



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

City of Homer Agenda

**City Council Regular Meeting
Monday, January 27, 2020 at 6:00 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Meeting Minutes of January 13, 2020. City Clerk. Recommend Adoption.
- b. Memorandum 20-013 from Mayor Re: Appointments to the Port & Harbor Advisory Commission and the ADA Compliance Committee. Recommend approval.
- c. Memorandum 20-014 from Deputy City Clerk Re: Liquor License Renewal for Cosmic Kitchen. Recommend approval.
- d. Memorandum 20-015 from City Manager Re: Adopting Council Initiated 2020 Priorities. Recommend approval.
- e. Memorandum 20-019 from Mayor Re: Approving the City Manager Hiring Advisory Committee Appointments and their Charge. Recommend approval.
- f. Ordinance 20-06, An Ordinance of the City Council of Homer, Alaska Amending the FY 2020 Capital Budget by Appropriating Funds in the Amount of \$750,000 from the General Fund Fund Balance for the Purpose of Reinitiating and Conducting a U.S. Army Corps of Engineers General Investigation Study for the Homer Large Vessel Port Expansion. Smith/Lord. Recommended Dates Introduction January 27, 2020 Public Hearing and Second Reading February 10, 2020

Memorandum 20-016 from Port Director as backup

- g. Ordinance 20-07, An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing the Expenditure of up to \$100,000 in Pass Through Funds for Repairing Damage to the Deep Water Dock. City Manager/Public Works Director. Recommended dates Introduction January 27, 2020 Public Hearing and Second Reading February 10, 2020

Memorandum 20-017 from Port Director as backup

- h. Resolution 20-010, A Resolution of the City Council of Homer, Alaska Approving a Five Year Extension of the Memorandum of Understanding between the City of Homer and Kachemak City Regarding the Canyon Trails Subdivision and Road Maintenance on Stellers Jay Drive and Golden Plover Avenue. City Manager. Recommend Adoption.

- i. Resolution 20-011, A Resolution of the Homer City Council Awarding the Contract for the Hazardous Material Survey of the HERC Buildings to the Firm of Environmental Management, Inc. of Anchorage, Alaska in the Amount of \$7,600 and Authorizing the City Manager to Execute the Appropriate Documents. City Manager/Public Works Director. Recommend approval.

Memorandum 20-018 from Public Works Director as backup

- j. Resolution 20-012, A Resolution of the City Council of Homer, Alaska Reopening the Homer Accelerated Water and Sewer Program for Citizen Initiated Special Assessment Districts Under HCC 17.02.040, Directing the Planning Commission to Provide Input on Criteria for Evaluation, and Scheduling a Worksession for Council to Provide Input on Appropriate Metrics for the Fiscal Health of the Fund. Mayor/Lord. Recommend approval.

- k. Resolution 20-013, A Resolution of the City Council of Homer, Alaska Approving a Memorandum of Agreement between the Kenai Peninsula Borough Regarding a Regional Application to Assistance to Firefighters Grant Program and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Recommend adoption.

VISITORS

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

- a. Special Meeting Report
- b. Committee of the Whole Report
- c. Mayor's Report
 - i. Brother Asaiah Bates Day February 14, 2020
 - ii. Congenital Heart Defect Awareness Week February 7-14, 2020
- 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

PUBLIC HEARING(S)

- [a.](#) 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. Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020.
- [b.](#) 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. Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- [c.](#) 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. Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- [d.](#) 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. Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020
- [e.](#) Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager. Introduction January 13, 2020, Public Hearing and Second Reading January 27, 2020

ORDINANCE(S)

CITY MANAGER'S REPORT

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

PENDING BUSINESS

NEW BUSINESS

- [a.](#) Memorandum 20-020 from City Manager Re: City Manager Hiring Next Steps
- [b.](#) Memorandum 20-021 from Planning Commission Re: Recommendations on KPB Ordinance 2019-24 Subdivision Private Streets & Gated Subdivisions.

RESOLUTIONS

- [a.](#) Resolution 20-014, A Resolution of the City Council of Homer, Alaska Requesting the Kenai Peninsula Borough not to Enact Ordinance 2019-24(S) Adopting KPB Chapter 20.80, Subdivisions Private Streets and Gated Subdivisions. Lord.
- [b.](#) Resolution 20-015, A Resolution of the City Council of Homer, Alaska Awarding the Contract for the Homer Airport Terminal Roof Replacement Project to a Firm to be Announced in an Amount to be Disclosed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

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, February 10, 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, LORD, SMITH, VENUTI

ABSENT: HANSEN-CAVASOS (excused)

STAFF: CITY MANAGER KOESTER
CITY CLERK JACOBSEN
CITY ATTORNEY GATTI

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: **ANNOUNCEMENTS / PRESENTATIONS / REPORTS** **Mayor's Report** Letter from AKDOT Commissioner John MacKinnon Re: Silvertip Station **City Council Travel Report** Travel Report from Councilmember Venuti re: AML Conference November 2019 **PUBLIC HEARINGS 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 19-57(S-2)**, Same title. Mayor.; **RESOLUTIONS 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. **Resolution 20-007(S)**, A Resolution of the City Council of Homer, Alaska Urging the State of Alaska to Retain the Ban on Personal Watercraft in the Kachemak Bay and Fox River Flats Critical Habitat Areas under 5 AAC 95.310 until the Department of Fish & Game Provides Responses to The City's Previous Concerns, an Analysis Detailing the City's Potential Legal Liability Exposure, and Adequate Funding for the City to Adopt and Enforce new Rules if 5 AAC 95.310 is Repealed. Evensen/Aderhold, with Backup Information from ADF&F and Written Public Comments; **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/Hansen-Cavasos, **Resolution 20-008(S)**, 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/Hansen-Cavasos.

VENUTI/ADERHOLD MOVED TO APPROVE THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Casey Fetterhoff, city resident, commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, sharing his support for lifting the ban and questioning why the City feels the need to get involved.

Cassie Lawver, non-resident, shared her appreciation for the substitute Resolution 20-007(S), and also shared her support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She thinks they should oppose it personally and not address it on behalf of the city.

Patricia Cue, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She noted negative impacts eco-tourism businesses, private property owners, and marine life.

Josh Wiesneski, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, sharing negative impacts to commercial fishing in the bay and the lack of process by the State in bringing the repeal forward.

Vernon Atkinson, commented in commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, and protecting individual's rights, freedom, and liberty.

Shannon McBride-Morin, resident of Homer and China Poot Bay, commented in opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, addressing costs to the community in enforcement and impacts to the tourist industry.

Rick Harness, non-resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared history of the ban, other states and countries where they're banned,

and other areas in the State where they are allowed to be used without impacting critical habitat areas.

Pat Irwin, city resident, commented in support Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. Jet Skis are fun, but he doesn't want to listen to them.

Kate Finn, city resident, commented in support of Resolution 20-007(S) and opposition of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area because of the negative impacts to marine life and the need to sustain their lives.

Marcia Kuszmaul, city resident and President of the Homer Bed and Breakfast Association, commented on behalf of the members in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area sharing impacts to the eco-tourism industry.

Leanna Stern, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, noting enforcement that will become necessary and costs to the community.

Dorle Harness, non-resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. She opposed the argument of access explaining you can't have drone, guns, ATV, and cars in certain locations, there are restrictions in place for good reasons.

