281	456-0380	Port Reserves	(\$864.88)
282	415-0380	DWD Expansion Improvements	\$864.88
283			
284	456-0380	Port Reserves	(\$51,823.14)
285	415-0910	Damages reimbursements	\$51,823.14
286			
287	456-0380	Port Reserves	(\$1,581,953.47)
288	415-0920	Small Boat Harbor Floats	\$1,581,953.47
289			
290			

291 Section 9. That one Port and Harbor capital project did not properly have expenditures
 292 totaling \$25,504.23 booked to it and should be closed per funding transfers detailed as follows:

293	<u>Account</u>	<u>Description</u>	<u>Amount</u>
294	456-0380	Port Reserves	(\$25,504.23)

295 415-0929 DWD Fender Repairs \$25,504.23

296
297 **Section 10. That one capital project came in under appropriation totaling \$95,230**
298 **that effects General Fund, Port and Harbor, Water, and Sewer is to be closed per funding**
299 **transfers detailed as follows:**

<u>Account</u>	<u>Description</u>	<u>Amount</u>
302 151-0718	Homer Energy Audits	(\$95,230)
303 620-0375	Revolving Energy Fund	\$48,440.25
304 256-0378	Water Reserves	\$25,540.93
305 256-0379	Sewer Reserves	\$1,052.31
306 456-0380	Port Reserves	\$20,196.51

308
309 Section 2. This is a budget amendment ordinance, is not permanent in nature, and shall
310 not be codified.

311
312 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2019.

313
314
315 CITY OF HOMER

316
317
318
319 _____
KEN CASTNER, MAYOR

320 ATTEST:

321
322
323 _____
324 MELISSA JACOBSEN, MMC, CITY CLERK

325
326 YES:

327 NO:

328 ABSTAIN:

329 ABSENT:

330
331 First Reading:

332 Public Hearing:

333 Second Reading:

334 Effective Date:

335

336

337 Reviewed and approved as to form:

338

339 _____

340 Katie Koester, City Manager

341

342 Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Finance Department

491 East Pioneer Avenue
Homer, Alaska 99603

finance@cityofhomer-ak.gov

(p) 907-235-8121

(f) 907-235-3140

Memorandum 20-012

TO: Mayor Castner and Homer City Council
THROUGH: Katie Koester, City Manager
FROM: Jenna deLumeau, Acting Finance Director
DATE: January 6, 2020
SUBJECT: Capital Project Funds (151, 215, and 415) Cleanup – Part 2

This memo is a supplement to Memo 19-155 and provides the details of the additional projects reviewed since the previous memo was issued that Finance would like to close under Ord 19-57.

Projects Closed Under Existing Authorization:

General Fund

- 151-0736 – Fire Small Grants – completed 2007
 - Balance (~~\$14,890.40~~) \$7,390.40
 - This project belongs in Fund 157; Finance corrected beginning balance and moved to correct Fund/project.
- 151-0785 – 2004 Homeland Security (Fire) – completed 2005
 - Balance (\$5,557.91)
 - This was a coding error. Posted to correct account (151-0375)
- 151-7004 – Frisbee Ct Paving SAD – bulk of work completed 2017
 - Balance (\$175,041.93)
 - Missing 75% City share per Reso 17-017; Transfer funds from HART.

Port and Harbor Fund

- 415-0921 – DWD Expansion Improvements – completed 2018
 - Balance (\$864.88)
 - Close small difference by transfer from Port Reserves.

Additional Projects Needing Council Authority to Close:

General Fund

- 151-0275 – Special Fund – last activity 2012
 - Balance \$924,403.63
 - Finance thoughts: This “project” was established as a “loan” account for general fund projects. This “project” would essentially loan money to various other 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). Ord 05-28 references use of this fund for the library (151-0722). There has been no activity on this project since 2012, so we are clearly no longer using this fund for its original intent.
 - Finance recommendation: Disband it – by transferring the funds to General Fund fund balance.
- 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. These Energy Projects came in under budget.
 - Finance Recommendation: Transfer excess funds back to the original sources in same proportion.
- 151-0721 – Consortium Library – last activity 2013
 - Balance \$110,436.44
 - Finance thoughts: This project was the old library reserves.
 - Finance Recommendation: Transfer funds to Library Reserves.
- 151-0722 – Library Building – last activity 2015
 - Balance \$14,880.74
 - Finance thoughts: This project was to record revenues and expenditures associated with the library expansion, move and construction of the new building. Both revenues and expenditures came in slightly under budget.
 - Finance Recommendation: Transfer funds to Library Reserves.
- 151-0723 – Library Expansion – last activity 2002
 - Balance \$40,574.95
 - Finance thoughts: This project was designed for library expansion prior to 2002.
 - Finance Recommendation: Transfer funds to Library Reserves.
- 151-0728 – Animal Shelter – completed 2006
 - Balance \$45,227.62
 - Finance thoughts: This project was for the construction of the animal shelter.
 - Finance Recommendation: Transfer funds to Animal Shelter Reserves.

- 151-0735 – Jack Gist Park – completed 2007;
 - Finance Thoughts: \$169k of City match authorized per Ord 00-57, but no funding source referenced other than “in kind” amounts of materials and labor.
 - Balance (\$89,757.14)
 - Finance Recommendation: Transfer funds from General Fund fund balance.
- 151-0741 – Ocean Drive Bluff Erosion – last activity 2007
 - Balance (\$501,713.64)
 - Finance thoughts: These expenditures represent assessments owed to the City for construction of the seawall.
 - Finance Recommendations: Transfer to fund 173 Seawall Assessments.
- 151-0776 – Karen Hornaday Park Improvements Phase I – bulk of work completed 2014
 - Balance (\$12,292.55)
 - Finance Thoughts: local match was short in addition to the grantor had fees that were not included in the project budget. Match was funded by General Fund per Ord 13-39.
 - Finance Recommendation: Transfer funds from General Fund fund balance
- 151-7002 – Waddell Way Road Improvements – bulk of work completed 2016
 - Balance (~~\$31,583.61~~) \$39,241.97
 - Finance Thoughts: Finance corrected cabin proceeds per Ord 15-30. This put the project under budget.
 - Finance Recommendation: Transfer excess back to HART per Ord 15-30.
- 156-0377, 156-0376, 156-0378 – Public Safety, Fire Upgrades, Proposed Police design–
 - Balances (\$322,588.88), \$215,515.60, and \$87,271.10 respectively
 - Finance Thoughts: These projects were set up prior to what evolved into the New Police Station. They were set up in the wrong fund; they should have been issued a project account number not a reserve account number. These individual Project balances are off due to authorized transfers into each other. These three projects combined are over spent (including transfers) by \$19,802.18.
 - Finance Recommendation: Net these three projects along with a transfer \$19,802.18 from General Fund fund balance to close projects.

Water/Sewer Fund

- 215-0835 – Water System Distr/Storage Imp – completed 2014
 - Balance \$21,077.88
 - Finance Thoughts: The match transferred from HAWSP more than authorized.
 - Finance Recommendation: Transfer back to HAWSP.
- 215-0859 – E End Road W/S Expansion – completed 2006
 - Balance (~~\$524,613.79~~) \$507,997.00
 - Finance Thoughts: This project contained the revenue for four other projects. The projects were closed with HAWSP funds.
 - Finance Recommendation: Transfer funds back to HAWSP
- 215-0865 – Design Water Treatment Plant – completed 2011
 - Balance \$427,556.51

- Finance Thoughts: There were various changes to the match percentage throughout the different portions of the project mandated by the Grantor. This resulted in excess HAWSP funds transferred to the project.
- Finance Recommendation: Transfer funds back to HAWSP.

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- there were different projects through the years posted here. This represents the difference between reimbursements and expenditures over the years.
 - Finance Recommendation: Transfer funds from Port Reserves.
- 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. \$1,564,478.60 of Bond Revenue received did not get coded directly to the project. Project was over budget \$17,474.87
 - Finance Recommendation: Transfer from \$1,581,953.47 from Port Reserves.
- 415-0931 – Harbor Restrooms/Shelter/Guard Shack – completed 2016
 - Balance \$129,223.09
 - Finance Thoughts: This was part of the \$6 mill Cruise Ship Project involving 4 projects and spanning 5 years. The other projects are closed. This balance represents part of the local match.
 - Finance Recommendation: Transfer back to Port Reserves.

Next steps for project close out procedures:

Finance and the Project Manager will meet quarterly for project status updates as well as project start up and close out. We are now keeping an active list of projects; which will assist in recognizing what is winding down and being closed. We had one project status meeting already and that alerted us to some tasks that needed to be addressed with the Ramp 2 Restroom as it is being completed. The Project Manager will now send the project close-out form to Finance when a project is complete. The grant administrator, the accounting supervisor, and the Finance Director will have to review the project and make sure ALL aspects are complete. The City Manager will then receive the project close out report. Council will get a project status report annually.

Enc:
Project close out form

**CITY OF HOMER
PROJECT CLOSE OUT**

Project Name: _____ **Today's Date:** _____

Funding Sources: _____ **Beginning Date:** _____

Finish Date: _____

Funding Agencies: _____

Brief Scope of Work: _____

Project Completed - Department

Department Director: _____ **Project Supervisor:** _____
Signature Signature
(If Department Director and Project Supervisor are not the same, both parties need to sign and date)
Date _____ **Date** _____

Project Completed - Finance

Grants/Project Acct: _____
Date _____

(all billings sent and monies rec'd, reports finalized)

Accounting Supervisor: _____
Date _____
(financials are accurate)

Finance Director _____
Date _____

This certifies that the above mentioned project is finished and accepted by the City of Homer and all agencies related to the project. All billings have been sent to any funding agencies, all monies received, all expenses have been paid and final reports have been sent.

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
2. City Council Regular Meeting January 13, 2020 Public Hearing and Second Reading

**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
Acreage	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](#)





City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 8, 2020
SUBJECT: January 13 City Manager Report

Informal Sister City Gathering Regarding the Town of Teshio

On Friday, December 20th, Mayor Castner assembled a small group of constituents and my assistant Rachel Friedlander to discuss and rekindle the Sister City relationship Homer has with Teshio, Japan. Constituents included Flo Larson, Terri Spigelmyer, and Megumi Beams, a Homer resident from Japan who offered to bring items from Homer and send them to the Teshio Mayor's office on behalf of the City during her vacation to Japan this December/January. The group discussed how the Sister City relationship encourages neighborliness because we share the same waters; helps with students interested in studying abroad in either City; and encourages tourism and cultural understanding. The Mayor believes rekindling this relationship is best served organically through informal citizen partnerships rather than being formerly appointed through Council. The Mayor donated personal funds to be used by Megumi in selecting gifts to bring to Mayor Hiroyuki Sasaki, and both City of Homer and State of Alaska pins were given to Megumi for distribution to Mayor Sasaki's office. As for ideas on how to rekindle and keep the Sister City relationship active, Megumi provided the attached list of ideas for future use. Mayor Castner has invited Megumi to share how her trip to Japan went and any correspondence shared with Mayor Sasaki at the February 10th City Council meeting. Included for historical reference is the 1984 oath taken between the City of Homer and Town of Teshio to establish the Sister City relationship.

AML Ferry Conversation

I participated in a teleconference organized by Alaska Municipal League (AML) that evolved into the establishment of a 'Ferry Caucus.' You have before you this evening a memo to authorize Council participation in a Ferry Caucus legislative fly-in for the first week of the Legislative Session. The focus of the original meeting was an action plan for the group. Participants noted the need to improve communication between coastal communities so that we are all aware of the advocacy efforts of our neighbors and can coordinate. There was also conversation about hiring a public relations contact to keep the group informed and organized. I imagine these will be continuing topics of conversation as the Ferry Caucus takes shape and I encourage Homer to remain engaged.

Flooding

As you recall, the week of December 9th brought heavy rains that flooded area roads and threatened local transportation networks. Public Works was pleased with how well City infrastructure survived the rain storm event. A similar flooding event in 2002 caused significant damage to City roads. Staff believes significant progress on City infrastructure since 2002 contributed to the successful weathering of the storm including:

- 1) Creek/road crossing culverts have been upsized to pass the volume of water and debris that moves during this type of event (i.e. – Woodard Creek)
- 2) Grading of gravel roads and shoulder work along paved roads assured that runoff got off the road to the road side ditches.
- 3) Improving drainage along the roads by maintaining/improving/creating new road side ditches.

Unfortunately State roads did not fare as well. The minimal damage to City roads allowed Public Works to assist limited ADOT crews with protecting East End Road from further damage, repair damage caused by the East End Road flooding, and minimize East End Road traffic flow interruption.

Freezing

Fast-forward to the first of the year and winter has arrived in full force. New Year’s Day, the Port and Harbor had a waterline burst in the Ice Plant and there was quite a bit of water damage done to the sheetrock in the lower restroom area. Ice plant staff have cleaned up what they could to prevent further damage, however a contractor will be brought in to repair the damage in order to keep the plant on schedule to begin producing ice again in March. The damage is estimated at under \$10,000 and can be covered under the existing budget. However, if other unanticipated maintenance is needed at the plant in 2020, Council could see a request for additional authority in the future. The exposed pipe that allowed cold air to infiltrate the building has been discovered and repaired, so the issue should not happen again.



Trip Report: Anchorage with Port and Harbor Director Hawkins

On December 12th, Port and Harbor Director Hawkins and I traveled to Anchorage for a number of different meetings. The two takeaways I would like to highlight from the Port and Harbor Director’s informative trip report (attached) are: 1) the conversation with HDR on advice for advance planning and owner representation on a project the magnitude of the Large Vessel Harbor (as one of our term contract engineers, HDR will be drafting a proposal on services they can provide) and 2) the very productive meeting we had with Scott Thomas, Traffic Engineer for ADOT. In addition to making recommendations for parking safety improvements on the Spit that we will work on over the winter, Scott had recommendations concerning temporary barriers and signage that could be placed along Ocean Drive to discourage vehi

from parking on the bike path. These vehicles are a hazard to cyclists and block the line of sight for pedestrians and vehicles pulling out; appropriate signage and barriers would allow HPD to enforce violations. Ocean Drive is a State road and ADOT would propose entering into a management agreement, similar to the pedestrian safety agreement we have with ADOT on the Homer Spit, to manage the parking and safety issues on Ocean Drive during the summer months. If this is an issue Council is interested in pursuing, I will work with Public Works and ADOT on flushing out details of what an agreement would look like and any associated costs.

Water Storage Distribution Improvements Grant Closeout Update

In 2012, Public Works secured a grant, the purpose of which was to design needed improvements to our water distribution/storage system (45% City/55% EPA; \$884,000 total). These projects included:

- Kachemak Drive (Phase III) Water Main Extension
- Shellfish Avenue Water Main Extension
- Redwood Tank Demolition
- A-Frame Water Tank Demolition
- New Water Tank Design
- Micro-Hydro Feasibility Study

In 2015, Public Works secured an ADEC grant, the purpose of which was to construct needed water distribution/storage improvements (30% City/70% ADEC; \$2,797,000 total). These projects included:

- Kachemak Drive (Phase III) Water Main Extension
- Shellfish Avenue Water Main Extension
- A-Frame Water Tank Rehabilitation/Demolition
- A-Frame PRV Station Replacement
- Water Main in Support of New Water Tank
- Telemetry in A-Frame, Shellfish and Kachemak Dr. PRV Stations

These improvements significantly improved the delivery of drinking water to our customers, improved the reliability of fire protection, and reduced maintenance costs.

This grant is being closed out at the end of 2019 and caps a successful effort to use available grant funding to improve the City's water distribution system and minimize the use of the City's Water Reserve/HAWSP funds.

Of particular note: ADEC grant funds that we hoped could be used to rehabilitate the A-Frame Tank could not be utilized. The cost to rehabilitate the A-Frame Tank were higher than replacement. The unused funding allowed for installation of telemetry in three existing PRV stations. These remaining grant funds would have been lost if the telemetry work had not been identified. The cost of telemetry in these stations was included in Public Work's 2020/21 budget capital request. Using the available unused grant funds eliminated the need for direct City funding in the additional amount of \$130,000. To stay within budget, City crews installed the telemetry equipment.

Next steps in the water storage distribution improvements project, which is listed on the Capital Improvement Plan, is replacement of the A-Frame Tank and constructing the proposed Shellfish Water Tank to improve drinking water and fire protection redundancy and allow for effective installation of micro-hydro facilities.

Proposed Improvements to the Skate Park

A community group, Friends of the Homer Skate Park, has approached the City about making improvements to the current park. They requested a letter of support from the City of Homer to be able to begin fundraising. I have been very clear with organizers that the future of the HERC building and grounds is uncertain and I would limit improvements to immediate safety concerns, improvements that cost very little, or structures that are removable. The attached letter outlines some of the improvements envisioned and will hopefully allow this group to begin their fundraising efforts.

Opportunity to Participate in the Governor's Conversation

AML is encouraging municipalities to respond to the questions Governor Dunleavy posed in his ADN article entitled "Time for a Conversation About the Alaska We Want." Questions include:

- Do we want to continue to grow government with little or no controls on spending, or do we want a spending limit?
- How do we want to pay for government going forward if oil revenue is not enough to pay for the government we have?
- Which programs and services do we wish to preserve?
- What should the PFD look like going forward?
- Are we committed to developing our resources to provide jobs, wealth, and revenue for Alaskans or not?
- What sacrifices are we as Alaskans willing to make in order to leave a better Alaska for our children and grandchildren?