Ben Martin, lifetime resident and also a commercial fisherman, commented in opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared safety concerns about congestion in the harbor and at the launch ramp, as well as extreme tides and weather, and shared enforcement concerns.

Poppy Benson, city resident and founding mother of the Kachemak Bay Shorebird Festival, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat. She explained the critical habitat area is a designated site within the Western Hemisphere Shorebird Reserve Network, and also the negative impacts lifting the ban would create.

Bob Shavelson, Advocacy Director for Cook Inletkeeper, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He concurred with Ms. Morin's comments and shared concerns about the State's process in bringing this forward, and cost and liability to the City.

Robert Archibald, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area sharing history of the ban, concerns of lack of process, and not working with proper agencies. He also supports Resolution 20-008(S) and the Seafarer's Memorial being designated as green space.

Jared Bradshaw, city resident, commented in support of the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He shared information and statics he's read regarding personal water craft, personal experience dealing with congestion in and around the harbor, and cited the last paragraph of Resolution 17-019. Jason Davis, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He's bothered comments that this is about picking a fight, finding something new to ban, or an example of hate. He sees it as politicians in Juneau trying to meddle and not following proper process.

Charles Anderson commented in opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He's invested in the economic opportunities in Homer, he disagrees with the notion personal watercraft will harm the marine life, and he supports open access to the bay.

Alison O'Hara, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area, expressing concerns on cost of enforcement of regulations and environmental impacts.

Larry Slone, city resident, commented in opposition to Resolution 20-008(S) and the Seafarer's Memorial being designated as green space because the Port and Harbor's efforts in advocating for that area to be a parking lot. He also opposes Resolution 20-007(S) and the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area and feels that personal water craft are less destructive to the environment.

Gart Curtis, city resident, commented in support of Resolution 20-007(S) and opposition to the repeal of the prohibition of personal watercraft in Kachemak Bay and Fox River Flats critical habitat area. He thinks it's fine to have an area where they aren't allowed and it doesn't infringe on personal rights, as they are many areas they can go.

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.

Moved to Resolutions. Aderhold.

- 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

Moved to Resolutions. Aderhold.

Items m. and n. were moved to Resolutions d. and e. Aderhold.

City Clerk Jacobsen read the consent agenda with its recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

VISITORS

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

Mike Miller, Homer Foundation Executive Director, gave an overview of the Homer Foundation, explaining what a Community Foundation is, how the Homer Foundation was started, opportunities to make contributions, and the categories of community grants that were provided over the last year. Ways to stay connected include signing up for their newsletter, liking them on Facebook, and following on Instagram.

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

- a. Worksession Report

City Manager Koester reported that Council reviewed the Land Allocation Plan with Deputy City Planner Engebretsen and the Library Advisory Board presented information on a Library Endowment Fund.

- b. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolutions 20-004 the Chamber Marketing Agreement, 20-006 and liability regarding erosion and the Nature Conservancy property, and 20-009 the Automatic Aid Agreement. They also discussed Ordinances 20-04 pass through funds for the ADOT work on Lake Street, 20-03 as-built survey requirement noting potential burden on property owners, 19-57 project close also recognizing Acting Finance Director De Lumeau for her work on this along with the rest of the Finance Department. They had a brief seawall update, touching on Ordinance 20-01 and Memorandum 20-007, both related to the seawall.

- c. Mayor's Report

Mayor Castner reported on Council's retreat where they set their priorities for the next 6 months. He'll work with the City Manager and City Clerk on putting together a calendar to help track items.

- d. Borough Report

Kelly Cooper, Kenai Peninsula Borough Assembly President, reported the Borough Administration introduced an ordinance to appropriate \$220,000 for an RFP for a Facilities

Management Strategic Plan for Borough Facilities; Administration has asked for additional appropriations for outside Counsel to represent them with their application filed with Federal Energy Regulatory Commission (FERC) for the Alaska LNG project; they introduced the junk and abandoned vehicle ordinance; and Assembly member Johnson introduced an ordinance to correct efficiencies in their code regarding candidate qualifications in their elections, and will introduce an ordinance addressing election contests.

e. Library Advisory Board

Marcia Kuzmaul, Library Advisory Board Chair, thanked Council for the worksession this evening to discuss the Library Endowment Fund. She commented about Lunch with a Councilmember today and shared some 2019 year end statistics. She provided information about the 2020 Lit Lineup event, and about the upcoming Library Facility tour.

f. Planning Commission

Jason Davis, Planning Commissioner, reported at their last meeting they held a worksession to discuss the creation of a medical zoning district. At their regular meeting they approved their decision and findings for CUP 19-07 a parking lot expansion adjacent to the Seafarer's Memorial. They held public hearings and approved CUP 20-02 an amendment to CUP 18-04 for multiple buildings at 680 Sterling Highway, extending end dates for work to be done on the site; and CUP 20-01 to allow a second story addition to the Nomar building and a new 4-plex on the same property at 104 Pioneer Avenue. They concluded the meeting with a discussion of the Borough's draft substitute Ordinance on gated communities and will have their recommendations to Council at their next meeting.

g. Economic Development Advisory Commission

h. Parks Art Recreation and Culture Advisory Commission

Robert Archibald, Parks Art Recreation and Culture Advisory Commissioner, reported the Commission doesn't meet in December and January, and will meet again in February. He commented regarding the Community Recreation and recognized Mike Illg for the work he puts into the programs.

i. Port and Harbor Advisory Commission

j. Americans with Disabilities Act Compliance Committee

k. Right of Way Policy Evaluation Team

Councilmember Lord briefly recapped the organization of the group in Resolution 19-073(S). It's made up of herself and Councilmember Evensen, along with City Manager Koester, Public Works Director Meyer, and Public Works Superintendent Gardner. They've met once to lay out the groundwork to understand terminology and concerns expressed to date, in trying to

establish what they're looking for in terms of their product to come to Council as a result of their efforts. They'll meet again soon.

Mayor Castner called for a break at 7:37 p.m. and reconvened the meeting at 7:45 p.m.

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.

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the substitute. It gets the new members seated immediately and they can participate in the ongoing discussion on relevant activities regarding the City.

Cassie Lawver, non-resident, commented she has shared her ideas for proposed changes and encouraged more of a big picture change to the election code.

There were no further comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 19-55 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/EVENSEN MOVED TO SUBSTITUTE ORDINANCE 19-55(S) FOR 19-55.

Councilmember Evensen shared that the substitute changes the election certification to the beginning of the regular meeting rather than requiring a special meeting having to be scheduled.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

There was discussion that Councilmembers Smith and Aderhold were going to look at the election code as a whole, as it's something that came up at their retreat to work on. It was suggested it could be postponed. It was noted that it could be adopted because this is a small piece of the code that could be dispensed with tonight.

ADERHOLD/EVENSEN MOVED TO AMEND TO REMOVE THE 1ST AND 3RD WHEREAS IN THE SUBSTITUTE ORDINANCE.

Councilmember Aderhold commented they refer to a special meeting, which isn't applicable in the substitute ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

There was further discussion suggesting addressing the election code in its entirety.

VOTE: YES: EVENSEN
NO: VENUTI, SMITH, ADERHOLD, LORD

Motion failed.

- 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. Introduction December 9, 2019, Public Hearing and Second Reading January 13, 2020

EVENSEN/VENUTI MOVED TO ADOPT ORDINANCE 19-58 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Lord commented they've discussed this for quite some time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

Memorandum 20-011 from Acting Finance Director as backup

Ordinance 19-57(S-2), 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.

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

VENUTI/EVENSEN MOVED TO ADOPT ORDINANCE 19-57 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

VENUTI/ LORD MOVED TO SUBSTITUTE ORDINANCE 19-57(S-2) FOR 19-57.

There was no discussion on the motion to substitute.

VOTE (substitute): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Aderhold commented this was a tremendous amount of work and thanked Finance for all their efforts in going through the projects and finding this information that's been very valuable and gives us a way forward to ensure we don't have these issues again.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

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

VENUTI/ADERHOLD MOVED TO ADOPT ORDINANCE 19-59 BY READING OF TITLE ONLY.

Councilmembers Evensen and Smith commented in support of the City maintaining ownership of the lot as a city resource because of its natural habitat, the City has two lots in the city center with access to all the utilities, this and the police station lot, town center development is light years away, and there are plenty of lots in the CBD on the market. Selling would create a shortage in our inventory, and there is more economic gain having greenspace with a mix of shopping and hopefully sidewalks on Main Street. It's the last lot like it in that area.

Councilmembers Aderhold, Lord, and Venuti commented in support of selling the lot. It's a fragment of habitat that's bound by two busy roads, it was originally purchased to provide overflow parking for the library at the time so was always intended to be developed, the City has been working to infill water and sewer, small patches of green space that don't connect to others are less valuable than strategically considered greenbelt corridors, this is a small lot, and it needs a lot of work. The city has control over a large portion of town center that is undeveloped, wooded, and has no access to any utilities, and KHLT has the Poopdeck property that will not be developed in perpetuity that provides greenspace in the CBD. It was on the market for the last dozen of years and Main Street could benefit from increased economic development.

VOTE: YES: ADERHOLD, LORD, VENUTI
NO: SMITH, EVENSEN

Motion failed.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Koester commented regarding facility tours that are ongoing, the next ones are the old Police Station on the 17th and the Library on the 24th.

There were comments regarding the road improvements on Ocean Drive and the opportunity to participate in the Governors conversation. They also discussed the exchange recipes with Teshio, the importance of our Sister City relationship, and the need to re-engage in that relationship.

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

Councilmember Aderhold commented this memo is about taking next steps on how we're going to defend the integrity of the seawall.

ADERHOLD MOVED TO APPROVE MEMORANDUM 20-008 CONCERNING THE SEAWALL AND REQUEST THE CITY ATTORNEY ADDRESS THE QUESTIONS INCLUDED IN THE MEMORANDUM.

Mayor Castner noted they addressed the timeline at the Committee of the Whole and would be addressed in a reasonable amount of time.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Memorandum 20-009 from City Manager re: Travel to Juneau to Advocate for Alaska Marine Highway System.

VENUTI/EVENSEN MOVED TO APPROVE MEMORANDUM 20-009 AUTHORIZING TRAVEL FOR ONE COUNCILMEMBER OR THE MAYOR TO PARTICIPATE IN THE AML ALASKA MARINE HIGHWAY SYSTEM FERRY CAUCUS IN JUNEAU JANUARY 21-23, 2020.

Council discussed attendance, and both the Mayor and Councilmember Aderhold expressed interest in participating. Councilmember Aderhold noted she's been sponsoring some of the correspondence they've been sending to the State but is fine with the Mayor attending if he's amenable. Mayor Caster said he's available and interested because of the work being done through the Council of Mayors where they took a fairly straight forward position as well. Council agreed that two people don't need to travel and agreed that Mayor Castner would attend.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Memorandum 20-010 from City Manager re: Next Steps for City Manager Search

City Manager Koester summarized there are attachments showing where we are in the hiring process, including the flyer sent out to through GovHR, and she recommends an executive session on February 3rd to review initial qualified applicants and cull it down to telephonic interview participants. In addressing how to incorporate public input, she explained the Mayor recommended a small advisory group of three community members and two staff members and an action can be taken to authorizing a City Manager Hiring Advisory Committee, with the understanding Council is the final hiring body.

In response to questions, City Manager Koester explained her understanding the Advisory Committee would interview finalists in person the same day Council does, and Council could decide the order that would be appropriate. City Attorney Gatti provided feedback on what he's seen other communities do in relation to public feedback and positive comments about GovHR.

LORD/VENUTI MOVED TO SCHEDULE AN EXECUTIVE SESSION FEBRUARY 3RD AT 4:00 P.M. TO REVIEW INITIAL QUALIFIED CANDIDATES.

Councilmember Evensen noted he is unable to attend on February 3rd and will be out until the 16th

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

In response to questions, City Manager Koester said she would have to talk to HR and City Attorney about the possibility of Councilmember Evensen having an opportunity to review the applicants and provide his feedback to Council prior to the meeting. In regard to potentially rescheduling to January 31st, she explained the position closes on January 30th so there would need to be some time to review the final applications that come in before providing them to Council for review. She can ask HR if that's feasible.

VENUTI/LORD MOVED TO TRY TO SCHEDULE THE FIRST TIME WE DO THIS TO JANUARY 31ST AT 4:00 P.M. WITH THE SECOND OPTION OF FEBRUARY 3RD AT 4:00 P.M. AS AN ALTERNATIVE

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

LORD/EVENSEN MOVED TO AUTHORIZE THE CITY MANAGER HIRING ADVISORY COMMITTEE CONSISTING OF THREE MEMBERS OF THE PUBLIC AND TWO STAFF MEMBERS TO BE APPOINTED BY THE MAYOR AND CONFIRMED BY COUNCIL AT THE JANUARY 27TH COUNCIL MEETING.

There were comments in support of the motion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

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.

Resolution 20-007(S), Same title adding Aderhold as a sponsor. Evensen/Aderhold.

EVENSEN/ADERHOLD MOVED TO ADOPT RESOLUTION 20-007 BY READING OF TITLE ONLY.

EVENSEN/ADERHOLD MOVED TO SUBSTITUTE RESOLUTION 20-007(S) FOR 20-007.

Councilmember Evensen noted the changes in attempt to improve the language from the initial resolution.

VOTE (substation): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Councilmember Evensen this resolution speaks to the community needs and is good follow up to the last resolution.

Councilmember Aderhold appreciates the public comment they had tonight. She noted they are not the decision making body in relation to the repeal, but what a number of people asked for was a public process which is what this resolution asks for. It asks Fish and Game to follow a process they've followed in the past. Also people have conflicting information about what the potential effects may be and it would be beneficial to have some analysis to determine what the effects might be to the City and on City tidelands.

Councilmember Lord shared she received emails and talked to people, and also appreciates the public testimony tonight. She believes it's appropriate for the City to provide comment as a stakeholder, and with that there's a responsibility to be tempered in regard to speaking as a governmental body. She believes governmental regulation should be made based on findings, information, and facts. Council requested information and rationale from the department in December and they haven't responded. The latest information she has is from a 2017 memorandum from Fish and Game where a review was done by staff at ADF&F which they finished by saying in summary based on their review of information available, since the personal watercraft prohibition was adopted in 2001, they feel there's no new information that would warrant rescinding the prohibition and in fact the newer information highlights most of the concerns identified when the prohibition was adopted. The department hasn't provided anything to substantiate this regulation change.

Councilmember Smith supported the resolution at the last meeting because it directly asked the decision making body to increase the time, and what findings they used to direct their decision making process. He doesn't see that this does anything more than the last one and there have been concerns raised if it's Council's spot to tell other agencies how they should be making their decisions. He hopes everyone tonight submitted public comment directly to Fish and Game rather than depending on us to do so by a decision at this table.