These points should be kept in mind as Homer works to draft comments to the Governor and shared with AML for advocacy. Please let me know if there is a member who is interested in tackling any of these topics and bringing suggestions before the body.

ENC:

Ideas on How to Rekindle and Keep the Sister City Relationship by Megumi Beams

1984 Oath taken between the City of Homer and Town of Teshio to Establish the Sister City Relationship

Letter of Support to Friends of Homer Skate Park

Trip Report from Port and Harbor Director Hawkins

Governor Dunleavy's article, "Time for a Conversation About the Alaska We Want."

Homer Public Safety Building Progress Report, 12/3/19 through 1/8/20

4th Quarter 2019 Customer Feedback Log

Memo from City Clerk Jacobsen on By Mail Election Meeting with KPB Clerks

Letter from KHLT on Louie's Lagoon Conservation Easement

Exchange recipes

Exchange photos of businesses and parks in town.
Use post cards

Have school children create a scrap book of pictures
Of the town and the children here can make one to
Send to Japan. Children can make the city buildings

Use a speaker/tape/audio kind of message and
Have children sing a song and the mayor can
Give greetings and we'd do the same here and
Send to Japan.

Plant life and animal life – collect children's art
Of the plants and animals or create a booklet
Of pictures of these to send

Adult women could make a few quilt squares
To exchange between countries. It could be
One of flowers of the area

Exchange high school students (this has been done before)

Write Haiku – Japanese haiku about flowers or about city life
Or and our writer's group and also children can do
The same about items here in this city.

Choose every other month – 6 times a year – to exchange or
Call or facebook or whatever contact and present one of the
Above or any other idea...



**OATH TO ESTABLISH A SISTERSHIP AFFILIATION
BETWEEN
THE CITY OF HOMER AND THE TOWN OF TESHIO**

Since the Town of Teshio, situated in Hokkaido, Japan, and the City of Homer, situated in the State of Alaska, U.S.A. , belong to the same northern hemisphere, both regions share the similar climate and are surrounded by rich natural environment ; and these common characteristics they have are believed to be well founded to the peoples of Teshio and Homer to be united under a mutual bond of sistership affiliation.

Furthermore, the citizens of both Teshio and Homer wish to progress the friendly relationship they now maintain, and intend to enhance the ties in the various areas such as in education, culture, industry and economy in order to facilitate prosperity and welfare of the respective regions, and moreover, the residents of both municipalities hope to achieve their immediate objective of closer Japan-U.S. relations through their local ties so that ultimately they can look forward to attaining their final objective of global peace and solidarity by transcending this bilateral relations. In view of this, it is quite significant and proper to the peoples of Teshio and Homer that their respective local governments establish mutual sistership relations.

With due respect to above, the Town of Teshio and the City of Homer hereby agree jointly to be affiliated as sister cities.

April 7, 1984

Mayor
Town of Teshio
Teshio, Hokkaido
Japan

Mayor
City of Homer
Homer, Alaska
U.S.A.

見波 博 助

Ed Coyne



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January 13th, 2020

George Overpeck

Organizer, Friends of the Homer Skate Park

Submitted electronically: geopeck@gmail.com

Mr. Overpeck,

The City of Homer supports the Friends of the Homer Skate Park's (FOHSP) efforts to rehabilitate the skate park with the understanding the future of current location of the park (HERC grounds) is uncertain. Staff have reviewed the improvements suggested, and approves of FOHSP working on the below listed projects with Public Works and Parks Division oversight; all projects must be reviewed by City staff and a Memorandum of Understanding will need to be signed before work can commence.

1. Remove the two least used elements (spine ramp and double height box) and build a wood frame, steel surface manual pad. The manual pad is a low platform (roughly 8" high, 10-14' long, 4-8' wide) that can be used at a range of skill levels.
2. Move the fun box which is currently on the south side a bit further north to a more central position. As it's currently positioned riders have to push slightly uphill to access the hip and it makes what would otherwise be the best piece of equipment there fairly tough to use.
3. The steps and handrail on that same fun box unit are almost entirely unused due to the lack of ability to carry speed into them, they could be replaced with another banked or transitioned ramp to make a great central hit from either direction. The handrail is the most challenging and dangerous piece of equipment there, even riders with high risk tolerance don't use it. Replacement with another transition changes it to a less challenging hit that opens a lot of skill building opportunities.
4. Transition plates at the base of most ramps, especially the two quarter pipes that are on each end. Transition plates are narrow sheet metal strips placed at the base of the ramp that will buffer the bump a rider meets as they are going from pavement to steel and then back. Due to the design of these particular ramps, it's a bit difficult to maintain confidence and control while doing any tricks. This fix would benefit riders of all skill levels as well as addressing a serious safety issue.
5. Other improvements as approved by the City that address immediate safety concerns, could be removed to a new skate park location if the City chose to relocate the park, or are small improvements of limited scope and cost.

I appreciate the grassroots efforts of volunteers interested in improving the park. As the future of the HERC and grounds continues to evolve, I encourage FOHSP to participate in the conversations and make sure this user group is represented.

Best,

Katie Koester
City Manager

CC:
Matt Steffy, Parks Maintenance Coordinator
Julie Engebretsen, Deputy City Planner
Mike Miller, Homer Foundation

DRAFT



Memorandum

TO: HOMER CITY COUNCIL

THRU: KATIE KOESTER, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: JANUARY 2 2020

SUBJECT: ANCHORAGE BUSINESS TRIP DECEMBER 12 2019

Katie Koester, City Manager and I took a whirlwind business day trip to Anchorage on Dec. 12 that had pretty much every minute accounted for, and because of good planning and fair winds I think the trip went very well. Our day was as follows:

0745 – 0845 Arrival at the Anchorage Airport, car rental, and transportation.

0845-1045 The first meeting of the morning was with HDR engineering to discuss Homer's Port/Harbor expansion project. Katie and I believe that we are at a point in this process where it would be wise to bring in a team experienced in the management of a mega marine project like the one Homer is about to undertake. We feel that if we are going to be able to keep this project moving and on track we'll need an experienced team to help keep things moving effectively. Ronny McPherson is the lead for the Coastal and Maritime infrastructure department with HDR and he has agreed to help us draft a scope of work that we could then build into a RFP for project management services.

1030-1230 Katie and I then moved over to our city attorney's at JDO and met with Michael Gatti and Cindy Cartledge. Our focus for that meeting was to discuss funding options and possibilities regarding Homer's Large Vessel Port Expansion funding packet. From our conversation we learned that the JDO team has had quite a bit of experience in helping their clients navigate the confusing world of bonding for projects like ours.

1300-1400 After leaving our attorneys we drove over to the State DOT offices located on International Airport road and met with Joselyn Biloon and David Post to discuss AK DOT partnering with the City on two very important project studies. First, we talked about our shared need to come up with a long term erosion management plan for the Homer Spit, and the Planning Assistance to

States (PAS) study that we are pushing for with the US Army Corps of Engineers (USACE). The State has expressed interest in the need to protect the highway on the Spit and we believe that this study will benefit that priority. The PAS is a 50/50 matching federal program and if the State and City were to split costs our share would likely be \$50,000. One of the chief goals for this project will be to have all the stake holders involved with a long term erosion management plan in which all stakeholders (Federal, State, and City) work cooperatively to plan for, and implement, measures to make positive changes in how the Spit weathers what nature has to throw at it. We will be pushing for a change of Authorization for the USACE's scope of work on the Spit. Currently the USACE is authorized to dredge the navigable waterway of the harbor entrance channel all the way to the Load and Launch ramp. The change to the corps' authorization needs to include erosion control and mitigation of the Homer Spit. This new authorization would include a beach re-nourishment enhancement program, possible revetment extensions to protect critical infrastructure, and a designation that their annual operations and maintenance fund include erosion mitigation as part of the Corps' mission on the Homer Spit. We know from looking at beach maintenance projects in the lower 48 that beach re-nourishment works as an alternative to, or as a way of supporting, hard facing with rock revetment walls, but it will take a major effort a significant source of material to catch up and get ahead of the curve.

Where will we get the amount of material needed to rebuild the Spit?

To help answer that question, the second half of this meeting was to talk about re-engaging the State in Homer's Port and Harbor Expansion Study. In the original harbor expansion study with the Corps the partnership was Corps 50%, State 25%, and City 25%. We shelved that project in 2009 awaiting a time when BCR numbers (Benefit Cost Ratio) for the project were more advantageous. Now, after the completion of the PAS study last year, and the resulting higher positive BCR numbers, we feel we are ready to resume and complete our study for port expansion. We need the State to commit to getting back on board with this very important maritime infrastructure expansion project. The financial commitment for both the city and the state for the general investigation study will be \$750,000 over the next three years and there were some ideas floated as to where and how the State may be able to fund their share. FYI, one of the big cost drivers that gave us such poor BCRs in the original study had to do with the disposal of the thousands and thousands of cubic yards of dredged materials that would be generated by the Port expansion project. Can we say erosion management and beach re-nourishment?

1400-1500 The State changed out a few of its staff members and we moved straight into a meeting regarding Spit parking safety issues and concerns, as well as plans and progress with Pioneer and Lake street road improvements, crosswalks and other bike and pedestrian concerns on Ocean Drive having to do with on street parking in the summer. We also talked about Tsunami escape route signage and speed limit signage for the Spit. One of my chief concerns for the Spit has to do with vehicles parking on the roadway next to the fog line. We see this as a serious safety issue as it blocks

the driver's sight line and eliminates the pedestrian and bike paths alongside the highway. The Regional Traffic & Safety Engineers at DOT walked us through a few options for signage that we could consider. I agreed to mark up an overview of the areas of concern and keep the conversation moving ahead. It would be my goal to have any changes in place early in May before the summer crowds show up.

1500-1700 We grabbed a bite to eat before heading back to the airport for our return flight home.

1930 Arrived in Homer and called it a day.

RECOMMENDATION

For information only.

Time for a conversation about the Alaska we want

Author: [Michael J. Dunleavy](#)

<https://www.adn.com/opinions/2020/01/04/time-for-a-conversation-about-the-alaska-we-want/>

In a matter of weeks, our Legislature will begin deliberations on our state's budget for the next fiscal year. There is no doubt we have challenges. The reserve funds that once held more than \$16 billion lie nearly empty. Unlike the federal government, Alaska possesses no cash-printing machines. Any solution to our fiscal crisis must come from within the revenues we generate and the current programs and services on which we spend money.

However, we have much to look forward to as well. According to economists, our three-year recession is finally at an end. Our private sector economy is leading the way with a [4.1% increase](#) in gross domestic product — the third-highest in the nation.

Unemployment remains at [historic lows](#), and [1,600 new jobs](#) have been created over the past year. Perhaps most telling, hundreds of these jobs are in the construction industry.

On the North Slope, a renaissance is underway. Private investment has increased by \$1.1 billion, and last year was the region's busiest in more than a decade. Oil industry wages also grew at 7% — nearly double the national average. In fact, wages all across Alaska increased by [\\$355 million](#) during the first half of 2018.

Economic growth will remain a key part of our recovery in the years to come. That's why I formed the Alaska Development Team. Tasked with identifying and recruiting businesses and investment to Alaska that will result in more jobs here in our state, they are currently working with Anchorage Airport staff to develop more than \$500 million in proposed projects that will capitalize on recent air cargo growth. This includes 1.4 million square feet of new warehouse space that will create 1,000 construction jobs next summer.

Many of our future economic opportunities will complement our nation's push for a cleaner environment. Our state is rich in resources like zinc and rare earth metals — critical components in the batteries and electronics of most [electric vehicles](#). In fact, Tesla is already active in Alaska with a [testing facility](#) in Delta Junction and a battery energy storage [project](#) in Homer.

But economic growth alone will not solve our budget issues in the short term. Shared sacrifice will be required as we regain our fiscal footing. The proposed budget I have submitted to the Legislature for its review and discussion acknowledges this reality while also protecting the priorities of Alaskans — the same priorities that I promised to fight for when I was elected last November.

That means continuing our path toward a safer Alaska. After passing landmark sexual assault legislation and hiring more troopers than in any other year in the past decade, my proposed budget funds an additional 15 troopers and three prosecutors. The Department of Corrections budget will see an increase of 7%, and the judiciary will see extra funding for public defenders and guardians.

It also means fully funding K-12 education. Having spent decades as both a teacher and school administrator, it pains me to see our state consistently ranked as one of the worst for K-12 education. Funding, however, is just one piece of the education puzzle — our delivery of education services must be improved.

I recently met with federal officials to discuss how we can move forward with tribal compacting in education as well as ideas to boost reading performance. I believe that our children must be reading at grade level by the third grade and proficient in algebra by the eighth grade. We must achieve these milestones to ensure our children can pursue any career they set their sights on. We must insist proficiency in reading and algebra be a moral imperative for Alaska's children.

Finally, it means protecting the Permanent Fund as well as the Permanent Fund dividend. My budget calls for a full PFD plus complete payment for last year's partial dividend.

Until Alaskans decide otherwise, I am committed to honoring the statutes that calculate the PFD.

Alaskans have important decisions to make in the days ahead. The upcoming year represents the final time we can rely on budget reserves to make ends meet, meaning hard decisions must be made. To that end, I will be back in the air beginning this month, visiting with communities in every corner of our state, and gathering more of your critical input as to what Alaska should like look going forward. In order to build that Alaska together, we will need your thoughts on questions such as:

Do we want to continue to grow government with little or no controls on spending, or do we want a spending limit?

How do we want to pay for government going forward if oil revenue is not enough to pay for the government we have?

Which programs and services do we wish to preserve?

What should the PFD look like going forward?

Are we committed to developing our resources to provide jobs, wealth, and revenue for Alaskans or not?

What sacrifices are we as Alaskans willing to make in order to leave a better Alaska for our children and grandchildren?

In preparation for these conversations, my staff has compiled and published extensive [budget data](#). This includes an unbiased set of [scenarios](#) that could be used to balance our budget. I truly hope you spend some time reviewing this information ahead of these discussions.

Most importantly, I urge Alaskans to not lose sight of the big picture. Our present budget woes are not simply a math exercise. The long-term solutions will come from people like you — Alaskans with ingenious ideas and a commitment to delivering better government services with less resources. Alaskans who understand that the decisions we make today will shape the world we leave our children.

I'm confident that, together, we will secure for them a safer and more prosperous Alaska.

Gov. Mike Dunleavy is the 12th governor of Alaska.

The views expressed here are the writer's and are not necessarily endorsed by the Anchorage Daily News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email [commentary\(at\)adn.com](mailto:commentary@adn.com). Send submissions shorter than 200 words to letters@adn.com or [click here to submit via any web browser](#). Read our full guidelines for letters and commentaries [here](#).

PROGRESS STATUS REPORT
New Homer Police Station
December 3, 2019 through January 8, 2020

Work Completed this Period:

PVC roofing completed. Blocking and interior walls completed. Interior door frames installed. Interior dried out, prepped for insulation. Base flashings installed. Rooftop AHU installed. Exterior walls insulation and vapor barrier. Interior sound insulation begun. GWB installation begun.

Work to be Performed Next Period:

Complete GWB. Complete insulation. Mechanical and Electrical rough in continues. Exterior CMU insulation, south. Elevator installation. HEA transformer and service entry underground to A line wall, (Tentatively. See below.)

Schedule Status: Below are milestone start dates for this period:

Milestone Task	Original Start	Actual Start
Insulation/VB	12/17/2019	12/11/2019
Gypsum Wall Board	12/23/2019	12/23/2019

Anticipated Problems: HEA has delayed installation of permanent power by two months for reasons unrelated to this project. Delay of permanent power installation may delay installation of the elevator and boilers. Despite repeated inquiries, HEA has yet to give us a date for this work.

End of week, (Friday and/or Saturday), Daily Reports with site photos attached for information.