Councilmember Aderhold noted the substitute resolution before them does not take a stance, it asks for action to provide public process, provide some information, let the public understand where the decision is coming from, and help us as a City understand how we'll be affected.

Councilmember Venuti shared her support for the substitute and appreciated the comments about speaking up for the animals in the bay, we need to consider the marine life.

Mayor Castner shared he received comments saying don't substitute your voice for my voice. He thinks the substitution of voice came from the top, there was one person who substituted their voice for everyone else in the State and that's what brought us to the table. However when you gather the voice of the City, you have to ensure that it's meaningful and appropriate. He doesn't know if anyone cares about the voice of the City is in this regard. He agrees that if this turns sideways that the City continue to have a seat at the table like they have through past processes for the park and critical habitat plan.

VOTE: YES: LORD, ADERHOLD, EVENSEN, VENUTI
NO: SMITH

Motion carried.

- 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/Hansen-Cavasos.

Resolution 20-008(S), 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/Hansen-Cavasos.

EVENSEN/VENUTI MOVED TO ADOPT RESOLUTION 20-008 BY READING OF TITLE ONLY.

EVENSEN/VENUTI MOVED TO SUBSTITUTE RESOLUTION 20-008(S) FOR 20-008.

Councilmember Evensen noted the bold and underlined changes in the substitute resolution.

VOTE (substation): NON OBJECTION: UNANIMOUS CONSENT

Councilmember Evensen said this came up from public feedback during the Planning Commissions review of a CUP for parking at the Seafarer's Memorial. Community members have pointed out there are few places on the spit that are open spaces and the importance of maintaining the habitat it offers. There's a healthy lobe of sand and not interfering with that portion will benefit the spit, particularly the eastern most beaches and the end of the spit, through natural processes.

Councilmember Aderhold shared her appreciation for this and acknowledged it's a big decision. She doesn't feel one meeting allows for adequate discussion and it overlaps with

responsibilities with Port and Harbor Commission and Planning Commission at a minimum. She'd like guidance from those Commissions and more opportunity for public input.

Councilmember Smith agreed and added they just funded a parking study for the spit. It will be important to know what those findings are before making any final decisions as there may be minimal ability to do some improvements in that area.

LORD/EVENSEN MOVED TO POSTPONE THIS RESOLUTION TO OUR SECOND MEETING IN APRIL AND REFER IT TO PLANNING AND PORT AND HARBOR COMMISSIONS FOR THEIR REVIEW PRIOR TO THAT.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- 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.

VENUTI/EVENSEN MOVED TO ADOPT RESOLUTION 20-009 BY READING OF TITLE ONLY.

Councilmembers Smith and Lord summarized the discussion from their worksession this is in relation to improving the response time with our fire apparatus in helping surrounding areas, as well as Anchor Point assisting in response to City emergencies.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. 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.

ADERHOLD/LORD MOVED TO ADOPT RESOLUTION 20-004 BY READING OF TITLE ONLY.

Councilmember Aderhold noted they discussed this resolution at Committee of the Whole and the request by the Chamber for additional funding relate to the shack on the spit. The Chamber would like to change it from the Derby Shack to more of a spit visitor center location. They didn't come to agreement on whether to increase the funds or how the fund might be used. City Manager Koester suggested if the intent is to discuss a budget amendment, and they are okay with the marketing agreement, they approve the resolution as is, and then direct her to

work with the Chamber on an amendment. The amendment would come back as an ordinance.

The group discussed the most appropriate way to address the resolution and also the requested budget amendment. It was clarified that if a budget amendment results, it will have to be addressed by ordinance.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner asked if there is a motion authorizing the City Manager to negotiate some changes to the marketing agreement that would include providing insurances for community activities, such as the fireworks display, burning basket, and other community events that would require an insurance certificate.

LORD/ADERHOLD MOVED TO DIRECT THE CITY MANAGER TO WORK WITH CHAMBER IN REGARDS TO THE MARKETING AGREEMENT AND CITY BUDGET GIVEN THE CONVERSATION AT THE TABLE, THE FEEDBACK THAT'S BEEN RECEIVED SPECIFICALLY RELATED TO THE SCOPE OF WORK IN TERMS OF THE VISITOR CENTER FOCUS AND ALSO ADDING THE INSURANCE COVERAGE FOR COMMUNITY EVENTS.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- e. 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.

LORD/VENUTI MOVED TO ADOPT RESOLUTION 20-006 BY READING OF TITLE ONLY.

There was brief discussion regarding increased liability related to erosion. They also touched on the City's responsibility based on the grant information, and that it's been extensively reviewed by staff and the Attorney, and staff is comfortable accepting the property. It was pointed out in the historical documentation that the Nature Conservancy acquired the property with the intent of the City taking on the property at a future date.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

COMMENTS OF THE AUDIENCE

Kate Finn, city resident, commented that Duffy Murnane has not been found and pleaded with listeners that anyone who has information to contact Homer Police Department at 235-3150 or Alaska Crime Stoppers at 907-561-7867. She shared that we are celebrating 100 years of the Women's Right to Vote. There is a march on the 18th from the HERC parking lot to WKFL and events at the Kachemak Bay Campus.

Patricia Cue thanked Council for approving Resolution 20-007(S). She thinks that by moving forward with the resolution, they've done their due diligence as a governing body. The ball is in their court on what they're going to do.

Wayne Aderhold, city resident, commented he just arrived because he was next door at a class at the college. Today is the first day of classes for the spring semester at the campus and he feels very lucky that we have this great asset and encouraged participating in the classes. He's taking a history class where everyone is very motivated. He noted he'll be manning the table for the League of Women Voters after the march on Saturday, he learned a few months ago that men can be members, so he is one now.

Larry Slone, city resident, acknowledged the effort by the Finance Department on project close out and appreciates the Mayor working to initiate the resolution of the issue.

COMMENTS OF THE CITY ATTORNEY

Attorney Gatti wished everyone Happy New Year.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented in her almost 16 years working in the City Clerk's office there has a residency contest in 2005, an election contest was filed in or around 2014, we had a member who wanted to launch a write in campaign but was unable to because of their voter registration didn't meet the requirements in code, and this most recent election contest. Both election contests resulted in upholding the results as certified by the Election Canvass Board. She explained the city's election process is very similar to other municipalities in within the borough and throughout the state. She agrees there are areas that could use clarification and looks forward to seeing what the borough brings forward in the next month, but doesn't feel that the city's process is broken or is in need of a big overhaul in response to this last election experience. She also commented there are openings on the ADA Compliance Committee, Port and Harbor Advisory Commission, and Library Advisory Board. She thanked Council for a good meeting and looks forward to working with them in to 2020.

COMMENTS OF THE CITY MANAGER

City Manager Koester recalled the Special Meeting was scheduled for February 3rd because the City Manager job posting closes January 30th and they wanted to allow Council time to review applications before meeting.