Prepared by: Pat McNary
Project Manager

Homer Public Safety Building

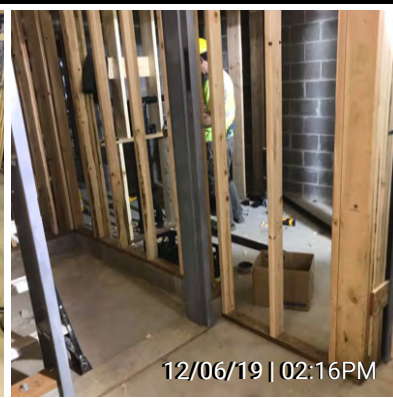
Grubstake Avenue Homer, Alaska 99603



Date Fri 12/06/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

27°

Overcast

Wind: 8 MPH | Precipitation: .0" | Humidity: 75%

12:00 PM

30°

Mostly Cloudy

Wind: 9 MPH | Precipitation: .01" | Humidity: 77%

4:00 PM

34°

Mostly Cloudy

Wind: 10 MPH | Precipitation: .01" | Humidity: 79%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Consolidated Roofing		0	0	477
Duct or Sheet Metal		0	0	12
East Road Services		0	0	944
Eayrs Plumbing	Onsite continuing domestic water rough in. <small>Carl Brinkerhoff 12/06/19 03:17PM</small>	2	8	520
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox, Jim	Supervision, coordination and documentation. Crew continued setting upper level interior door frames. Continued blocking at walls for bath accessories and other devices. Continued framing at dented on area. Misc. framing for electrical panel in dispatch, fur out walls at rain leaders in dispatch and polygraph. Grinding fins and imperfections at lower level exposed concrete walls. <small>Carl Brinkerhoff 12/06/19 03:22PM</small>	7	8	5235.5
Puffin Electric	2 journeyman and an apprentice onsite continuing electrical rough in mainly upper level. Roughed in power to door frames as required. <small>Carl Brinkerhoff 12/06/19 03:24PM</small>	3	0	905.5
Total		12	72	10737

Time Cards

No entry

393

Materials

No entry

General Notes

No entry

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 12/06/19 | 03:26PM

Quality Control Observations

1. All materials and workmanship performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 12/06/19 | 03:26PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pat McNary was onsite to layout control room. Person from dispatch and officer Brown were onsite to coordinate control room layout. Gentleman from ProCom was onsite this afternoon. Carl Brinkerhoff 12/06/19 03:29PM
5. Any areas that can't be worked on?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No exterior door frames onsite yet. Carl Brinkerhoff 12/06/19 03:29PM
6. Any equipment rented on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All terrain scissor lift. Carl Brinkerhoff 12/06/19 03:29PM

Carl Brinkerhoff

I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 12/06/19 | 03:29PM

SUBCONTRACTOR REPORTS



Fri 12/06/2019

Homer Public Safety Building: Grubstake Avenue Homer, Alaska 99603

Name	Description	Quantity	Hours	Hours To Date
1. Puffin Electric	No Entry	0	0.0	0.0
2. Eayrs Plumbing and Mechanical	No Entry	0	0.0	0.0
3. PEI	No Entry	0	0.0	32.0
Subtotal		0	0	32.0
Grand Total (Includes Cornerstone General Contractors Work Log Total)		12	72	10769.0

Homer Public Safety Building

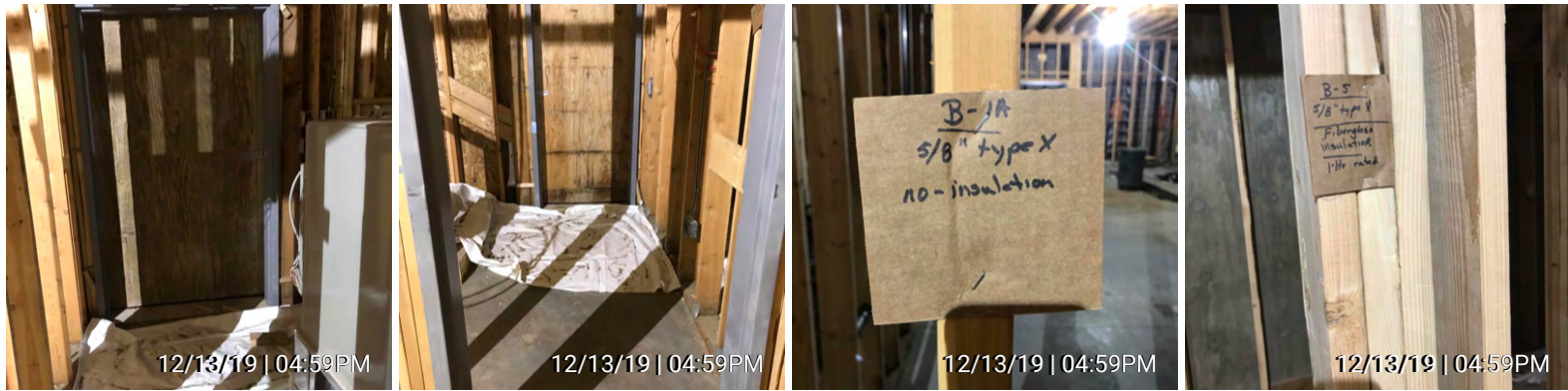
Grubstake Avenue Homer, Alaska 99603



Date Fri 12/13/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM	12:00 PM	4:00 PM
<p>41° </p> <p>Possible Drizzle</p> <p>Wind: 12 MPH Precipitation: .08" Humidity: 87%</p>	<p>42° </p> <p>Overcast</p> <p>Wind: 10 MPH Precipitation: .14" Humidity: 79%</p>	<p>42° </p> <p>Mostly Cloudy</p> <p>Wind: 11 MPH Precipitation: .15" Humidity: 73%</p>

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Accel Fire		0	0	14
Alasco Insulation		0	0	11
Consolidated Roofing		0	0	477
Duct or Sheet Metal	Onsite laying out duct work. More changes in framing to accommodate. Coordinated RTU-1 hoisting. <small>Carl Brinkerhoff 12/14/19 09:55AM</small>	2	4	36
East Road Services		0	0	944
Eayrs Plumbing	Onsite working at upper level domestic water. Showers are not in town and it's doubtful they will be here prior to new year without air freight. This will prohibit. Last exterior door frame to be installed at lower level and will delay Sheetrock at walls in locker room. <small>Carl Brinkerhoff 12/14/19 09:59AM</small>	2	6	580
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox, Jim Pollack, Tod Shar	Supervision, coordination and documentation. Began installing exterior door frames at lower level. Continued interior blocking. Completed grinding fins at lower level exposed concrete walls. Marked all framed walls for type of insulation and Sheetrock. <small>Carl Brinkerhoff 12/14/19 10:03AM</small>	6	0	0
Puffin Electric	2 journeyman and an apprentice onsite continuing com. Electrical and data rough in at upper level and lower level exterior door frames <small>Carl Brinkerhoff 12/14/19 10:05AM</small>	3	8	1025.5
Total		13	44	11190

397

Time Cards

No entry

Materials

No entry

General Notes

1. Crane moved up to next Wednesday 12/18/19.
Solo tube arrived onsite at end of shift today.

Carl Brinkerhoff | 12/14/19 | 10:12AM

Site Safety Observations

No entry

Quality Control Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 12/14/19 | 10:12AM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Showers for lower level locker rooms not ordered by mechanical sub in time to be onsite prior to framing and now are preventing exterior door frame completion and sheet rock installation Carl Brinkerhoff 12/14/19 10:10AM
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Jacko the crane opperator was onsite today. Went with him to Eyres storage to determine rigging needs. Carl Brinkerhoff 12/14/19 10:18AM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Showers at locker room not onsite. Exterior doors and hard ware not on site. Neither type of siding on site. Bat type insulation not onsite. Carl Brinkerhoff 12/14/19 10:18AM
6. Any equipment rented on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All terrain scissor lift. Carl Brinkerhoff 12/14/19 10:18AM

Attachments



Carl Brinkerhoff

I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 12/14/19 | 10:18AM

SUBCONTRACTOR REPORTS



Fri 12/13/2019

Homer Public Safety Building: Grubstake Avenue Homer, Alaska 99603

Name	Description	Quantity	Hours	Hours To Date
1. Puffin Electric	No Entry	0	0.0	0.0
2. Eayrs Plumbing and Mechanical	No Entry	0	0.0	0.0
3. PEI	No Entry	0	0.0	136.0
Subtotal		0	0	136.0
Grand Total (Includes Cornerstone General Contractors Work Log Total)		13	44	11326.0

Homer Public Safety Building

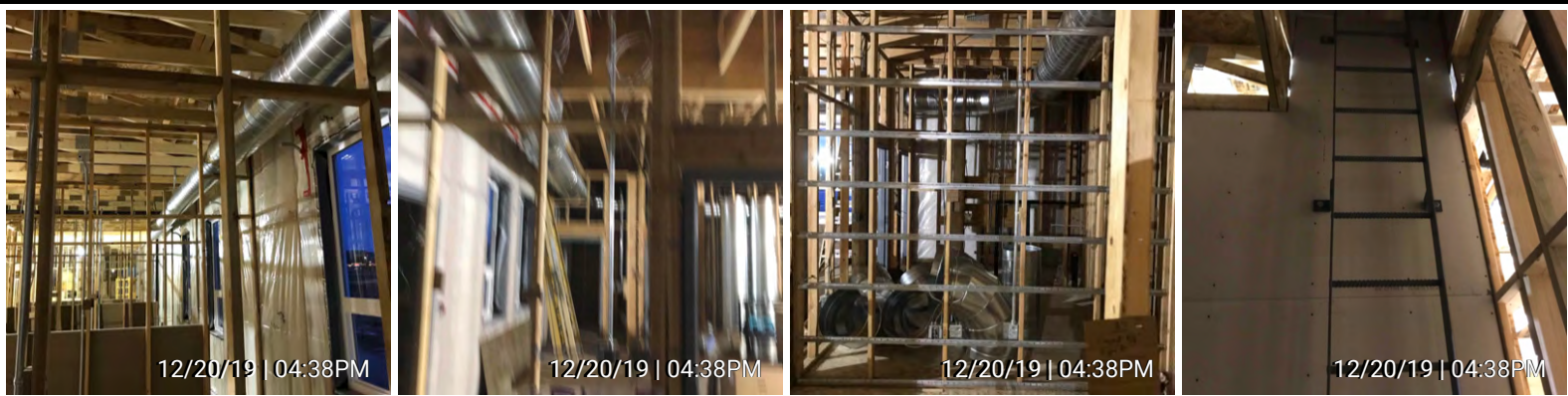
Grubstake Avenue Homer, Alaska 99603



Date Fri 12/20/2019

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM

25°

Clear

Wind: 9 MPH | Precipitation: .0" | Humidity: 64%

12:00 PM

24°

Clear

Wind: 7 MPH | Precipitation: .0" | Humidity: 64%

4:00 PM

24°

Mostly Cloudy

Wind: 6 MPH | Precipitation: .0" | Humidity: 60%

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Accel Fire		0	0	38
Alasco Insulation		0	0	91
Consolidated Roofing		0	0	477
Duct or Sheet Metal	Three workers onsite installing ducting mains at upper level in squad room and detectives offices. <small>Carl Brinkerhoff 12/20/19 06:53PM</small>	3	8	91
East Road Services		0	0	944
Eayrs Plumbing	Onsite working at upper level continuing domestic water rough in. <small>Carl Brinkerhoff 12/20/19 06:54PM</small>	1	8	633
Matt Hanson, Ron Frazier, Tanner Stengel, Chad Albertsons, Ryan Fox, Jim Pollack, Tod Sharp	Supervision, coordination and documentation. Completed interior shear diaphragm sheeting at upper level. Installed Sheetrock at janitors closet behind roof access ladder, installed ladder. Used Dimond blade on grinder to provide caulk joint space around detention frames and control joints for pick proof caulk. Framed additional openings for duct work through partition walls not previously lay out. Furred down women's detention ceilings <small>Carl Brinkerhoff 12/20/19 07:07PM</small>	7	8	392
Puffin Electric	2 journeyman and an apprentice onsite continuing rough in at upper level. Met with Pat McNary to discuss work at existing police station regarding generator move. Also discussed work required to get permanent power here at this site.	3	8	1145.5

Total	14	112	11802
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Time Cards

No entry

Materials

No entry

General Notes

- Went over for hardware inconsistencies between electrical drawings/ Siemens drawings and hardware schedule with Puffin.
Ordered materials for suspended gyp ceilings.

Carl Brinkerhoff | 12/20/19 | 07:10PM

Site Safety Observations

- Site safety protocols were observed onsite today.

Carl Brinkerhoff | 12/20/19 | 07:10PM

Quality Control Observations

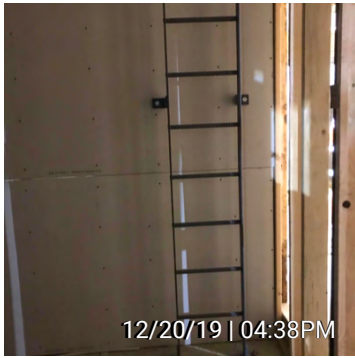
- All materials and workmanship performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 12/20/19 | 07:10PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pat McNary was on site today. Carl Brinkerhoff 12/20/19 07:13PM
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Door 100A & 100B. Both types of exterior siding. Permanent electrical power to building which will delay elevator installation Carl Brinkerhoff 12/20/19 07:13PM
6. Any equipment rented on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All terrain scissor lift Carl Brinkerhoff 12/20/19 07:13PM

Attachments



Carl Brinkerhoff

I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 12/20/19 | 07:13PM

SUBCONTRACTOR REPORTS



Fri 12/20/2019

Homer Public Safety Building: Grubstake Avenue Homer, Alaska 99603

Name	Description	Quantity	Hours	Hours To Date
1. Puffin Electric	No Entry	0	0.0	0.0
2. Eayrs Plumbing and Mechanical	No Entry	0	0.0	0.0
3. PEI	Door access control for doors 105, 107, 114A, and 126 was in question today for us because	3	24.0	160.0
Subtotal		3	24	160.0
Grand Total (Includes Cornerstone General Contractors Work Log Total)		17	136	11962.0

Homer Public Safety Building

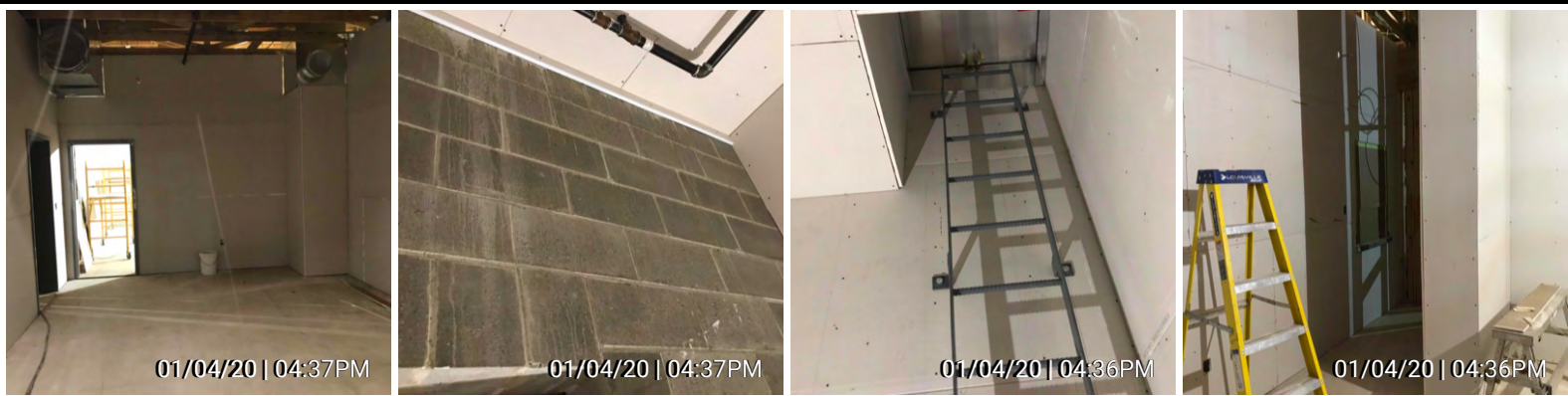
Grubstake Avenue Homer, Alaska 99603



Date Sat 01/04/2020

Job # 1809-2

Prepared By Carl Brinkerhoff



Weather

6:00 AM	12:00 PM	4:00 PM
<p>12° </p> <p>Clear</p> <p>Wind: 8 MPH Precipitation: .01" Humidity: 72%</p>	<p>14° </p> <p>Clear</p> <p>Wind: 7 MPH Precipitation: .01" Humidity: 69%</p>	<p>13° </p> <p>Clear</p> <p>Wind: 7 MPH Precipitation: .01" Humidity: 71%</p>

Work Logs

Name	Description	Quantity	Hours	Hours To Date
Accel Fire		0	0	70
Alasco Insulation		0	0	91
Carl's Drywall & Paint	Finish hanging Sheetrock at janitors, mail copy room. Hung Sheetrock at walls control room. <small>Carl Brinkerhoff 01/04/20 04:55PM</small>	2	8	72
Consolidated Roofing		0	0	477
Duct or Sheet Metal		0	0	107
East Road Services		0	0	944
Eayrs Plumbing		0	0	689
Puffin Electric	Onsite working mainly lower level walls. <small>Carl Brinkerhoff 01/04/20 04:56PM</small>	1	7	1176.5
Tod Sharp, Ron Frazier, Tanner Stengel, Ryan Fox, Jim Pollock	Supervision, coordination and documentation. Continued framing walls on top of CMU at cells. Continued work associated with door frame repair. Stocked additional Sheetrock in rooms for hangers. Installed new oil pressure sensor in fork lift. Installed new pump in Cornerstone dehumidifier. Clean up. <small>Carl Brinkerhoff 01/04/20 04:59PM</small>	4	8	112
Total		7	55	12177

Time Cards No entry

405

General Notes

1. Confirmed abuse rock is in town at Spenard. Set up Monday delivery

Carl Brinkerhoff | 01/04/20 | 05:02PM

Site Safety Observations

1. Site safety protocols were observed onsite today.

Carl Brinkerhoff | 01/04/20 | 05:03PM

Quality Control Observations

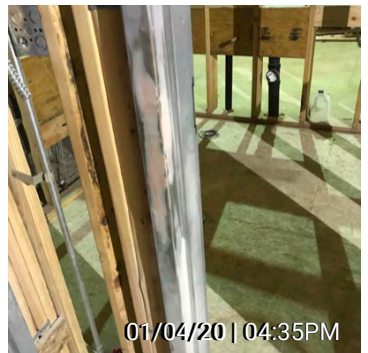
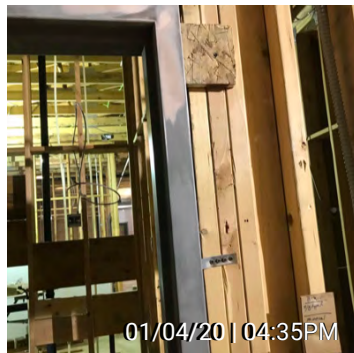
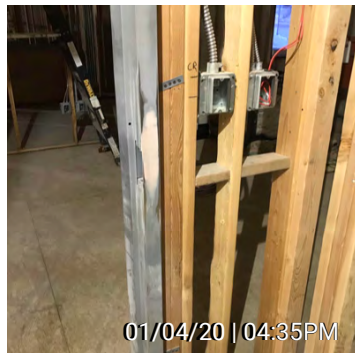
1. All materials and workmanship performed onsite today met or exceeded project specifications.

Carl Brinkerhoff | 01/04/20 | 05:03PM

Survey

Questions	N/A	No	Yes	Description
1. Any accidents on site today?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2. Any schedule delays occur?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Did weather cause any delays?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Any visitors on site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Any areas that can't be worked on?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Exterior door frames, exterior doors and hardware, both types siding. Lower level walls waiting on plumbers to rough in and get showers in locker rooms. Carl Brinkerhoff 01/04/20 05:01PM
6. Any equipment rented on site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All terrain scissor lift. Carl Brinkerhoff 01/04/20 05:01PM

Attachments





Carl Brinkerhoff

I, Carl Brinkerhoff, have reviewed and completed this report.

Carl Brinkerhoff | 01/04/20 | 05:03PM

SUBCONTRACTOR REPORTS



Sat 01/04/2020

Homer Public Safety Building: Grubstake Avenue Homer, Alaska 99603

Name	Description	Quantity	Hours	Hours To Date
1. Puffin Electric	No Entry	0	0.0	0.0
2. Eayrs Plumbing and Mechanical	No Entry	0	0.0	0.0
3. PEI	No Entry	0	0.0	280.0
Subtotal		0	0	280.0
Grand Total (Includes Cornerstone General Contractors Work Log Total)		7	55	12457.0

**Customer Feedback Quarterly Report
4th Quarter, 2019**

Customer Feedback Quarterly Report

4th Q 2019

DATE	TYPE	CUST COMMENT	Response
Oct-11	Concern	Online anonymous customer comment card alerting the City that the City's "black Jeep Wrangler makes frequent trips around town for no apparent reason, up to five times a day or more around town, out to the Spit and out Kachemak Drive."	Communications Coordinator forwarded message to Human Resources who contacted Public Works Department about observation and follow up with specific employee. Supervisor followed up and assured that the employee is on official business.
Dec-19	Concern	Stop hemoraging books	Library Director followed up with regular patron who objects to removing materials from circulation even when they are old or in bad condition.
Dec-30	Compliment	The ladies were very helpful and friendly! Thank you!	



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: Katie Koester, City Manager

FROM: Melissa Jacobsen, City Clerk

DATE: January 7, 2020

SUBJECT: By Mail Election Meeting with Kenai Peninsula Borough Clerks

In response to Kenai Peninsula Borough Resolution 2019-047 and supporting Resolutions from the cities of Homer, Kachemak, Kenai, Seldovia, Seward, and Soldotna, the Borough and City Clerks will be working together to explore the implementation of the recommendations of the KPB Election Stakeholders Group.

We held our first meeting on December 13, 2019 and a list of our discussion points (prepared by Seward City Clerk, Brenda Ballou) is included below. We will meet again on January 24th to review Dennis Wheeler's proposal for by mail options for the Borough and Cities.

December 13th:

Dennis Wheeler, project manager for Municipality of Anchorage's Vote by Mail initiative

- *Is putting together a proposal for by mail options for the borough/city clerks*
- *KPB is contracting with him; no cost to cities*

Hurdles & Concerns to Overcome

- *Low voter turnout/engagement*
- *Voter intimidation/influence*
- *Security/fraud*
- *Cost/cost-sharing (based on number of registered voters vs. population)*
- *Ballot adjudication*
- *ADA compliance*

Things to Promote

- *Convenience voting*
- *Use social media, videos, etc. (one town did a parade)*
- *FAQs*
- *Voter verification process*
- *ADA compliance*
- *Know your district/jurisdiction*
- *SWAG (stuff we all get) like pins, stickers, etc.*

By Mail Ballots for KPB

- *Combine borough and city ballots into one "package" to be sent to voters*
- *Color code the borough ballot and envelope differently from the city ballot and envelope*
- *Voters turn in both envelopes to the same location; clerks separate and courier to the appropriate l*

- *Who and how do the envelopes get verified?*

Centralized Canvass at KPB vs Canvass at City

- *KPB would be willing to centralize canvassing of all ballots*
- *Cities are not in favor of centralizing canvass (will likely have to re-verify anyway; voter concerns about lost ballots or security issues)*
- *KPB is using state's "Review Board" concept to pay their Canvass workers \$25/hour rather than \$10/hour for Canvass Board*

Signature Verification

- *KPB will be asking for signature verification software because they have 50,000 voters to verify*

"Vote Centers" vs AVO

- *By Mail ballots mailed out three weeks in advance of election day, as usual*
- *Voters turn in voted ballots at drop boxes or at Vote Centers*
- *Voters can vote in person at Vote Centers (i.e., Absentee In Person)*
- *There is NO election day location anymore – just an extra day for the Vote Centers*

Election Equipment

- *KPB will take on the costs for election equipment; equipment would belong to KPB*
- *KPB will establish a Mutual Aid Agreement (MAA) with cities*
- *MAA will dictate cost of equipment rental, mailing, etc.*

Voter Pamphlets

- *KPB will customize the pamphlets to regions/districts*

2020 Census

- *Data will be received in 2021*
- *State/municipalities will then have the options to request redistricting*
- *Final decisions on redistricting will be made by Division of Elections*



KACHEMAK HERITAGE LAND TRUST



December 31, 2019

RECEIVED

JAN 6 7 2020

City of Homer
Attn: Katie Koester, City Manager
491 East Pioneer Avenue
Homer, AK 99603

Dear Katie,

As you know, every year, KHLT staff and volunteers carefully monitor all conservation easements by physically walking, inspecting and photographing each property. This information becomes part of our permanent files to document the condition of the property over time.

Volunteer monitor Cathi Purington and I completed the annual monitoring of your property (KPB PIN# 18102019) on August 23, 2019. No threats to the conservation values of the property or inconsistencies with the KHLT conservation easement were observed by the field monitors during this visit. This year we did find a large driftwood fort again (in a similar location as years previous). There was a firepit and trash debris around it, which we cleaned up the best to our ability, but we did not attempt to dismantle the fort. They are the black points on the enclosed map.

As a general reminder, if the City plans to engage in any activities on the property that might require prior notification, please contact KHLT in a timely manner. If you have any general concerns or questions about the property and the easement, we are happy to address those with you as well.

Sincerely,

Courtney Dodge
Stewardship Coordinator
Enclosure (1)



KACHEMAK HERITAGE LAND TRUST

315 Klondike Ave., Homer, AK 99603
 (907) 235-5263, www.KachemakLandTrust.org

Legend

- 2019 New Temporary Photopoints
- BDR and Temporary Photopoints
- ▭ Louie's Lagoon Boundary
- ▭ KPB Parcels

**Louie's Lagoon Easement
 2019
 Photopoint Map**

NAD 1983 State Plane Alaska 4 FIPS 5004 Feet,
 Transverse Mercator, KPB 2016 Aerial Imagery Created 11/20/2016
 The information displayed
 on this map is a graphical representation of best available
 KHELT assumes no responsibility for any errors on the



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum

TO: MAYOR CASTNER AND CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: JANUARY 8, 2020
SUBJECT: BID REPORT

INVITATION TO BID AIRPORT TERMINAL ROOF REPLACEMENT 2020

Sealed bids for the Homer Airport Terminal Roof Replacement project will be received at the Office of the City Clerk, City Hall, City of Homer, 491 East Pioneer Avenue, Homer, Alaska, until **2:00 p.m. Thursday, January 23, 2020** at which time they will be publicly opened and read. The time of receipt will be determined by the City Clerk's time stamp. Bids received after the time fixed for the receipt of the bids shall not be considered. **All bidders must submit a City of Homer Plan Holders Registration form to be on the Plan Holders List to be considered responsive.** Plan holder registration forms and Plans and Specifications are available online at <http://www.cityofhomer-ak.gov/rfps>



Memorandum 20-008

TO: Mayor Castner and Homer City Council
FROM: Councilmember Aderhold
DATE: January 8, 2020
SUBJECT: Request for a Legal Opinion Concerning the Seawall

In December of 2018, seawall property owners came to the City with concerns about the Seawall's long term viability. This, combined with the high cost of maintenance, prompted Administration to hold two neighborhood meetings with residents of the Ocean Drive Loop Service Area (ODLSA), both of which I attended. At the last meeting in August 2019, neighbors reviewed the results of a feasibility study for long term maintenance options on the Seawall performed by Coastal Engineer McPherson of HDR, Inc. and asked for a worksession with City Council to discuss next steps. This was held on September 23rd, 2019. The general consensus from the neighbors and staff was that armor stone placed at the toe to reinforce the wall was the preferred option. HDR, Inc.'s rough order of magnitude estimate for Armor Stone Scour Protection was \$1.5M-\$2.1M.

Currently, the fund used to repair the Seawall has \$102,153 remaining; this fund is comprised of a portion of ODLSA property taxes and an annual \$10,000 contribution from the City. In order to make the lower end (\$1.5M) of the Armor Stone Scour Protection recommendation possible, the City could secure a general obligation bond through the Alaska Municipal Bond Bank (AMBB). Property taxes generated by the ODLSA, along with the City's contribution, could be used to guarantee the bond.

According to the State Assessor's Office, a service area/tax jurisdiction cannot have a property tax that exceeds more than 30 mils. However, per AS 29.45.100, the mil rate can exceed 30 mils if there is bonded debt. Since 2013, ODLSA properties have had a mil rate of 21.4625 with 9.9625 going towards the Seawall. Using information provided by AMBB, a \$1.5M bond amortized over 30 years at 3% interest would require an annual payment of \$75,915. Based on linear feet, property owners would be responsible for 82% (\$62,250) and the City would be responsible for 18% (\$13,665). Based on 2019 property values, the mil rate needed to cover the ODLSA amount would be around 20.6 or about double what the current mil rate portion for the Seawall is.

ODLSA property owners will have to vote in favor of issuing the bond for the work to proceed, which in turn would permit the City to exceed 30 mils for ODLSA residents if required by the bond payments. There remain unanswered legal questions for Council to be willing to take on such a project. To that end I am requesting a legal opinion that concerns financing a capital improvement for the Seawall and expanding the ODLSA to incorporate more properties, specifically:

- How would the City hold a vote for ODLSA property owners to decide on bonding for the Seawall improvements?
- Would the general obligation bond qualify as tax exempt given the City owns two properties within the ODLSA and is the facilitator of the Seawall's maintenance?
- What is the City's obligation to maintain the wall if ODLSA property owners do not vote in favor of the bond and the current Seawall maintenance account does not have enough funds to cover the Seawall's costs?
- The ODLSA used to include the property located at 811 Ocean Drive Loop; however, the former property owners gained approval from Council to be excluded from the ODLSA. The new property owners are currently working to source armor stone to reinforce their section of the wall. Is there a way to incorporate their efforts into the project?
- At the worksession, Council asked about expanding the ODLSA. Could different mil rates be established for properties based on their proximity to the wall?
- What is the legal process to increase the mil rate over 30 mils per AS 29.45.090 with bonded indebtedness? Can the mil rate fluctuate based on assessed value, or is it set by the voters when ODLSA residents approve the bond?

ENC:

Armor Stone Excerpt from the HDR, Inc. Report

Fiscal Note:

Legal time researching this project would be billed proportionality to ODLSA property tax fund and the City of Homer Seawall Reserve fund.

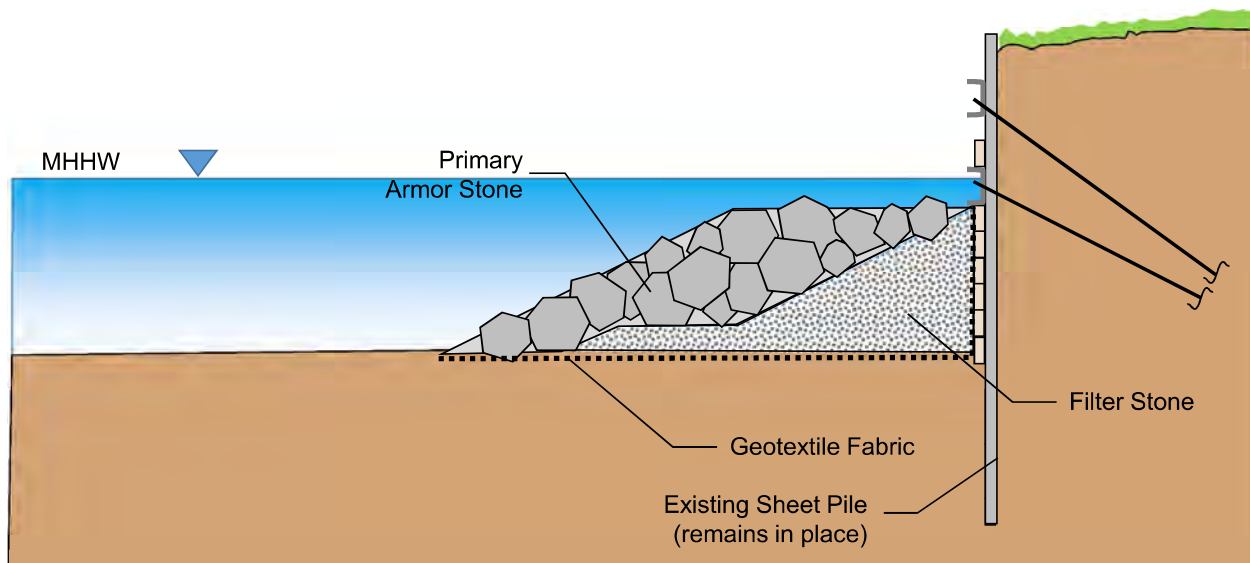
Seawall Improvement Concepts

Several concepts for improving the longevity of the existing seawall were reviewed.

- 1) Armor Stone Scour Protection
- 2) Geotextile Container Scour Protection
- 3) Groin Field
- 4) New Steel Sheet Pile Wall
- 5) New Soldier Pile and Concrete Lag Wall

Concept 1: Armor Stone Scour Protection

Armor stone scour protection involves constructing a revetment type structure at the base of the existing seawall. The structure would utilize at least two stone material classes: a filter stone and a primary armor stone. A non-woven geotextile fabric would be placed as a barrier between the filter stone and the seawall as well as the beach. Filter stone would then be placed as a wedge between the primary armor stone and the seawall. This rock material and geotextile fabric will act as filter layers to reduce sediment migration through the structure. Sediment loss behind the seawall should thereby be minimized, which would reduce localized failure from “sink holes.” The filter stone will also provide protection to the existing seawall from the larger primary armor stone which could damage the seawall during construction or if stones moved during a storm event. This revetment concept would reduce scour (lowering of the beach) at the base of the seawall, which if were to continue, could result in the collapse of the seawall. This concept should also prevent continued damage at the base of the seawall such as the “kicking out” of the seawall at the base as observed during the site visit. However, it should be noted that repairing a localize failure of the seawall would become significantly more challenging with a rock structure in place at the toe. Figure 8 provides a schematic of this concept.



CONCEPT 1 – ARMOR STONE SCOUR PROTECTION

Figure 8. Concept 1 - Armor stone scour protection schematic.

Advantages:

- The seawall toe would be shored up with the armor stone mitigating localized failures of the seawall increasing the longevity of the structure. Continued lowering of the beach elevation in front of the seawall would not be a major concern.
- Armor stone structures can be design to have a long service life.

Disadvantages:

- If a localized failure were to occur due to a seepage of sediment through the seawall, repair of the failure would be more challenging (costly) than the current repair method.
- Armor stone can have a high construction cost.

Variations of Concept 1 – There are several other materials that can be used in lieu of armor rock for revetment type structures. These include gabion mattresses or baskets, geotextile marine mattresses, articulating concrete blocks, and concrete armor units. The following provides a few thoughts on these types of technologies for this application.

- Gabions – Gabions are wire baskets or mattresses that contain stone. Their advantage is that through the containment of smaller stones, their ability to withstand waves and currents is much greater than if the same size stones were uncontained. However, gabions will become ineffective and may fail if the wave environment is too great – which may be the case along the seawall. Since gabions are made of steel, they have a tendency to degrade quickly in a saltwater environment. To combat corrosion, gabions are manufactured with galvanized steel, stainless steel, and PVC coatings.
- Marine Mattress – Marine mattresses are similar to gabions in that they contain smaller stone, however, marine mattress use a flexible geosynthetic material. These structures are generally able to withstand the saltwater environment better. Similar to the gabion concept, marine mattresses are not effective and subject to failure if the wave environment becomes too extreme which may be the case along the seawall.
- Articulating Block Mats (ABMs) – ABMs come in a variety of shapes, sizes, and configurations. Often, ABMs interlock/connect with a puzzle type shape and/or rope or cable. ABMs offer good mitigation against erosion but are often damaged due to undermining of the structure and do not have the ability to self-adjust like an armor stone revetment. In addition, ABMs are typically used in lower energy wave environments.
- Concrete Armor Units (CAUs) – CAUs come in a variety forms but often resemble large concrete “jacks.” These type of structures can be very advantageous in high wave energy environments because they can be constructed larger than easily quarried armor stone. CAUs would breakdown wave energy approach the seawall but are not preferred over traditional armor stone in this situation because they would not easily mitigate localized scour and local failure of the existing seawall (i.e. they would not prevent sediment migration through the existing seawall).