COMMENTS OF THE MAYOR

Mayor Castner thanked everyone who came out and commented tonight. He isn't looking forward to having a big February fight going on when we're interviewing City Manager candidates, it's not the side of the City he wants to show. He hopes some calmer heads look at this thing its totality because he thinks it's a process that is extremely broken. He hopes cooler heads prevail and don't want to turn it into a local fight where there shouldn't be one. At the next meeting he'll probably bring a Resolution to lift the Moratorium for LID's¹ for the HAWSP fund and anticipates it will be forwarded to the Planning Commission for review and actions.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold expressed her appreciation for public comments because the voices in the community help them have better legislation, city code, and city actions. She also appreciates they had a good retreat on Saturday, everyone at the table tonight participated, and she looks forward to working on their outcomes. She reminded the group and Commissioners that we provide guidance to the Commission's as a body and if it hasn't been voted on by the body, then it needs to be clear each person is speaking or writing for themselves and not on behalf of the body. She reminded everyone listening that Homer shares the road and encouraged drivers to watch out for pedestrians and bicyclists who get pushed out onto the road because of unmaintained sidewalks, and also the pedestrians and bicyclists to make themselves visible to motorists. She noted that they've been talking about going above and beyond, and she's though about how our city staff goes above and beyond. She highlighted the Finance Department for going above and beyond over the last few months with the HAWSP fund and the project close out, and also the Public Works equipment operators who arrange their personal schedules around the weather to be available when additional staff need to be called in. She really appreciates that the staff thinks about the city and care about our residents. She thanked staff for going above and beyond.

Councilmember Smith commented it was a pleasure to go to the library today for Lunch with a Councilmember, it was a packed house today and they had good conversation on a lot of topics. He thanked those who came to the library and also to comment tonight. He reminded everyone his contact information is on the City website and encourage them to reach out to him. He shared about his snuggle time with his son.

Councilmember Evensen thanked Council for a productive meeting, and thanked the public for their comments tonight.

¹ LID is an old acronym for Local Improvement District, which has been renamed Special Assessment District or SAD

Councilmember Venuti commented the plastic bag ban went into effect on January 1st and thanked everyone for their efforts in making this happen. She thanked Special Projects and Communications Coordinator Carroll for her work to make sure people are aware of the changes. She shared about a scholarship opportunity for students interested the tourism industry, more information is available at the Chamber of Commerce or at Kachemak Bay Campus.

Councilmember Lord echoed the thanks to the public who wrote, called, or came to testify. At their retreat the facilitator addressed what makes a group effective, and predictors of group effectiveness. One thing that came up was “Psychological Safety” which is the lack of fear of retribution. That makes sense for a particular group of people, but she’s thought about it in regards to community. She commented about trying to work toward giving each other grace, benefit of the doubt, and space to say things we may not agree with, but at the end of the day we’ll help each other out when needed because that’s what this community is about. The Alaska Association of Harbormasters and Port Administrators has three scholarships available statewide for students entering marine related studies.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 9:55 p.m. The 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.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 20-013

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: JANUARY 21, 2020
SUBJECT: APPOINTMENTS TO THE PORT & HARBOR ADVISORY COMMISSION AND THE
ADA COMPLIANCE COMMITTEE

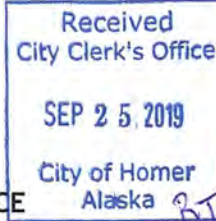
Cathy Ulmer and Mike Stockburger are reappointed to the Port & Harbor Advisory Commission, and Jeff Erickson is appointed to the Port & Harbor Advisory Commission to fill the seat of Bob Hartley. The terms expire February 1, 2023.

Roger Clyne is appointed to the ADA Compliance Committee to fill the seat vacated by Tess Dally. The term expires August 31, 2022.

Recommendation: Confirm the reappointments of Cathy Ulmer and Mike Stockburger, and the appointment of Jeff Erickson to the Port & Harbor Advisory Commission; and confirm the appointment of Roger Clyne to the ADA Compliance Committee.



CITY OF HOMER
APPLICATION TO SERVE ON ADVISORY BODY
COMMISSION, BOARD, COMMITTEE, TASK FORCE



CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Crisi Matthews Date: 9/25/19

Physical Address: 4025 Homer Spit Rd #7 Homer AK 99603

Mailing Address: _____

Phone #: 907 299 8700 Cell #: _____ Work #: _____

Email Address: shop@homer-shores.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.
You may select more than one.

ADVISORY PLANNING COMMISSION
1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM
WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM

PARKS ART RECREATION & CULTURE ADVISORY COMMISSION
3RD THURSDAY OF THE MONTH AT 5:30 PM

PORT & HARBOR ADVISORY COMMISSION
3RD WEDNESDAY OF THE MONTH
OCT-APRIL AT 5:00 PM
MAY - SEPT AT 6:00 PM

CITY COUNCIL
2ND & 4TH MONDAY OF THE MONTH
SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM
COMMITTEE OF THE WHOLE AT 5:00 PM
REGULAR MEETING AT 6:00 PM

ECONOMIC DEVELOPMENT ADVISORY COMMISSION
2ND TUESDAY OF THE MONTH AT 6:00 PM

CANNABIS ADVISORY COMMISSION
4TH THURSDAY OF THE MONTH AT 5:30 PM

LIBRARY ADVISORY BOARD
1ST TUESDAY OF THE MONTH AT 5:30 PM

OTHER - PLEASE INDICATE

I have been a resident of the city for 5 years. I have been a resident of the area for 6 years.

I am presently employed at Homer Shores, O'Fish'ial Charters
(owner)

Please list any special training, education or background you may have which is related to your choice of advisory body.

Land Development Coordinator including CA Coastal Commission 2005-2012
AK Charter Owner w/ Boardwalk on the Spit 2014-2019 ongoing
Real Estate Broker 2009-2019 ongoing, BA Degree Pepperdine Univ 2001

Have you ever served on a similar advisory body? If so please list when, where and how long:

HERC task Force 2018-2019, Chair, Chamber Programming Chair 2018-2019
Collegiate Advisory Board Chair 2009-2012

Why are you interested in serving on the selected advisory body?

Coastal Erosion, Deep Water Dock, Harbor Use/Fees and General
Income Produced on the Spit makes it Homer's most valuable & lucrative
asset. I would like to support growth of commerce and services.

Please list any current memberships or organizations you belong to related to your selection(s):

Civic: Girl Scouts Leader, Boy Scouts Leader, Fireweed Academy Board
Member, Chamber of Commerce Board Member; Economic

Please answer the following only if you are applying for the Advisory Planning Commission:

Have you ever developed real property other than a personal residence, if so briefly explain:

We have completely re-habbed the Thompson Boardwalk here in addition to
numerous coastal projects in CA as Real Estate Developers. Great Asset to respons

Please answer if your are applying for the Port & Harbor Advisory Commission: ibk Harbor growth.

Do you use the Homer Port and/or Harbor on a regular basis?

Yes No What is your primary use? Commercial Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

I was appointed as the Herc committee Chair by the other members
of the HERC TF. This was an honor? in this and my work thus far
with Bryan Hawkins in relation to the Spit, working toward grants for
erosion control & brainstorming sessions on the tax base presence
here to garner Borough, state & Federal Support of healthy Harbor

When you have completed the application please review and return to the City Clerk's Office. You may also email this to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



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

Received
City Clerk's Office of the City Clerk
491 East Pioneer Avenue
Homer, Alaska 99603
Phone: (907) 235-3130
Fax: (907) 235-3143
clerk@cityofhomer-ak.gov
JAN - 8 2020
City of Homer

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

APPLICANT INFORMATION

Full Name: Margaret Catherine Ulmer

Physical Address Where you Claim Residency: 1530 Candlelight Ct.