Rough Order Magnitude Costs

A rough order of magnitude (ROM) cost for each concept was developed. Quantities were determined through conceptual design and assumed rough unit rates were applied to develop the ROM costs. Note, no design has been performed to determine quantities, and comparable project costs were not reviewed. ROM costs should be used as a general “order of magnitude” and not used for financial planning purposes. Costs associated with design and permitting of the concepts is include in the ROM cost values.

Table 2. Rough Order Magnitude Costs for Reviewed Concepts

	Rough Order Magnitude Cost
Concept 1 – Armor Stone Scour Protection	\$1.5M to \$2.1M
Concept 2 – Geotextile Container Scour Protection	\$0.6M to \$0.9M
Concept 3 – Groin Field (assumes 4 groins)	\$3.0M to \$4.3M
Concept 4 – New Steel Sheet Pile Wall	\$2.9M to \$4.0M
Concept 5 – New Soldier Pile and Concrete Lag Wall	\$3.2M to \$4.4M

Recommendations

The following provides some recommendations for advancing improvements to the Homer Seawall.

- Consider performing a more detailed alternatives analysis that focuses on 2 or 3 preferred concepts from this effort to advance the designs to a preliminary level and obtain more informed potential costs.
- Only consider the geotextile container option if funds are limited and the opportunity to receive additional funds is not likely in the foreseeable future.
- If the City of Homer procurement rules allow, consider advancing the seawall options as a design/build delivery project. These designs are not complicated and the cost can be highly influenced by the contractor’s availability, equipment spread and location, and on-hand materials.
- For concepts using armor stone, recommend advancing the project through a traditional design/bid/build or construction manager/general contractor (CM/GC) delivery project.
- For the groin field concept, recommend performing an extensive modeling and performance analyses to inform potential for down-drift erosion impacts.



City of Homer

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(f) 907-235-3148

Memorandum 20-009

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 8, 2020
SUBJECT: Travel to Juneau to Advocate for AMHS

The City of Homer is an Alaska Marine Highway System (AMHS) community and the home port of the M/V Tustemena. The Council has long advocated for a healthy marine highway presence in the State, most recently through the passage of Resolution 19-079. Alaska Municipal League (AML) has been organizing efforts for coastal communities to unify and advocate for AMHS through a Ferry Caucus. I have been participating in teleconference meetings to keep Homer engaged and have reported on those meetings in my City Manager's report. AML has scheduled a legislative flyin January 21 through 23 for meetings with legislators on ferry issues and specifically asked for Homer to participate. The next Ferry Caucus teleconference is Friday, January 17, at 12pm.

Recommendation: Approve travel for one Councilmember or Mayor (to be determined at meeting) to travel to Juneau January 21 to 23 to participate in the AML AMHS ferry caucus and advocate with legislators on behalf of AMHS.

Fiscal Note: Cost estimates for travel include round trip airfare from Homer to Juneau \$700 and room rates at \$300 per night. Per Diem is \$58 per day, for three meals.

Enc:

Resolution 19-079

AML AMHS Caucus white paper

Email regarding flyin from AML Executive Director

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 19-079

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
CONSIDERING UNACCEPTABLE THE REDUCTIONS TO FUNDING
FOR THE ALASKA MARINE HIGHWAY SYSTEM IN FY20 AND
CHANGES TO THE WINTER FERRY SCHEDULE, OPPOSING ANY
FURTHER REDUCTIONS TO THE SYSTEM'S BUDGET, AND
SUPPORTING REFORM THAT IS SUSTAINABLE AND RESPONSIVE
TO THE NEEDS OF COASTAL COMMUNITIES

WHEREAS, The Alaska Marine Highway System (AMHS) is a fundamental and critical
method of transportation for Alaska's coastal communities; and

WHEREAS, State investment in the AMHS produces a return on State funding almost
two to one, facilitating both economic and community development; and

WHEREAS, State government does not experience that return without a broad-based
tax, but local tax bases rely on an active and fully functioning ferry system; and

WHEREAS, The reductions in FY20 revenue and the corresponding winter schedule,
which eliminated service in some communities (including those served from Homer) for as
much as six to eight months, creates a health, safety, and economic crisis in those
communities; and

WHEREAS, Local governments such as Homer have little say in the structure of the ferry
system, and are not in a position to act in the State's stead; and

WHEREAS, It remains the fact that local governments such as Homer feel incredible
responsibility for the lives and livelihoods of residents, for whom the winter schedule is
untenable; and

WHEREAS, While the State works toward long-term solutions, local governments,
including Homer, have demanded that funds be appropriated such that communities see
continued service; and

WHEREAS, Until the State has finalized a negotiated, long-term solution that includes
local governments, further reductions to the system are clearly detrimental to the well-being
of Alaskans; and

43 WHEREAS, Local governments such as Homer recognize the challenges facing the ferry
44 system, but dismantling it further will not result in a viable future; and

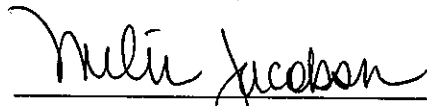
45
46 WHEREAS, There is not a scenario in the future economy and communities of coastal
47 Alaska that the ferry system does not play an integral part.

48
49 NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska considers
50 unacceptable the reductions to funding for the AMHS in FY20 and the changes to the winter
51 schedule for many ferry-dependent communities; and

52
53 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska opposes any further
54 reduction to the System's budget and supports reform that is sustainable and responsive to
55 the needs of coastal communities.

56
57 PASSED AND ADOPTED by the Homer City Council this 28th day of October, 2019.

58
59 CITY OF HOMER
60 
61
62
63 KEN CASTNER, MAYOR

64 ATTEST:
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66 
67
68 MELISSA JACOBSEN, MMC, CITY CLERK

69
70 Fiscal Note: N/A



**Alaska Municipal League
Resolution #2020-18**

Considering unacceptable the reductions to funding for the Alaska Marine Highway System in FY20 and the changes to the winter schedule; opposing any further reduction to the System's budget and supporting reform that is sustainable and responsive to the needs of coastal communities.

WHEREAS, the Alaska Marine Highway System is a fundamental and critical method of transportation for Alaska's coastal communities; and

WHEREAS, State investment in the AMHS produces a return on State funding almost two to one, facilitating both economic and community development; and

WHEREAS, State government does not experience that return without a broad-based tax, but local tax bases rely on an active and fully functioning ferry system; and

WHEREAS, the reductions in FY20 revenue and the corresponding winter schedule, which eliminated service in some communities for as much as six to eight months, creates a health, safety and economic crises in those communities; and

WHEREAS, local governments have little say in the structure of the ferry system, and are not in a position to act in the State's stead; and

WHEREAS, it remains the fact the local governments feel incredible responsibility for the lives and livelihoods of residents, for whom the winter schedule is untenable; and

WHEREAS, while the State works toward long-term solutions, local governments have demanded that funds be appropriated such that communities see continued service; and

WHEREAS, until the State has finalized a negotiated, long-term solution that includes local governments, further reductions to the system are clearly detrimental to the well-being of Alaskans; and

WHEREAS, local governments recognize the challenges facing the ferry system, but dismantling it further will not result in a viable future; and

WHEREAS, there is not a scenario in the future economy and communities of coastal Alaska that the ferry system does not play an integral part.

NOW, THEREFORE BE IT RESOLVED that the Alaska Municipal League considers unacceptable the reductions to funding for the Alaska Marine Highway System in FY20 and the changes to the winter schedule for many ferry-dependent communities; and

BE IT FURTHER RESOLVED that the Alaska Municipal League opposes any further reduction to the System's budget and supports reform that is sustainable and responsive to the needs of coastal communities.

PASSED AND APPROVED BY THE ALASKA MUNICIPAL LEAGUE ON THE 22nd DAY OF NOVEMBER 2019.

Signed:  _____
President, Alaska Municipal League

Attest:  _____
Executive Director, Alaska Municipal League

Katie Koester

From: Nils Andreassen <nils@akml.org>
Sent: Monday, January 6, 2020 9:13 AM
To: Cassidi Cameron; Katie Koester
Subject: FW: AMHS advocacy planning
Attachments: AML AMHS Caucus.docx

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

I think it would be good if Seldovia or Homer could attend that first week fly-in, if it's at all possible.

Nils Andreassen
Alaska Municipal League

From: Nils Andreassen <nils@akml.org>
Sent: Friday, January 3, 2020 11:37 AM
To: Nils Andreassen <nils@akml.org>
Cc: Dianne Blumer <dianneblumer@gmail.com>; Betty Svensson <Betty@akml.org>; Heather Brakes <hkbrakes@gmail.com>
Subject: AMHS advocacy planning

Happy New Year ferry family,

This email is going out to those local government leaders in ferry system communities who have participated in some of our planning so far, or who we want to keep informed.

As we're getting ready for the legislative session, I wanted to check in and see if there is interest in attending a fly-in the first week of session. **Please let me know if you could be in Juneau January 21 through 23 for meetings with legislators.** The goal of the meetings would be to express the significant challenges that lack of or reduced ferry service has or does mean to you. I know we've talked about advocating for a veto override, too, but the most important thing will be to share your stories with a broad spectrum of legislators. Let's work together to keep this a priority issue throughout session.

I just heard, too, that we may/will have the chance to organize a committee presentation, so we can include anyone who attends in that, and augment with teleconferenced testimony. Again, we want to highlight the need to address the veto in the short-term, but more broadly the need for sufficient funding to restore a level of service that your communities need.

So... let me know if you can be in Juneau in person that week. Maybe by next Wednesday? I should have committee timing nailed down by then, too.

The timing will be good with Southeast Conference taking place two weeks later. We had talked on our last call about staying coordinated with them, and the AMHS Reform effort, so that efforts can be complementary. Robert and I had a good conversation to this end. I know that there's a long-term sustainability approach that they're taking in the form of a public corporation, but also a triage strategy that identifies short term needs, both of which we can contribute to as necessary, from a municipal perspective.

I think MTAB is meeting on January 15th, and we'd assume that the Northern Economics report is out by then, too. **Can we plan on a ferry caucus teleconference on Friday, January 17, at 10am?** We'll discuss the report, finalize messages that municipal leaders want to convey to the legislature the following week, and focus on other next steps.

From the report – based on a couple comments in the media I've seen, I feel like we should be prepared to talk about this idea of municipal port authorities being responsible for parts of the system. I'm not advocating for this as a solution, but I do want us to be prepared at least to respond if that comes out as a recommendation. Maybe this is already a conversation that municipal leaders have had, or are having, but AML would really like your input so that we can be helpful in responding or providing feedback from local governments.

Thanks, everyone, for your engagement in this issue. We're ready to hit the ground running during this legislative session, in collaboration with each of you.

Best regards,

Nils

Nils Andreassen
Executive Director, Alaska Municipal League
One Sealaska Plaza, Suite 200, Juneau, AK 99801
Direct (907) 790-5305 or Cell (907) 351-4982
"Strengthening Alaska Municipalities"



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Memorandum 20-010

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 8, 2020
SUBJECT: Next Steps for City Manager Search

The purpose of this memo is to update the Council on the City Manager hiring process and discuss next steps that require Council direction.

The position has been advertised by the City and through GovHR, who developed the attached flyer. The City Manager position closes on January 30, 2020. Human Resources will review applicants for any candidates that do not meet minimum qualifications and provide an applicant packet for Council review on January 31. If there is any question as to the eligibility of the applicant, HR will move the candidate to the next stage and let Council make any final determination on eligibility. According to the draft schedule, Council will meet on February 3 to review eligible applicants and select candidates for telephonic interviews. I recommend this meeting be held in executive session to maintain applicant confidentiality. The next stage of review, telephonic interviews, should be held in public. At that time the City will disclose to applicants their applications will be made public.

Council has expressed a desire to incorporate staff and public input into the City Manager hiring process. In the past, we provided comment forms for the public/staff that are given to Council. We will do the same this time around. In addition, Mayor Castner has recommended compiling an advisory group of three members of the public and two city staff to interview the finalists and provide recommendations to Council. Any advisory group that will be interviewing finalists will need to make sure they have time to meet at least once before the interview to come up with questions. It important that all participating public, staff and Council understand that the group is advisory only in nature and that the hiring decision is made by City Council.

I will provide Council with a memo for the January 27th meeting to facilitate discussion on the interview process, including potential questions, and scheduling for telephonic interviews the week of February 10.

Recommendation:

- Schedule an executive session for 4pm on February 3rd to review initial qualified applicants for City Manager
- Authorize a City Manager Hiring Advisory Committee consisting three (3) members of the public and two (2) staff members to be appointed by the Mayor and confirmed by Council at the January 27th Council meeting.

Enc:

List of advertising venues for City of Homer City Manager Position

Hiring Brochure from GovHR

Draft Timeline for CM Hiring

The Selection Process, an excerpt from the International City Manager Guidelines for Selecting a Local Government Administrator

From Human Resources:

The City is using GovHR for professional outreach recruitment services for the City Manager position.

The advertisement is posted to:

GovHR's website

GovHR's Facebook and Twitter feeds

GovHR's and senior staff's LinkedIn pages (with over 10,000 contacts)

Email submittal to 6,000 + job seekers on GovHR Jobs.com

Email outreach to GovHR's database of previous applicants (from past three years)

Additionally, the job is advertised through:

Applicant Pro + the City's webpage *this allows us to push this out to numerous online sources: (LinkedIn, CareerCentric, CareerJet, Facebook, Glassdoor.com, Indeed, Job Inventory, JobBoost, Jobbydoo, JobCase, JobisJob, Jooble, JuJu.com, LinkUp, Monster, MyJobHelper, Neuvoo, Oodle.com, Recruit.net, SimplyHired, Trovit, US Jobs, Zip Recruiter)

Homer News

ALEXsys (Alaska Labor Exchange System/ State job postings)

International City/ County Management Association (ICMA)

Alaska Municipal League (AML)

Govtjobs.com

National League of Cities

Strategic Government Resources

League of Women in Govt

Association of WA Cities

Association of OR Cities



EXECUTIVE RECRUITMENT

CITY MANAGER



HOMER, ALASKA
“A GREAT PLACE TO LIVE.”



THE COMMUNITY

Homer (pop. 5,300) is a vibrant city on Kachemak Bay, located in south-central Alaska, near the southern tip of the Kenai Peninsula. The City of Homer is 227 road miles from Anchorage, and accessible by land, sea, or air travel. Homer has a diverse economy with commercial fishing, tourism, and government sectors being the most prominent. Homer is a gateway to the Katmai National Park and Preserve to the southwest and the Wynn Nature Center is also located on the city's outskirts.

Homer is widely acknowledged to have the best arts scene and the best restaurants of any small town in Alaska. Many of these businesses are located on Pioneer Avenue in the heart of the City, where an abundance of peonies grace both gardens and public murals; or in historic "Old Town" on the shores of Bishop's Beach.

Homer boasts a high quality of life and superior schools. Residents enjoy year-round outdoor recreation opportunities that include fishing, hiking, skiing, kayaking, hunting, snow-machining, birding, kite-surfing, and more. A diversity of arts, cultural and recreational activities throughout the year makes Homer welcoming and makes time with family and friends extraordinarily enjoyable.

Homer's climate is moderated by the Pacific Ocean, resulting in warmer winters and cooler summers than seen in places farther inland in Alaska. The City of Homer is a first-class general law municipality, incorporated on March 31, 1964 and operates as Council-Manager form of government.

THE POSITION IN BRIEF

The City Manager is the chief administrative officer responsible for the administration of all City services and supervision of department directors and administrative staff. This is a contract position serving at the will of the City Council. The Mayor and six Council members are elected at large. The Council sets policy, adopts ordinances, resolutions, and determines funding for all programs and services through the adoption of the Municipal budget.

The City's budget is \$22 million and includes; Police (patrol, dispatch, jail), Fire and EMS services, Public Works (water, sewer, camping, parks and recreation), Port and Harbor, Library, Administration, Finance, Planning and Zoning and management of the airport terminal building. The City has over 100 full-time employees, as well as four part-time positions.

Candidates should have:

- B.A. degree in business or public administration or related field required, relevant Master's degree desired.
- Minimum of five years of management and supervisory experience required, municipal management experience desired.
- Knowledge of the needs and special requirements of a coastal community i.e.; fishing and tourism issues desired. Possess proven leadership ability.
- Knowledge of the Alaska State Legislative process.
- Familiarity with Water and Wastewater Utility, Port and Harbor operations, and a combination paid staff/volunteer Fire Department.
- Strong communication skills, written and oral.





HOW TO APPLY

Candidates should apply by **January 30, 2020**. Applications will be reviewed in early February. Telephonic and in-person interviews will also be conducted in February. The final applicants selected will receive budget and capital improvement information. Applications and resumes are subject to review by the public and press.

Contract salary and terms are dependent upon qualifications and will be negotiated after an offer of employment has been made. The City offers an outstanding fringe benefit package including Health Insurance, Retirement in the Public Employees' Retirement System (PERS), Life Insurance, Wellness Program, Paid Time Off, Sick Leave, and Holiday Pay.

A complete job description and application is available at <https://cityofhomerak.applicantpro.com/jobs/>

If you have any questions regarding the benefits or application process please contact Andrea Browning, HR Director at abrowning@ci.homer.ak.us.

The City of Homer is an EEO/AEE.



Draft Timeline for CM Hiring (from December 10th HR memo on City Manager Hiring Process)

Advertisement/ Position Open: December 19, 2019 – January 30, 2020
February 3, 2020 Applicant Review
February 4, 2020 Background Authorizations sent to finalists
Week of February 10, 2020 Telephonic Interviews (February 10th is a Council Meeting date)
Week of February 24, 2020 In Person Interviews (The 24th is a Council Meeting date)
February 28, 2020 Selection made
Week of March 1st Negotiations

If Negotiations are successful

April 6, 2020 Estimated start date (will depend on applicant’s notice requirements, provides for 39 days between selection and start date)
April 10, 2020 City Manager Koester’s last day. Provides for 1 week of overlap
April 13, 2020 New Manager Sworn in (This is a Council Meeting date)

If Negotiations/hiring process is not successful

March 1- March 18 Solicit interested candidates (City Manager reaches out to interested candidates and provides Council with resumes)
March 23rd Council meeting Review candidates (Council could schedule an executive session to discuss). Make selection and provide notice to candidate.
March 13th Council meeting Resolution to appoint interim manager
April 3th City Manager Koester’s last day. Provides for one meeting cycle (3 weeks) of overlap. CM search would occur under direction of interim manager.

8. The Selection Process

Once the deadline for submitting résumés has passed and all applications have been received, the selection process begins. Principal steps are as follows:

- Reviewing the applications
- Determining which candidates will be interviewed
- Interviewing the candidates
- Making the final selection.

Reviewing the Applications

The selection process begins with a review of the applications and résumés that have been submitted. Depending on how the governing body has chosen to conduct the recruitment, the participants involved in this initial review may be the body as a whole, the chief elected officer, a subcommittee of the governing body, the staff, or the executive recruitment firm. Alternatively, some local governments have used a panel of chief administrators from other local governments to serve as a screening panel. Regardless of who performs the screening, the objective of the initial review is to identify those candidates who best reflect the qualities, characteristics, experience, and areas of expertise that were defined in the administrator profile.

Major Decision Point: Determining the Candidates to Be Interviewed

The determination of the candidates to be interviewed is a significant decision point in the selection process. The objective here is to narrow the total group of applicants to a smaller group that will continue to the next step.

Initial Background Check After the group of applicants has been narrowed down to those who meet the qualifications described in the administrator profile, the list may be further refined by confirming educational credentials and conducting online checks. Such reviews should not violate the confidentiality of the applicant pool. For online checks, it is important to consider the source and avoid drawing hasty conclusions from these sources.

Selection of Candidates After the review of the résumés and the initial background check, the participants in this process should meet with the governing body as a whole to recommend which applicants should be invited to an interview. The chosen group of candidates should be large enough to expose the governing body to an array of personalities. In most cases, five to ten candidates should be selected. The governing body may also establish a secondary list of candidates who could be invited to the interview if one or more of the first group of candidates decline or are unable to continue with the process.

Informing the Candidates Once candidates have been selected, the governing body representative, the staff, or the executive recruiter should contact the each candidate by phone and do the following:

1. Inform the candidate that he or she has been selected to be interviewed and offer congratulations (the candidate should be made to feel that the governing body is pleased to have reviewed his or her résumé). At the same time, confirm the candidate's continuing interest in the position.
 2. Advise the candidate of: the nature of the interview process, including date and time, number of other candidates, whether there are any in-house candidates, and when a decision is expected to be made. Indicate that all the details and information will be confirmed in a written correspondence. If email is to be used for this correspondence, confirm the candidate's email address.
 3. As described in the section on applicant relations, the governing body should have already determined the extent to which the recruitment process will be confidential. At this point, the candidate should be advised if the names of candidates are to be made public and be given the opportunity to withdraw.
1. Confirm that the candidate has received the information package provided during the application process. Indicate that a supplemental package with more detailed information will be provided directly to the candidate's home in advance of the interview. The supplemental package may include:

- A list of governing body members and their occupations
- Copies of meeting minutes from the past several months
- The general or comprehensive plan and land use maps
- The most recent budget
- A recent bond prospectus
- Any other material that would be of particular relevance, given the goals and objectives of the local government and the criteria for the position.

As an alternative to a paper package of information, the candidates can be directed to the locality's website for such information.

5. Confirm local government policy on reimbursement of expenses incurred in conjunction with the interview. Many local governments reimburse candidates for all out-of-pocket expenses, including reasonable transportation, room, and board. ("Reasonable" is intended to eliminate first-class airline tickets, four-star hotels, and gourmet restaurants.)

Such reimbursement of expenses is another way that the local government can demonstrate its interest in the candidate. It reinforces the positive nature of the recruitment process and is sometimes a factor in whether the candidate is able to attend. Should there be strong reluctance on the part of the governing body to reimburse all expenses, the local government can share expenses with the candidate or can agree to reimburse all expenses incurred after the first trip.

The local government staff can offer to handle all reservations, transportation, and related matters, but this can be cumbersome and time-consuming. In most cases, the local government confirms the time and place and lets the candidate make his or her own arrangements. The candidates usually prefer this approach as well.

Interviewing the Candidates

Most local governments use the interview approach for selecting the chief administrator. In this approach, the governing body will meet as a whole with each individual candidate. As the initial interview is usually limited to an hour, a second interview with one or more of the finalists is generally incorporated into the process.

Initial Interview The following provides important guidelines for conducting the initial interview.

Structure of the Interview The interview process should be well organized in a comfortable setting for both parties that invites open and relaxed discussions. This element of the process is generally not considered a public meeting, although the governing body, staff, or executive recruiter should consult with the city's legal advisor to ensure that all requisite notices are sent and other legal requirements are met.

All members of the governing body should participate in the interview with one member, usually the chair, designated as the discussion leader. This interview should last at least an hour as it is difficult to pursue a range of questions in less time. Further, all candidates anticipate and deserve an opportunity to present their qualifications to the governing body and describe their interest in the position. It is important to realize that the interview process not only provides the governing body with an opportunity to improve its knowledge of the candidate but also influences the candidate's interest in the position.

As part of the initial interview, the governing body may want to include a comprehensive tour of the community. A trusted senior staff person would be a likely tour guide.

Content of the Interview Questions During the first interview, the governing body will question the candidate about a variety of matters, such as overall work experience, specific accomplishments, career objectives, alternative approaches to practical problems faced by the local government, and similar matters. A list of potential questions is provided in Appendix D.

The interview also gives the candidate an opportunity to evaluate the governing body as a group and to ask questions. An important issue to discuss during the interview is the governing body's working relationship with the administrator, clarifying all roles and responsibilities.

During the formal and any informal meetings between the governing body and the candidates, discussions and questions should focus on the criteria for the position that were established at the outset of the recruiting process. Obviously, discussions should stay within acceptable legal parameters and should not include references to politics, religion, age, racial origin, and sexual preferences.

When the initial interview process is over, the governing body should avoid impulsive action but rather take whatever time is necessary to arrive at a comfortable and well-reasoned decision. At this point, either one person has emerged as the clear choice of the

governing body; or, more likely, the pool of candidates has been narrowed down to two or three individuals that the governing body would like to further pursue. In most cases, the process will involve a second interview of this smaller group of finalists. However, if there is one clear choice, please refer to the section entitled “Making the Final Selection.”

Second Interview If, after the initial interview, there are two or three candidates that the governing body would like to further consider, a couple of options exist for setting up a second interview:

1. The governing body may invite the finalists back for a second, more in-depth interview, coupled perhaps with some sort of community function. This arrangement often provides the governing body with the insight needed to make a final decision.
2. The governing body may invite the finalists back for a second, more in-depth interview, coupled with an opportunity for community leaders and/or staff to provide input into the selection of the chief administrator.

In either case, finalists should be notified of their status, congratulated for being among the select few who will be further considered, informed of the process, and asked for permission for the governing body to conduct reference checks.

Reference Checks As the governing body is now deciding between two or three qualified candidates, it is important at this point to conduct reference checks that provide additional information on which to base the decision. References should be checked to learn about each finalist’s ability to work effectively with people, to develop a more complete understanding of the finalist’s work experience and specific accomplishments, and to see if the finalist’s qualifications match the profile for the position. The following suggestions are important for ensuring consistency and thoroughness when conducting reference checks:

- The reference checks may be performed by members of the governing body, staff, or executive recruitment firm. In general, however, it is advisable to limit the number of people performing the checks to one or two. It may be difficult, depending on the number of candidates, to have one person perform all the reference checks, especially if there are three references for each candidate. Further, it can be helpful if two people compare notes on the same candidates.

- Be consistent in discussing issues with and asking questions of each candidate in order to provide a good basis for comparison.
- Contact enough people to ensure a consistent reading as to the candidate’s strengths and weaknesses. If a reference can say only good things about the candidate, he or she should be asked directly what weaknesses the candidate has.

Decision Point: Inviting the Candidate’s Spouse/Partner

While the focus of the recruitment is on the chief administrator, the governing body may formally invite the candidate’s spouse/partner to the community during the interview process. Generally, this type of invitation occurs only after the first interview process has narrowed the group of candidates down to the top two or three. The spouse/partner should never be included in the formal interview process, nor made to feel as if he or she is being interrogated in any way.

If the governing body formally invites the spouse/partner to accompany the candidate, it is important that this part of the process be as well organized as all the other parts that concern the candidate directly. Here, too, an important impression about the community is being made. The interests of the spouse/partner should be carefully determined and accommodated.

On the other hand, the governing body may use an informal, non-structured approach to the involvement of the spouse/partner. Understanding that a candidate may bring his or her spouse/partner along to explore the community as a possible future home, the governing body may consider having a packet of relevant community information available.

Decision Point: Community Involvement

The governing body must decide whether to involve community members or committees in the interview process. In most cases, the local government assumes responsibility for the interviews and conducts the process of selecting the new chief administrator without the involvement of members of the community.

In some cases, however, governing bodies have chosen to supplement the usual discussion between members and finalists by inviting community leaders to participate. For example, finalists may meet with selected community leaders to answer questions and receive their input on matters they consider important to the local government. If this option is taken, the purpose of the meeting should be made clear to all involved. Both the finalist and the community members

should know whether these meetings are intended simply to provide the finalist with additional information on the local government or whether the community group will also be involved in the actual selection process. In the latter case, although the input from the community will be valuable, it should be made clear that the governing body will make the final selection based upon a variety of factors.

Decision Point: Staff Involvement The governing body must also decide whether to involve staff members in the interview process. It may choose to supplement the usual discussion between members and finalists by inviting staff members to participate. For example, finalists may meet with selected department directors to answer questions and review departmental operations in more detail.

If this option is taken, its purpose should be made clear to all involved. Both the finalist and the staff members should know whether these meetings are intended simply to provide the finalist with additional information on the local government or whether the group will also be involved in the selection process. In the latter case, although the input from the staff will be valuable, it should be made clear that the governing body will make the final selection based upon a variety of factors.

Major Decision Point: Making the Final Selection

After the second interviews, there should be one person who is the clear first choice of the majority, if not all, of the governing body. It is important to both the governing body and the potential new hire that the decision be unanimous, if possible. A unanimous vote from the governing body demonstrates a commitment of support to the new chief administrator and sends a positive message to both the organization and the community. If the governing body is divided on the appointment and the decision is not unanimous, however, the chosen finalist should be advised of this prior to accepting the position.

It is important that the vote for the new chief administrator be unanimous, if possible. This sends a positive message to the organization and the community.

Once the selection has been made, the governing body, staff, or executive recruiter should contact the finalist, confirm his or her willingness to accept the position, and obtain permission to conduct a very thorough background check, which will be performed by an outside party. This process includes interviews with individuals in the candidate's current community, an investigation into possible criminal history, and a credit check, which requires the candidate's consent.

Another element of this final selection process may include some or all of the members of the governing body making an on-site visit to the finalist's current community. Often finalists insist that an agreement regarding terms and conditions of employment be agreed upon before being open to a site visit.

Once the governing body is satisfied with the results of that process, it may inform the finalist and move ahead to put together a total compensation package and discuss other related arrangements. However, if the governing body is unable to satisfactorily conclude negotiations with its first choice, it may need to engage in discussions with one of the other finalists. Thus, it should refrain from notifying the other finalists until all arrangements have been finalized with the first-choice candidate.

From a public image standpoint, it is imperative that all candidates learn about the final selection from the governing body or its representative, as opposed to hearing about it from a third party or reading about it online or in a newsletter or professional publication. A representative from the governing body, staff, or executive recruitment firm should personally contact the runners-up prior to or at the same time that a news release about the appointment is issued.

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

3 Evensen

4 **RESOLUTION 20-007**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL OPPOSING THE
7 STATE’S REPEAL OF ALASKA ADMIN CODE 5 AAC 95.310 WHICH
8 WOULD REMOVE THE PROHIBITION ON PERSONAL WATERCRAFT
9 USE IN THE FOX RIVER FLATS AND KACHEMAK BAY CRITICAL
10 HABITAT AREAS AND AFFIRMING THE DELETERIOUS
11 CONSEQUENCES FOR COMMUNITY AND ECONOMY IF PERSONAL
12 WATERCRAFT ARE ALLOWED IN KACHEMAK BAY.

13
14 WHEREAS, The Alaska Department of Fish and Game (ADFG) issued a notice of the
15 Department’s intent to repeal 5 AAC 95.310, which would remove the prohibition on personal
16 watercraft (PWC) use in the Fox River Flats and Kachemak Bay Critical Habitat Areas; and

17
18 WHEREAS, ADFG issued this notice with an unusually shortened timeline, scheduled to
19 occur slyly during seasonal holidays, bearing non-existent technical policy (which contradicts
20 core management and conservation principals of the Department), and staffed with
21 individuals who have dismissed – in a wholesale manner – public and scientific feedback
22 regarding Fox River Flats and Kachemak Bay Critical Habitat Areas; and

23
24 WHEREAS, Homer City Council passed Resolution 19-091(A), which requested ADFG to
25 extend the public comment period by 90 days, provide scientific and technical information
26 supporting the Department’s proposed rule change, and provide an explanation why the rule
27 change should not be considered as part of the ongoing revision process for the Kachemak
28 Bay Critical Habitat Area Management Plan;

29
30 WHEREAS, ADFG agreed to extend the public comment period by 15 days (January 21,
31 2020 deadline) but failed to address the other informational requests made; and

32
33 WHEREAS, Nautical speeds of PWC, which are often called ‘thrillcraft’, are extreme and
34 allow such “vessels” to reach 65 mph or more; these vessels change course frequently and
35 require minimum speeds to keep stable (owing to low “primary stability” but high “secondary
36 stability”); their qualities differ sharply from all other vessels commonly used in Kachemak
37 Bay including boats, skiffs, and kayaks; their purpose for “thrill recreation” also differs
38 sharply from established marine use within Fox River Flats and Kachemak Bay Critical
39 Habitat Areas; and

40
41 WHEREAS, Owing to markedly different vessel character, vessel operation, type and
42 direction of produced noise, and operational goals or purpose, these vessels represent a new
43 type of marine vessel in the Homer Area; their usage alone comes with risks for human safety

44 and their usage within mixed-use maritime environments can pose issues for human safety
45 aboard other vessels; and

46

47 WHEREAS, Economy of Homer stems upon its surrounding natural resources
48 including commercial fishing, sport fishing, wildlife tourism, world-class scenery, and general
49 tourism; visitors from around the world flock to Homer for wildlife, fishing and pristine,
50 unspoiled landscapes; and

51

52 WHEREAS, Economy of Homer stems upon its surrounding natural resources including
53 commercial fishing, sport fishing, wildlife tourism, world-class scenery, and general tourism;
54 visitors from around the world flock to Homer for wildlife, fishing and pristine, unspoiled
55 landscapes; and

56

57 WHEREAS, Homer is ranked approximately #55 Fishing Port in the United States by
58 value; on annual economic basis it sees substantial commercial landings (e.g., 6.7 million
59 pounds in 2016), substantial commercial revenues (e.g., \$18.1 million in 2016), and
60 substantial tax revenue generated from commercial fisheries businesses (> \$43,000 in 2017);
61 and

62

63 WHEREAS, Commercial fishing taxes are anticipated in fiscal budgeting and critically
64 needed for City of Homer operations including Port & Harbor; and

65

66 WHEREAS, Unlike other ports, Homer is positioned near and within common fishing
67 grounds, so that any activity by PWC directly impacts activities by commercial fishermen; and

68

69 WHEREAS, Personal watercraft operations deleteriously interfere with commercial
70 fishing activities, driving salmon away from active setnets and open seines, and create
71 underwater torrents of jet-bubbles, which are known to scare off and change course of
72 traveling salmon (cf. "plunge poles" used discretely in seining) as well as produce multi-
73 directional, high-frequency bursts of noise that impact fish at shallow water depths; and

74

75 WHEREAS, Noise generated by PWC is multi-directional in character, can be a
76 nuisance to wildlife, may cause harm to marine mammals, may destroy habitat and cause
77 resident and migratory species to flee the area; U.S. National Parks have identified noise
78 sources as being destructive to the environmental maintenance of their protected habitats;
79 and

80

81 WHEREAS, Noise generated by PWC is multi-directional in character, and can readily
82 distract operations of commercial and sport fishing, boaters, activities by tourists and others
83 can create unsafe conditions that lead can to injury, death – particularly within mixed-use
84 maritime regions of Kachemak Bay that, for example, may already involve interactions
85 among float planes, sea kayakers, boaters, sport and commercial fishermen; and