Mailing Address: P.O. Box 1950 City: Homer State: AK Zip: 99603

Phone: 907-235-8934 Email: Cualaska907@gmail.com

Cell#: 299-1186 Work #: _____

ADVISORY BODY YOU ARE REQUESTING REAPPOINTMENT TO:

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

CITY OF HOMER PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

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

PLEASE PROVIDE THE FOLLOWING

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

Has your residency changed since your last appointment? Yes No

PLEASE PROVIDE THE FOLLOWING

How long have you served on the advisory body?

Since Jack Cushing was Mayor.

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

Thank you for your consideration. I've very much enjoyed the evolution of the Port and Harbor. My first memory of the dock was well before Statchood when everything was on the other side of the Spit. Most vividly, I recall the ascent of Creosote and Sherring...

How we will resolve our parking issue holds my interest as does the ever evolving subject of overslope development. Witnessing the growth of the marine trade is perhaps the most satisfying aspect of what I see happening in Homer. So delightful to see our young returning home with their families. Just Beautiful!

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

Homer Marine Trades



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

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

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

APPLICANT INFORMATION

Full Name: Michael Jay Stochbuzer
 Physical Address Where you Claim Residency: 737 Fireweed Ave. Homer, Ak 99603
 Mailing Address: 737 Fireweed Ave City: Homer State: AK Zip: 99603
 Phone: (907) 299-1020 Email: mjshby@hotmail.com
 Cell#: Same Work #: _____

ADVISORY BODY YOU ARE REQUESTING REAPPOINTMENT TO:

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

CITY OF HOMER PUBLIC OFFICIAL CONFLICT OF INTEREST DISCLOSURE STATEMENT

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

PLEASE PROVIDE THE FOLLOWING

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

PLEASE PROVIDE THE FOLLOWING

How long have you served on the advisory body?

7+ years

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

The Homer Harbor has been a very important part of my life since moving to the area in 1995. My family has enjoyed boating, walking the docks and enjoying life on the Spit. We also ran a marine related business, Homer Boat Yard, from 2001 thru 2016, repairing, hauling and storing boats, thanks to the existence of the Homer Harbor. Although semi-retired from the marine industry, I still moor a boat in the harbor and work on a number of others.

I have volunteered for over seven years on the Port and Harbor Commission trying to help keep our harbor one of the best in the State of Alaska. Over the years my fellow commissioners and I have helped work out the details of a number of projects; an extensive make over of most of the docks and infrastructure, a new launch ramp, a long term rate structure on moorage and other dock use, and several strategies to help organize the parking facilities and related issues.

Just as is true with boats, the work is never done! There are a number of tasks to be tackled, over slope development, large vessel haul out opportunities and of course, parking, parking, parking!

Please consider my application for reappointment to the Port & Harbor Commission.

Neil Stoten

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

Homer Marine Trades Association



CITY OF HOMER
APPLICATION TO SERVE ON ADVISORY BODY
COMMISSION, BOARD, COMMITTEE, TASK FORCE

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Roger D. Clyne Date: 1/9/20
Physical Address: 930 Quiet Cr. Dr., Homer 99603-8209
Mailing Address: Same
Phone #: 235-6264 Cell #: 299-4747 Work #: _____
Email Address: homerclayne@gmail.com

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.
You may select more than one.

<input type="checkbox"/> ADVISORY PLANNING COMMISSION 1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM	<input type="checkbox"/> ECONOMIC DEVELOPMENT ADVISORY COMMISSION 2ND TUESDAY OF THE MONTH AT 6:00 PM
<input type="checkbox"/> PARKS ART RECREATION & CULTURE ADVISORY COMMISSION 3RD THURSDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JULY & DECEMBER	<input type="checkbox"/> CITY COUNCIL 2ND & 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM COMMITTEE OF THE WHOLE AT 5:00 PM REGULAR MEETING AT 6:00 PM
<input type="checkbox"/> PORT & HARBOR ADVISORY COMMISSION 4th WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 PM MAY - SEPT AT 6:00 PM	<input type="checkbox"/> LIBRARY ADVISORY BOARD 1ST TUESDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JUNE AND JULY
<input type="checkbox"/>	<input checked="" type="checkbox"/> OTHER - PLEASE INDICATE <u>ADA Advisory Board</u>
<input type="checkbox"/>	

I have been a resident of the city for 2 years. I have been a resident of the area for 19 years.

I am presently employed at Retired

Please list any special training, education or background you may have which is related to your choice of advisory body.

M.S. in Counseling, Ph.D. in Neuropsychology,
Years of work w/ assessment & programming
of students in ed'l. settings, plus assessment &
rehab of brain impaired individuals.

Have you ever served on a similar advisory body? If so please list when, where and how long:

I'm not sure but have served on several
state school psychology & ed'l. boards.

Why are you interested in serving on the selected advisory body?

Due to my professional background, I feel that I
could contribute to making Homer more handicap^{access-}ible

Please list any current memberships or organizations you belong to related to your selection(s):

Various prof. organizations prior to retirement
but none at the present time.

Please answer the following only if you are applying for the Advisory Planning Commission:

Have you ever developed real property other than a personal residence, if so briefly explain:

Please answer if your are applying for the Port & Harbor Advisory Commission:

Do you use the Homer Port and/or Harbor on a regular basis?

Yes No What is your primary use? Commercial Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

Like many other local citizens, I feel that
Homer needs improved accessibility &
accommodations for the handicapped.
While teaching @ UAA, I developed & taught the course
entitled: Counseling the Handicapped & their families

When you have completed the application please review and return to the City Clerk's Office. You may also email this to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



CITY OF HOMER
APPLICATION TO SERVE ON ADVISORY BODY
COMMISSION, BOARD, COMMITTEE, TASK FORCE

CITY CLERK'S OFFICE
CITY OF HOMER
491 E. PIONEER AVE
HOMER, AK 99603
PH. 907-235-3130
FAX 907-235-3143
clerk@cityofhomer-ak.gov

The information below provides some basic background for the Mayor and Council
This information is public and will be included in the Council Information packet

Name: Jeff A. Erickson Date: 1-21-2020

Physical Address: 4453 East Hill Rd, Homer, AK 99603

Mailing Address: P.O. Box 3695 Homer, AK 99603

Phone #: 907-399-1495 Cell #: same Work #: 907-235-1393

Email Address: jeffhro@alaska.net

The above information will be published in the City Directory and within the city web pages if you are appointed by the Mayor and your appointment is confirmed by the City Council

Please indicate the advisory body that you are interested in serving on by marking with an X.
You may select more than one.

<input type="checkbox"/> ADVISORY PLANNING COMMISSION 1ST & 3RD WEDNESDAY OF THE MONTH AT 6:30 PM WORKSESSION PRIOR TO EACH MEETING AT 5:30 PM	<input type="checkbox"/> ECONOMIC DEVELOPMENT ADVISORY COMMISSION 2ND TUESDAY OF THE MONTH AT 6:00 PM
<input type="checkbox"/> PARKS ART RECREATION & CULTURE ADVISORY COMMISSION 3RD THURSDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JULY & DECEMBER	<input type="checkbox"/> CITY COUNCIL 2ND & 4TH MONDAY OF THE MONTH SPECIAL MEETINGS & WORKSESSIONS AT 4:00 PM COMMITTEE OF THE WHOLE AT 5:00 PM REGULAR MEETING AT 6:00 PM
<input checked="" type="checkbox"/> PORT & HARBOR ADVISORY COMMISSION 4th WEDNESDAY OF THE MONTH OCT-APRIL AT 5:00 PM MAY - SEPT AT 6:00 PM	<input type="checkbox"/> LIBRARY ADVISORY BOARD 1ST TUESDAY OF THE MONTH AT 5:30 PM NO MEETINGS IN JANUARY, JUNE AND JULY
<input type="checkbox"/>	<input type="checkbox"/> OTHER - PLEASE INDICATE _____
<input type="checkbox"/>	

I have been a resident of the city for 37 years. I have been a resident of the area for 37 years.