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WHEREAS, Numerous businesses within and around the City of Homer were founded on and rely critically upon the preservation and sustainability of natural resources surrounding the Homer Area; many small businesses such as wilderness lodges and wildlife tours have branded business to successfully and dependably attract customers who seek quiet tourism (such as sea kayaking while identifying seabird calls); and

WHEREAS, Homer is a gateway community with access to deep, blue-colored waters of Lower Cook Inlet, Fox River Flats and Kachemak Bay Critical Habitat Areas, Kachemak Bay State Park, and several National Parks; tourism activities to these locations tend to begin at Homer; and

WHEREAS, Founded in 1970 Kachemak Bay State Wilderness Park was the first State Park to be established within the Great State of Alaska, and to this date remains the State's only officially designated Wilderness Park; and

WHEREAS, The City of Homer has urged the State of Alaska to prohibit the use of PWC in Kachemak Bay and Fox River Flats critical habitat areas since 1999 through substantial scientific conclusion and ultimately the adoption of Resolution 99-111; and

WHEREAS, Resolution 99-111 stated that "extensive research from around the country demonstrates that personal watercraft pose threats to waterfowl, seabirds, shorebirds, marine mammals, other wildlife, and their habitat; cause excessive noise and water pollution; create increased accident rates and user conflicts and could have a negative impact on Homer's visitor industry;" and

WHEREAS, Since the passage of 99-111, Homer has observed ADFG's periodic studies and assessments have reached the same conclusion, upholding the PWC ban; and

WHEREAS, Since 1999 Homer Area businesses have prospered by being positioned along the singular, unique waterway in the State of Alaska that explicitly bans PWC; such business branding and reputation for "serene settings" has led to business and residential investment and given Homer unique status for facilitating future economic growth; and

WHEREAS, Kachemak Bay and Fox River Flats are local, national, and international treasures, providing important recreational and economic opportunities for local residents; Homer has demonstrated sustainable levels tourism by attracting tens of thousands of visitors each year who support a broad range of local businesses and; and

WHEREAS, Existing jobs and businesses in Homer are directly and immediately threatened by this economically thoughtless proposal; and

128 WHEREAS, City of Homer does not appreciate having its greater operational economy
129 and established fiduciary strategy threatened by its own State and Governor’s Office, from
130 which the platform “open for business” seems to rely on destroying scores of existing, multi-
131 generational, and substantially profitable businesses in exchange for a grossly inferior
132 economy based on, at most, sales of personal watercraft from a single store; and
133

134 WHEREAS, The City of Homer hopes the State of Alaska, in the future, will
135 cooperatively work with the City and local stakeholders on issues that impact Kachemak Bay
136 and Fox River Flats through mechanisms like the Kachemak Bay Critical Habitat Area
137 Management Plan rather than use an overtly undemocratic, un-American, top down
138 approach that does not provide adequate time or information for informed public input nor
139 follows legal and State procedures governing change in public policy.
140

141 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby opposes the
142 State’s repeal of Alaska Admin Code 5 AAC 95.310, which would remove the prohibition on
143 personal watercraft use in the Fox River Flats and Kachemak Bay Critical Habitat Areas.
144

145 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2020.

146
147 CITY OF HOMER

148
149
150 _____
151 KEN CASTNER, MAYOR

152 ATTEST:

153
154
155 _____
156 MELISSA JACOBSEN, MMC, CITY CLERK

157
158 Fiscal information: N/A

CITY OF HOMER
HOMER, ALASKA

Yourkowski

RESOLUTION 99-111

A RESOLUTION OF THE HOMER CITY COUNCIL URGING THE STATE OF ALASKA TO FORMALLY CONSIDER PROHIBITION OR OTHER RESTRICTIONS ON THE USE OF PERSONAL WATERCRAFT (JETSKIS, SEA-DOOS, WATERBIKES AND SIMILAR CRAFT) IN KACHEMAK BAY AND FOX RIVER FLATS CRITICAL HABITAT AREAS.

WHEREAS, the Homer City Council supports promoting a diverse and health local economy and maintaining the high quality of life enjoyed by Kachemak Bay area residents; and

WHEREAS, the City promotes Homer as a tourist destination valued for its wildlife, natural beauty and serenity; and

WHEREAS, Kachemak Bay is a state critical habitat, has been designated as an international site of the Western Shorebird Reserve Network is the first National Estuarine Research Reserve in Alaska, and annually hosts an internationally renowned Shorebird Festival; and

WHEREAS, extensive research from around the country demonstrates that personal watercraft pose threats to waterfowl, seabirds, shorebirds, marine mammals, other wildlife, and their habitat; cause excessive noise and water pollution; create increased accident rates and user conflicts; and could have a negative impact on Homer's visitor industry.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council supports a complete evaluation by the State of Alaska of the effects personal watercraft might have on Kachemak Bay and Fox River Flats Critical Habitat Areas. The Council also supports implementation of a prohibition or other enforceable personal watercraft regulations that will ensure protection of fish and wildlife and their habitat, public safety, water quality, and the recreational and other resource values of these areas that are enjoyed by local residents and visitors.

PASSED AND ADOPTED by the Homer City Council this 22nd day of November, 1999.

CITY OF HOMER



JACK CUSHING, MAYOR

ATTEST:



MARY L. CALHOUN, CMC/AEE, CITY CLERK

Fiscal Note: NA

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

3 Evensen / Hansen-Cavazos

4 **RESOLUTION 20-008**

5
6 A RESOLUTION OF THE HOMER CITY COUNCIL DESIGNATING
7 HOMER SPIT AMENDED LOT 31, KNOWN AS SEAFARER'S
8 MEMORIAL, AS GREEN SPACE AND ADOPTING A LAND
9 MANAGEMENT POLICY THAT PRESERVES LOT 31 FOR WILDLIFE
10 AND AS A NATURAL AGENT FOR EROSION MITIGATION
11

12 WHEREAS, Seafarer's Memorial is a 2.52 acre lot located off of the Sterling Highway near
13 the end of the Homer Spit with a legal description of Homer Spit Amended Lot 31; and
14

15 WHEREAS, Historical use of the lot has been a memorial gazebo honoring those who
16 were lost at sea, 45 parking places and open space; and
17

18 WHEREAS, Seafarer's Memorial is zoned Open Space - Recreation; and
19

20 WHEREAS, According to Homer City Code 21.32.010, the purposes of the Open Space -
21 Recreation District are primarily to promote public recreational opportunities while protecting
22 and preserving the natural and scenic resources of the area and public access to tidelands; and
23

24 WHEREAS, Scenic views from the Spit are unobstructed at Seafarers Memorial, where
25 beach grasses positioned in foreground offer uncommon and distinctive ocean views; and
26

27 WHEREAS, Loss of natural grasslands on the Homer Spit has increased historically to
28 present in spite of the importance of beach grasses for Kachemak Bay ecosystems, where they
29 provide habitat, food for wildlife, and erosion control; Islands and Oceans Visitors Center
30 designates beach grass seed as important food in the dead-of-winter for song sparrows and
31 gray-crowned rosy-finches; and
32

33 WHEREAS, Seafarer's Memorial contains some of the only undeveloped land left on the
34 Homer Spit and should be preserved as a habitat for beach grasses and other natural
35 vegetation, birds, and wildlife; and
36

37 WHEREAS, Supra-tidal beach berms at Seafarer's Memorial have been identified as
38 critical environment for migratory and resident shorebirds, and provides wildlife habitat (e.g.,
39 for marine mammals) near the geographical center of Kachemak Bay, which is unique
40 regionally; and
41

42 WHEREAS, Through data collection and ongoing bird counts, this region of the Spit has
43 been identified by Cornell University’s Ornithology Lab as an International Birding Hot Spot
44 location; and

45
46 WHEREAS, Wild bird migration, feeding, and nesting in and around Homer are
47 important economic bases for the City; their presence attracts visitors nationally and
48 internationally; their financial impact is broad and realized via nature or eco-tourism in general
49 as well as special events (such as the annual Shorebird Festival); and

50
51 WHEREAS, The Greater beach of Seafarer’s Memorial is a crucial foundation
52 geologically that provides *coastal sand supply*; its ample sand, pebble and gravel components
53 directly preserve the Homer Spit “system” as a whole and, through natural marine processes,
54 mitigate erosion along easternmost beaches of the Spit including the terminus.

55
56 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby designates
57 Homer Spit Amended Lot 31 as green space, but requires no specific signage.

58
59 BE IT FURTHER RESOLVED, that any part of the property that is not developed as of the
60 passage of this resolution shall be maintained in perpetuity as green space and open to the
61 public, free from buildings, parking, camping, hardscaping of any kind, earthmoving of any
62 kind beyond regular parking space maintenance strictly limited spatially to present 45 parking
63 spaces.

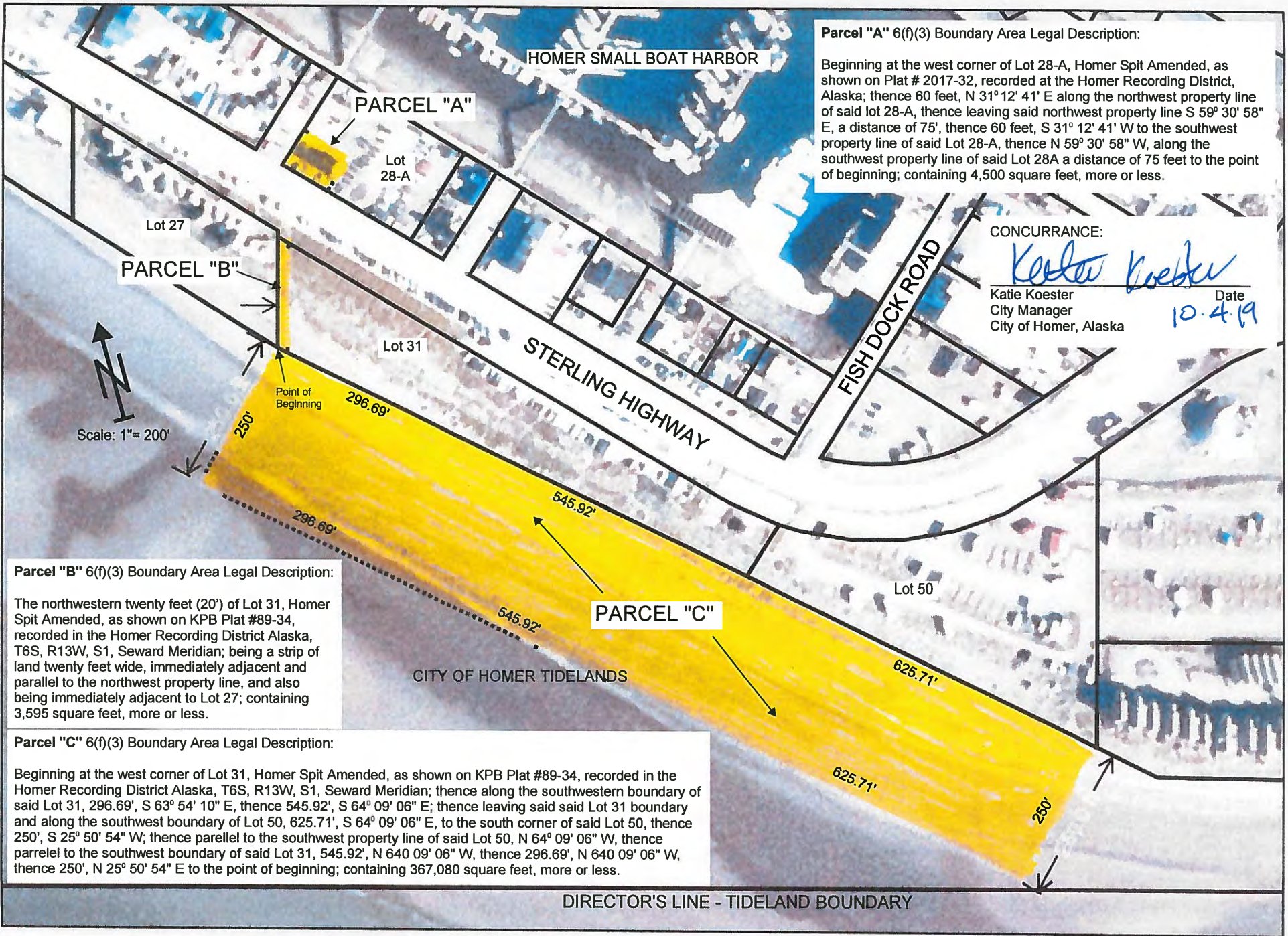
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65 BE IT FURTHER RESOLVED that any new trail development is limited to the public beach
66 access dedicated in through the Land and Water Conservation Fund Grant # 02-00430 and
67 defined as the northwestern twenty feet of Lot 31, Homer Spit Amended; being a strip of land
68 twenty feet wide, immediately adjacent and parallel to the northwest property line, and also
69 being immediately adjacent to Lot 27; containing 3,595 square feet, more or less.

70
71 PASSED AND ADOPTED by the Homer City Council this 13th day of January, 2020.

72
73 CITY OF HOMER
74
75 _____
76 KEN CASTNER, MAYOR

77 ATTEST:
78
79 _____
80 MELISSA JACOBSEN, MMC, CITY CLERK

81
82
83 Fiscal information: N/A



Parcel "A" 6(f)(3) Boundary Area Legal Description:

Beginning at the west corner of Lot 28-A, Homer Spit Amended, as shown on Plat # 2017-32, recorded at the Homer Recording District, Alaska; thence 60 feet, N 31° 12' 41" E along the northwest property line of said lot 28-A, thence leaving said northwest property line S 59° 30' 58" E, a distance of 75', thence 60 feet, S 31° 12' 41" W to the southwest property line of said Lot 28-A, thence N 59° 30' 58" W, along the southwest property line of said Lot 28A a distance of 75 feet to the point of beginning; containing 4,500 square feet, more or less.

CONCURRENCE:

Katie Koester
 Katie Koester
 City Manager
 City of Homer, Alaska
 Date
 10-4-19

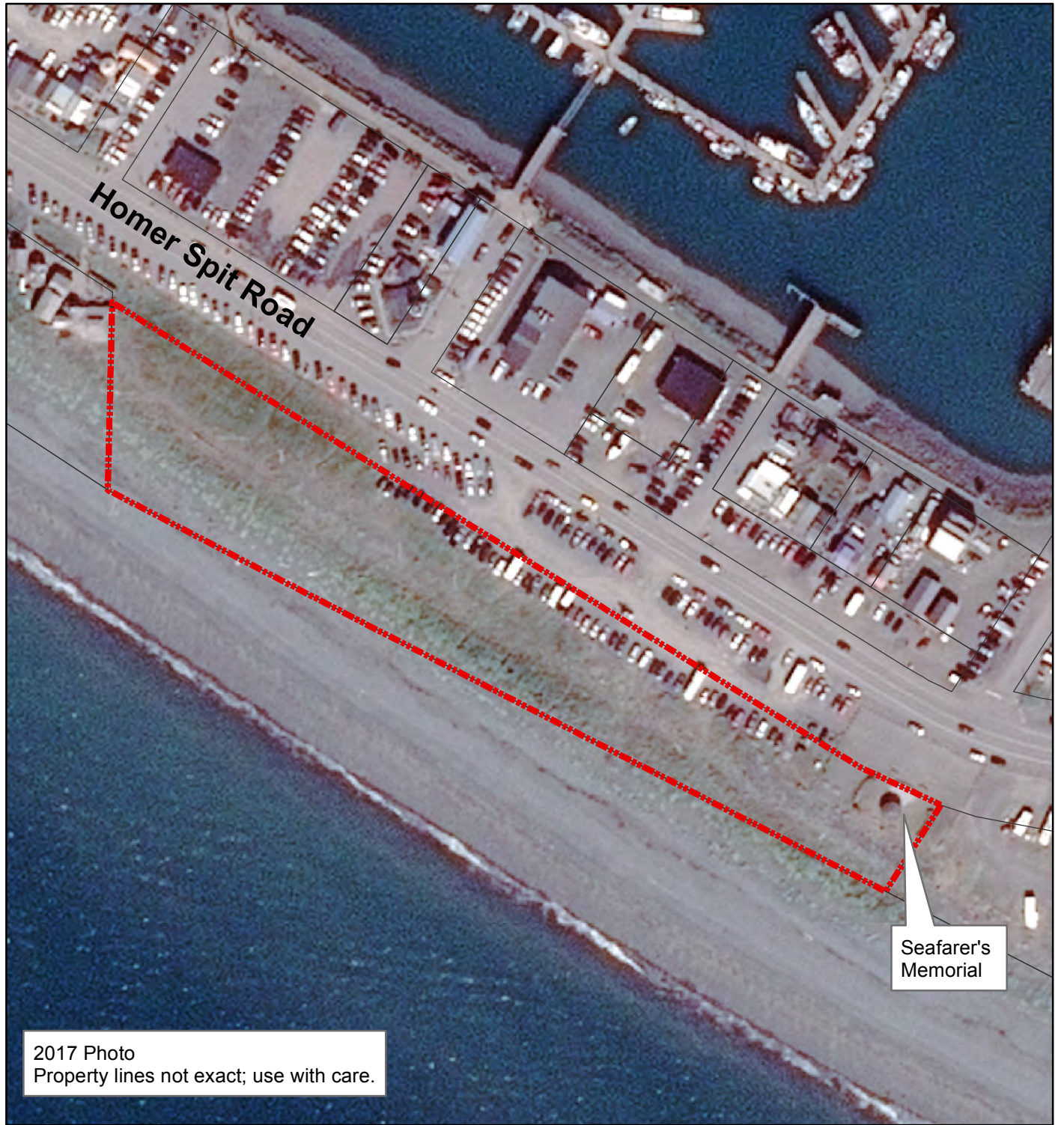
Parcel "B" 6(f)(3) Boundary Area Legal Description:

The northwestern twenty feet (20') of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; being a strip of land twenty feet wide, immediately adjacent and parallel to the northwest property line, and also being immediately adjacent to Lot 27; containing 3,595 square feet, more or less.