I am presently employed at Home Run Oil Co., Inc.

Please list any special training, education or background you may have which is related to your choice of advisory body.

I worked on the Homer Spit for 14 years. 6+ years for Terminal oil and 6+ years for Petro Marine Services. I assisted Brant Edens in constructing the fuel dock on the north side of the harbor

Have you ever served on a similar advisory body? If so please list when, where and how long:

NO

Why are you interested in serving on the selected advisory body?

I see some encouraging opportunities for the port of Homer in the future and I would like to contribute to that development.

Please list any current memberships or organizations you belong to related to your selection(s):

Please answer the following only if you are applying for the Advisory Planning Commission:
Have you ever developed real property other than a personal residence, if so briefly explain:

Please answer if you are applying for the Port & Harbor Advisory Commission:
Do you use the Homer Port and/or Harbor on a regular basis?

Yes No What is your primary use? Commercial Recreational

Please include any additional information that may assist the Mayor in his/her decision making:

When you have completed the application please review and return to the City Clerk's Office. You may also email this to clerk@cityofhomer-ak.gov or fax to 907-235-3143. Thank you for applying!



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 20-014

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK
DATE: JANUARY 22, 2020
SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR COSMIC KITCHEN

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

License Type: Restaurant/Eating Place
License #: 4359
DBA Name: Cosmic Kitchen
Service Location: 510 E Pioneer Avenue, Homer, AK 99603
Licensee: Cosmic Kitchen, Inc.
Contact Person: Michelle E. Wilson

RECOMMENDATION

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

Fiscal Note: Revenues



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

What is this form?

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

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

Section 1 – Establishment and Contact Information

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

Licensee:	Cosmic Kitchen, Inc.	License #:	4359
License Type:	Restaurant/Eating Place		
Doing Business As:	Cosmic Kitchen		
Premises Address:	510 E Pioneer Avenue		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

Mailing Address:	same				
City:		State:		ZIP:	

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:	Michelle E Wilson	Contact Phone:	907.235.6355
Contact Email:	cosmickitchenhomer@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-17a: 2020/2021 Restaurant Renewal License Application

Section 2 – Entity or Community Ownership Information

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

Alaska CBPL Entity #:	97766
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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.

meel

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:	President, Director, Shareholder			
Title(s):	Sean J. Hogan	Phone:	907-235-6355	% Owned: 50
Mailing Address:	510 E. Pioneer Ave			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Michelle E. Wilson			
Title(s):	Vice President, Sec, Treas, Director, Shareholder	Phone:	907-235-6355	% Owned: 50
Mailing Address:	510 E. Pioneer Ave.			
City:	Homer	State:	AK	ZIP: 99603

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



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

Section 3 – Sole Proprietor Ownership Information

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

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

This individual is an: applicant affiliate

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

This individual is an: applicant affiliate

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

Section 4 – Alcohol Server Education

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

Initials

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

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Section 5 – License Operation

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

2018 2019

The license was regularly operated continuously throughout each year.

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

The license was only operated to meet the minimum requirement of 240 total hours each calendar year.

If this box is checked, a complete copy of Form AB-30: Proof of Minimum Operation Checklist, and all necessary documentation must be provided with this application.

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

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



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

Section 6 – Violations and Convictions

Applicant violations and convictions in calendar years 2018 and 2019:

Yes No

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

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.

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

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

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

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

Michelle E Wilson
Signature of licensee

MICHELLE E WILSON
Printed name of licensee



DIANE M PERSTEN
Commission # GG 159200
Expires February 8, 2022
Notary Public in and for the State of Florida

[Signature]
Signature of Notary Public

Notary Public in and for the State of Florida

My commission expires: Feb. 08, 2022

Subscribed and sworn to before me this 26 day of December, 2019.

Seasonal License? Yes No

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

License Fee:	\$ 600.00	Application Fee:	\$ 300.00	TOTAL:	\$ 900.00
Miscellaneous Fees:					
GRAND TOTAL (if different than TOTAL):					

DEC 30 2019



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

(f) 907-235-3151

Memorandum

TO: RENEK KRAUSE, MMC, DEPUTY CITY CLERK

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

FROM: MARK ROBL, POLICE CHIEF

DATE: JANUARY 22, 2020

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR COSMIC KITCHEN

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

License Type: Restaurant/Eating Place
License #: 4359
DBA Name: Cosmic Kitchen
Service Location: 510 E Pioneer Avenue, Homer, AK 99603
Licensee: Cosmic Kitchen, Inc.
Contact Person: Michelle E. Wilson



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum 20-015

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 22, 2020
SUBJECT: Follow up to January 11th, 2020 Planning Retreat

Thank you for your engagement and participation in the Council Planning Retreat. Significant headway was made in identifying Council priorities for 2020 through the selection of projects proposed by individual members. The Council worked to determine the scale of each project (large, medium, medium-policy focused, and small), prioritize them in order of importance, and identify champions to be involved in specific projects until completion. I have attached the retreat summary from Facilitator Amundson that outlines the work that was accomplished, including a chart outlining the Council's priorities for 2020.

Much work was done on January 11th, however there remain some topics that the group was not able to get to. The questions are listed below with suggestions from Administration on follow up.

-How is the Council going to track projects?

By Administration continuously updating the Active Projects chart and presenting the information within the Manager's Report during the first Council meeting of the month.

-How will new projects/initiatives be added?

Council will review the Active Projects chart while considering the staff time and resources associated with the proposed project. Administration will make a recommendation as to if current efforts need to be rerouted in order to meet the demands of the new project or if the new project would be possible to incorporate and accomplish within the given year.

-What threshold needs to be reached to initiate Council review and approval of proposals to move forward because of the high amount of City resources required to develop the proposal?

This is a difficult question to answer. I ask that as Councilmembers approach me with projects, they consider the size and scope of their project, and engage in that dialogue as ideas develop. The Council Initiated Proposal Template that Susie asked each one of you to fill out for the retreat is a great starting place to think through the aspects of a proposal that will facilitate that conversation.

-How will Council ensure everyone is represented through the priorities identified by the body?

Encourage members who were not able to have their priorities represented in the 2020 goals to work with Administration on adding new proposals to the Active Project Chart and/or becoming champions for identified 2020 Council Goals.

I want to congratulate Council on the work you did to establish your goals for 2020. This provides a great starting place for the identified champions to work with each other and with Administration on advancing those priorities. Please know, I still need active direction from Council and participation on next steps, including proposed legislation, to advance the identified goals.

I look forward to working with you in 2020 on moving these important projects forward. It is my hope you will be able to look back on 2020 and see the significant accomplishments you have made on behalf of your community by working strategically together.

Recommendation: Formally adopt Council-Initiated 2020 Priorities.