Parcel "C" 6(f)(3) Boundary Area Legal Description:

Beginning at the west corner of Lot 31, Homer Spit Amended, as shown on KPB Plat #89-34, recorded in the Homer Recording District Alaska, T6S, R13W, S1, Seward Meridian; thence along the southwestern boundary of said Lot 31, 296.69', S 63° 54' 10" E, thence 545.92', S 64° 09' 06" E; thence leaving said Lot 31 boundary and along the southwest boundary of Lot 50, 625.71', S 64° 09' 06" E, to the south corner of said Lot 50, thence 250', S 25° 50' 54" W; thence parallel to the southwest property line of said Lot 50, N 64° 09' 06" W, thence parallel to the southwest boundary of said Lot 31, 545.92', N 64° 09' 06" W, thence 296.69', N 64° 09' 06" W, thence 250', N 25° 50' 54" E to the point of beginning; containing 367,080 square feet, more or less.

DIRECTOR'S LINE - TIDELAND BOUNDARY



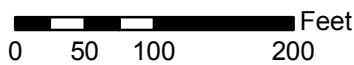
2017 Photo
 Property lines not exact; use with care.



City of Homer
 Planning and Zoning Department

1/3/2020

Lot 31
 Homer Spit Subdivision Amended



*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.*

**CITY OF HOMER
HOMER, ALASKA**

Smith

RESOLUTION 20-009

A RESOLUTION OF THE HOMER CITY COUNCIL APPROVING AN AUTOMATIC AID AGREEMENT AND OPERATIONAL PLAN BETWEEN ANCHOR POINT FIRE AND EMERGENCY MEDICAL SERVICE AREA AND THE CITY OF HOMER VOLUNTEER FIRE DEPARTMENT FOR FIRE RESPONSE SERVICES AND AUTHORIZING THE CITY MANAGER EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, Automatic aid agreements are a form of mutual aid agreements and their operational plans provide for automatic requests for additional resources to residents of the peninsula in the form of fire response personnel and apparatus when required; and

WHEREAS, Automatic aid agreements and operational plans are common in the fire and emergency service professions; and

WHEREAS, Alaska Statute 18.70.150 provides that: “[a] city, other incorporated entity, and other fire protection groups may organize a mutual-aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it...”; and

WHEREAS, This automatic aid agreement and operational plan between Anchor Point Fire & Emergency Medical Service Area (“APFEMSA”) and the City of Homer Volunteer Fire Department (“HVFD”) sets forth response areas and terms of automatic aid; and

WHEREAS, All associated costs are borne by each responding agency, and in this manner, costs for manpower, materials, supplies and equipment are exchanged between the agencies, ultimately resulting in service area funds being expended for the benefit of the service area; and

WHEREAS, For years, the operational plans have been considered as matters within the expertise of the agencies providing automatic aid and, therefore, future amendments to the operational plans have been left to the discretion of the agencies; and

WHEREAS, Significant cost savings for fire insurance can be afforded local taxpayers through rating determinations by the Insurance Services Office (ISO) when automatic aid agreements are in effect; and

43 WHEREAS, This automatic aid agreement is for the provision of fire response services;
44 and

45 WHEREAS, At its meeting of October 16, 2019 the Anchor Point Fire & Emergency
46 Medical Service Area unanimously recommended approval; and

47
48 WHEREAS, At its meeting of December 3, 2019 the Kenai Peninsula Borough
49 unanimously adopted Resolution 2019-067, approving of an Automatic Aid Agreement and
50 Operational Plan between Anchor Point Fire and Emergency Medical Service Area and the City
51 of Homer Volunteer Fire Department for Fire Response Services; and

52
53 WHEREAS, Mayor Pierce is authorized to execute an automatic aid agreement while the
54 APFEMSA boards and chief are hereby authorized to approve amendments to the operational
55 plan with Mayor Piece's approval without further review by the Assembly and Homer City
56 Council so long as any such amendments do not conflict with the automatic aid agreement.

57
58 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves an
59 Automatic Aid Agreement and Operational Plan between Anchor Point Fire and Emergency
60 Medical service area and the City of Homer Volunteer Fire Department for Fire Response
61 Services and authorizes the City Manager to execute the appropriate documents.

62
63 PASSED AND ADOPTED by the Homer City Council this ___ day of _____, 2020.

64
65 CITY OF HOMER
66
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68 _____
69 KEN CASTNER, MAYOR

70 ATTEST:
71
72
73
74 _____
75 MELISSA JACOBSEN, MMC, CITY CLERK

76
77 Fiscal information: N/A

Introduced by: Mayor
Date: 12/03/19
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-067**

**A RESOLUTION APPROVING AN AUTOMATIC AID AGREEMENT AND
OPERATIONAL PLAN BETWEEN ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA AND THE CITY OF HOMER VOLUNTEER FIRE
DEPARTMENT FOR FIRE RESPONSE SERVICES**

- WHEREAS,** automatic aid agreements are a form of mutual aid agreements and their operational plans provide for automatic requests for additional resources to residents of the peninsula in the form of fire response personnel and apparatus when required; and
- WHEREAS,** automatic aid agreements and operational plans are common in the fire and emergency service professions; and
- WHEREAS,** Alaska Statute 18.70.150 provides that: “[a] city, other incorporated entity, and other fire protection groups may organize a mutual-aid program by adopting an ordinance or resolution authorizing and permitting their fire department, fire company, emergency relief squad, fire police squad, or fire patrol to go to the aid of another city, incorporated entity, or fire protection group, or territory outside of it...”; and
- WHEREAS,** this automatic aid agreement and operational plan between Anchor Point Fire & Emergency Medical Service Area (“APFEMSA”) and the City of Homer Volunteer Fire Department (“HVFD”) sets forth response areas and terms of automatic aid; and
- WHEREAS,** all associated costs are borne by each responding agency, and in this manner, costs for manpower, materials, supplies and equipment are exchanged between the agencies, ultimately resulting in service area funds being expended for the benefit of the service area; and
- WHEREAS,** for years, the operational plans have been considered as matters within the expertise of the agencies providing automatic aid and, therefore, future amendments to the operational plans have been left to the discretion of the agencies; and
- WHEREAS,** significant cost savings for fire insurance can be afforded local taxpayers through rating determinations by the Insurance Services Office (ISO) when automatic aid agreements are in effect; and

WHEREAS, this automatic aid agreement is for the provision of fire response services; and

WHEREAS, at its meeting of October 16, 2019 the Anchor Point Fire & Emergency Medical Service Area unanimously recommended approval;

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

SECTION 1. That an automatic aid agreement between APFEMSA and HVFD serves the best interests of APFEMSA and is hereby approved. The mayor is authorized to execute an automatic aid agreement substantially in the form of the attached agreement.

SECTION 2. That the operational plan substantially in the form attached hereto is hereby approved and the APFEMSA boards and chief are hereby authorized to approve amendments to the operational plan with the mayor's approval without further review by the Assembly so long as any such amendments do not conflict with the automatic aid agreement.

SECTION 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF DECEMBER, 2019.

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

AGREEMENT FOR EXCHANGE OF AUTOMATIC AID

This agreement, hereinafter referred to as the Automatic Aid Agreement, dated for reference purposes on this ___ day of _____, 2019, is made by and between Kenai Peninsula Borough on behalf of Anchor Point Fire & Emergency Medical Service Area (APFEMSA) and Homer Volunteer Fire Department (HVFD).

1. Response to Automatic Aid Requests.

- a. Both parties to this agreement provide fire protection services within their jurisdictions.
- b. In return for the services to be provided by APFEMSA, HVFD agrees to provide a designated fire response, as determined by the Fire Chiefs of APFEMSA and HVFD.
- c. In return for the services to be provided by HVFD, APFEMSA agrees to provide a designated fire response, as determined by the Fire Chiefs of APFEMSA and HVFD.

2. Emergencies – Information Provided.

Upon receipt of an alarm through a 9-1-1 Call Center within the automatic aid response area of either service area, APFEMSA or HVFD will automatically dispatch its nearest available and appropriate designated fire response to that alarm. The automatic aid response areas are determined by the Fire Chiefs of APFEMSA and HVFD and set forth in the Annual Operational Plan.

3. Jurisdiction.

“Jurisdiction” is defined to be that political and geographical boundary designating the respective service areas that are party to this agreement.

4. Authority to Establish the Automatic Aid Agreement.

- a. Alaska State Statute, AS 18.70.150 states that “[a] city, other incorporated entity, and other fire protection groups may organize a mutual-aid program ...”
- b. Automatic Aid is automatic mutual aid.

5. Command Authority.

- a. When the aiding department arrives before the jurisdictional department, the aiding department will take the necessary action dictated by the situation.
- b. Upon arrival of the jurisdictional department, the operational responsibility for the situation will be immediately assumed by the jurisdictional department.
- c. The aiding department personnel will be under the direction of the officer in charge of the jurisdictional department.

- d. The aiding department will be released from the scene as soon as practical by the officer in charge of the jurisdictional department.

6. Withdrawal of Resources or Assignment Turndown.

- a. If, after arrival at the emergency scene or staging area with the resources as identified in the annual operational plan, it becomes necessary to withdraw a portion or all of such resources in order to address an emergency situation in the jurisdiction served by the requested department, such withdrawal may be initiated at the sole discretion of the officer in charge of the requested department.
- b. Such withdrawal may also be made at the sole discretion of the officer in charge of the requested department if they determine that the requested department's resources are being subjected to unnecessary or unreasonable danger.
- c. In either case, the officer in charge shall coordinate the withdrawal with the requesting department's officer in charge in a manner that avoids endangering personnel of either department.
- d. It is mutually understood and agreed that this agreement does not relieve either party from the necessity and obligation of using its own resources to provide fire protection within any part of its own jurisdiction.
- e. In the event a jurisdictional department ever fails to respond to an alarm within its jurisdiction to which an aiding department has responded, at the sole discretion of the aiding department, this agreement may be terminated by the aiding department immediately, or within a reasonable time thereafter.
- f. It is further agreed that that either party may terminate the agreement at any time by giving written notice to the other party at least thirty (30) days prior to the date of termination.

7. Responsibility for Costs & Liability.

- a. Each party desires to provide to the other a reasonable, professional and reciprocal exchange of fire response services on a day to day basis at no additional cost.
- b. Each party shall bear its own costs for responding to an automatic aid request.
- c. Each responding agency shall be responsible for its own liabilities incurred traveling to the scene, at the scene and returning to the station of origin.
- d. In rendering emergency services, each agency will bear the responsibility for its own acts and any liability incurred by such acts.

8. Annual Operational Plan.

- a. It is in the best interests of the citizens of APFEMSA and HVFD to be provided the most expeditious and professional response to suppress fires. The details as to amounts and type of assistance to be dispatched, response areas, methods of dispatching, communications, training programs and

procedures, methods of requesting aid, and the names or ranks of persons authorized to send and receive such requests, lists of personnel and resources which will be utilized, shall be developed by the Fire Chiefs of the service areas.

- b. Such details shall be recorded in an Operational Plan.
- c. The Operational Plan shall be approved and signed by the agencies, the Borough Mayor, and Homer City Manager dated and attached hereto.

9. Mutual Aid Agreement Not Affected.

It is mutually understood that this agreement will in no way affect or have any bearing on existing area mutual aid agreements.

ANCHOR POINT FIRE & EMERGENCY
MEDICAL SERVICE AREA

By: _____
Jon Marsh, Acting Chief
Date: _____

HOMER VOLUNTEER FIRE
DEPARTMENT

By: _____
Mark Kirko, Chief
Date: _____

ANCHOR POINT FIRE & EMERGENCY
MEDICAL SERVICE AREA BOARD

By: _____
Robert Craig, Chair
Date: _____

CITY OF HOMER

By: _____
Katie Koester, City Manager
Date: _____

KENAI PENINSULA BOROUGH

By: _____
Charlie Pierce, Mayor
Date: _____

ATTEST:

By: _____
Johni Blankenship, Borough Clerk

APPROVED as to Form and Legal
Sufficiency

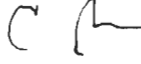

By: _____
Patty Burley, Deputy Borough Attorney


Kenai Peninsula Borough

Anchor Point Fire & Emergency Medical Service Area

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 
Roy Browning, Chief of Emergency Services 

FROM: Jon Marsh, Acting Chief Anchor Point Fire & Emergency 
Medical Service Area

DATE: November 21, 2019

RE: Resolution 2019-067, Approving an Automatic Aid Agreement and Operational Plan Between Anchor Point Fire & Emergency Service Area and the City of Homer Volunteer Fire Department for Fire Response Services (Mayor)

This resolution would approve the attached automatic aid agreement and initial operational plan between Anchor Point Fire & Emergency Medical Service Area and the City of Homer Volunteer Fire Department for fire response services.

Automatic aid agreements are a form of mutual aid agreements that allow for automatic requests between the agencies to assist each other with emergency responses. Assistance is through the provision of equipment and personnel as set out in the automatic aid agreement and operational plan.

The agreement is for automatic aid response of fire apparatus and personnel, and will continue in effect until modified or a party withdraws. The resolution would allow the operational plan, which details specific response procedures, to be modified in the future without assembly approval as long as changes do not conflict with the automatic aid agreement.

Your consideration is appreciated.

OPERATIONAL PLAN

ATTACHMENT TO AUTOMATIC AID AGREEMENT

ANCHOR POINT FIRE & EMERGENCY MEDICAL SERVICE AREA / HOMER VOLUNTEER FIRE DEPARTMENT

This Operational Plan (Plan) between Kenai Peninsula Borough on behalf of Anchor Point Fire & Emergency Medical Service Area (APFEMSA) and Homer Volunteer Fire Department (HVFD) is for automatic aid response of fire apparatus and personnel.

The purpose of this Plan is to outline the procedures for carrying out an automatic aid response between APFEMSA and HVFD. This Plan is a guide for day-to-day operations, and may be revised, amended or altered annually by mutual consent of APFEMSA and HVFD, with approval by the KPB Mayor and Homer City Manager, for the purpose of carrying out the original intent of the Automatic Aid Agreement. In addition, this Plan may be cancelled by the borough on behalf of either entity after a 30-day written notice has been given to the other party involved in the Automatic Aid Agreement.

I. AUTOMATIC AID RESPONSE AREAS AND AMOUNT AND TYPE OF ASSISTANCE

- a. APFEMSA will automatically respond to the city limits of Homer, and will provide a tanker/pumper and four personnel on a first alarm response. Unless re-directed by the On-Scene Incident Commander (OIC), the response will be to the fire scene. If the tanker/pumper responding can only safely carry two personnel, the additional responders will accompany the tanker/pumper in a utility vehicle or other vehicle suitable for emergency response.
- b. HVFD will automatically respond to the Anchor Point Fire and Emergency Medical Service Area, and will provide a tanker/pumper and four personnel on a first alarm response. Unless re-directed by the On-Scene Incident Commander, the response will be to the fire scene. If the tanker/pumper responding can only safely carry two personnel, the additional responders will accompany the tanker/pumper in a utility vehicle or other vehicle suitable for emergency response.
- c. Cancellation may occur in small, uncomplicated incidents that may be false alarms, out on arrival, out immediately after arrival, etc.

II. TRAINING

Joint training exercises shall be carried out at least annually under the direction of **the Chief or the Chief's Operations** or Training Officers in each department. Classroom instruction should be available upon request by each department, and should include ICS and unified command exercises.

III. COMMUNICATIONS

- a. RADIO – Dispatch shall announce by radio that Automatic Aid is needed. This will occur without direction by either department for fire incidents. The responding agency, after notifying dispatch that they are en route, will switch **to the requesting agency's dispatch channel and advise the OIC they are en route.**
- b. The responding agency will communicate with the OIC unless advised otherwise.
- c. Radio traffic will be kept to a minimum.
- d. Clear text will be used at all times.

IV. FIRE INCIDENT REPORTING

Each agency shall be responsible for reporting the incident in accordance with their department and Borough policy and procedures.

V. REVISIONS

The Operational Plan shall be cooperatively developed, reviewed annually and become part of the Automatic Aid Agreement upon consent of the agencies and execution by the Borough Mayor and Homer City Manager.

ANCHOR POINT FIRE & EMERGENCY
MEDICAL SERVICE AREA

HOMER VOLUNTEER FIRE
DEPARTMENT

By: _____
Jon Marsh, Acting Chief
Date: _____

By: _____
Mark Kirko, Chief
Date: _____

ANCHOR POINT FIRE & EMERGENCY
MEDICAL SERVICE AREA BOARD

CITY OF HOMER

By: _____
Robert Craig, Chair
Date: _____

By: _____
Katie Koester, City Manager
Date: _____

KENAI PENINSULA BOROUGH

By: _____

Charlie Pierce, Mayor

Date: _____

ATTEST:

APPROVED as to Form and Legal
Sufficiency

By: _____

Johni Blankenship, Borough Clerk

By: _____

Patty Burley, Deputy Borough Attorney