Enc:

Council Initiated Proposal Template

Active Project Chart updated 1/22/2020

Mayor and City Council Planning Retreat Summary and 2020 Goals prepared by Susie Amundson

Council proposals organized by Council-Initiated 2020 Priorities

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

Title of Proposed Project (descriptive title)	
Date + Champion (date and who is submitting)	
Type of Project (e.g., capital, policy, physical, plan/study)	
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	
Needs Statement (why does the community need this?)	
Proposed Outcomes (tangible, concrete, specific end results)	
Activities Scope (which steps are needed to complete project?)	
City Resources (preliminary estimate of resources needed)	
Size Category (estimate) (large, medium, small)	

Council Initiated/Involved Projects

Project	Primary Impacted Departments/Divisions	Status	Category	% Complete	Next Steps	Sponsor/Champion
Green Infrastructure Study	Administration, Public Works	Draft complete. Out for comment. June 2020 final due. Pilot project incorporated into Police Station	Medium	90	Analyze for implementation	Lord
Energy Conservation at City Buildings (lighting)	Public Works	Most facilities' lighting has been converted	Medium	80		Stroozas
Ice Plant Feasibility Study	Port and Harbor	Reviewing draft	Small	75	Analyze for implementation	Stroozas
New Police Station	HPD, Public Works, IT	Estimated completion date: June 1, 2020	Large	40		Mayor/Council
Fund Balance Policy, City-wide	Administration, Finance	Needs Council direction	Medium	25		Mayor
Traffic Calming Policy	Administration, HPD, Public Works	Research collated	Medium	20	Draft policy for dept review	Lord
HERC Demolition Cost est.	Public Works	Proposals went out 12.19 for hazmat survey	Medium	10	Funding demo	Mayor/Council
Large Vessel Harbor General Investigation Study	Administration, Port and Harbor (and ADOT, Army Corps)	Soliciting proposal for program lead; Council will consider ordinance for City match on 1-27-20	Large	5	Procure professional oversight; get DOT onboard as partner	Lord/Smith
Spit ADA Parking Improvements	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0		Aderhold
Spit Parking Study	Port and Harbor, Public Works	Funded in 2020 budget	Medium	0		Lord
Re-opening HAWSP	Administration, Finance	Council will consider resolution on 1-27-20	Medium	0	Schedule worksession; refer to Planning Comm.	Smith/Mayor
Wayfinding Plan/Committee	Administration	Drafting RFP: will issue in Feb.	Medium	5	Advertise RFP.	Venuti/Smith
Medical Zoning District	Planning	Planning Commission is refining boundaries; Council issued moratorium on new CUPs	Medium	35	Neighborhood meeting planned in early March. SPH will present at next meeting on expansion plans.	Smith
Right of Way Clearing Policy	Administration, Public Works	Working group met twice	Medium	20	Request legal opinion on covenants draft language that could be included in policy document	Lord/Aderhold
Spit Parking Expansion	Public Works, Port and Harbor	CUP denied - P&H Commission considering Reso 20-008(S) to designate as green space	Medium	On hold	Consider for removal if resolution passes	Evensen

Updated 1/22/2020

Please note:

*It is of great benefit for Admin Initiated projects to have the sponsorship of a Councilmember(s).

*Future chart will have 'Date Initiated' column

*The proposed categories (small, medium, and large) are intended to gauge workload for city staff and the attorney to develop or implement and do not reflect level of priority.

*Color-coding indicates how close to completion a capital project is; Red (0-24%), Yellow (25-75-100%)

CITY OF HOMER
MAYOR AND CITY COUNCIL PLANNING RETREAT

Saturday, January 11, 2020: 8:30 am to 12:30 pm
Kenai Peninsula College – Kachemak Bay Campus #209

Facilitator: Susie Amundson

Objectives of Retreat

- To determine the City Council’s priorities and workflow for 2020 in order to ensure City resources are used efficiently to provide high-quality services to Homer citizens
- Establish a protocol for introducing council-initiated projects
- Set up a communication method/tool between Administration and Council for reporting on City Council prioritized projects.

City of Homer Champions

- Ken Castner, Mayor
- Donna Aderhold, Council
- Joey Evensen, Council
- Rachel Lord, Council
- Heath Smith, Council
- Caroline Venuti, Council
- Katie Koester, City Manager
- Storm Hansen-Cavasos, Council (not present)

Agenda of the Retreat

The agenda allowed for participants to enjoy opening warm-ups, discuss the science of teams, take stock of current active projects, scope each other’s council-initiated proposals, and determine the 2020 (and beyond) council-initiated priorities. A group discussion also focused on how to introduce emerging council-initiated proposals throughout the year and when to ask the council for review and approval of a proposal requiring city resources beyond a small project.

Council-Initiated Projects and Priorities for 2020

Each participant presented three proposals to the group, fielded questions, and discussed the feasibility of the proposed project and the level of effort needed from the City for it. From the whole of the proposals, participants were able to recognize synergy and partnerships regarding projects, discuss the interrelatedness of projects (e.g., Climate Action Plan related to the Storm Water Management Plan and Implementation), and declare themselves as champions for specific projects. Page 2 contains a table that outlines the projects into the categories of large, medium, small, and policy and will serve as the priorities this year. A number of projects will just address one phase or part of a phase in 2020.

No clear decisions were made regarding the process for introducing council-initiated proposals that emerge throughout the year nor the threshold to be reached when Council needs to review and approve proposals to move forward because of the high amount of city resources required to develop a proposal. I encourage you to judiciously weigh other proposed projects with your prioritized ones throughout the year and to keep in mind this quote by Michael Porter “The essence of strategy is choosing what not to do.”

I appreciate you including me in your work to determine your priorities for 2020. Please let me know if I can help with anything moving forward. Also, thank you for your dedicated, enthusiastic, and unflagging efforts to provide a vibrant, safe, and appealing Homer community for our citizens and visitors.

Susie Amundson, PhD, OTR, FAOTA
susie.wisatwork@gmail.com | 509-998-1009

Council-Initiated 2020 Priorities

Large	<p>HERC Demolition/ Community Recreation Center (Champions: Aderhold, Lord, Venuti)</p>		<p>Storm Water Management Plan and Implementation (Champions: Castner, Lord, Aderhold)</p> <p>[sidewalk/road improvements; water and sewer; green space; wayfinding; climate action plan]</p>			
Medium	<p>Climate Action Plan (Champions: Aderhold, Evensen)</p> <p>[1%]</p>	<p>Wayfinding/Streetscape Champions: Venuti, Evensen</p> <p>[new banners, beautification effort to Spit]</p>		<p>Public Conversation re: Community Incorporation (Champions: Evensen, Venuti)</p>		
Policy Focus*	<p>Water and Sewer Policy (Champions: Lord, Aderhold)</p>	<p>Reserve Funding (water and sewer) (Champions: Castner, Lord)</p>	<p>Election Code (Champions: Smith, Aderhold)</p>	<p>City Council Operating Manual (Champion: Aderhold)</p>	<p>Procurement (construction) Policy (Champion: Castner)</p>	
Small	<p>Funding for Large Vessel Harbor Study (Champions: Lord, Smith)</p>					

*Note: Council prioritized in order from left to right.

City of Homer Council-Initiated 2020 Priorities

HERC Demolition/Community Recreation Center

Champions: Aderhold, Lord, Venuti

Council-Initiated Proposals Submitted at Retreat:

- New City Recreation Center (Venuti)
- Concurrent Multi-Use Community Center and HERC Planning (Lord)
- Map out a time line for all things HERC—Rec Center (Smith)
- HERC next steps and Multi-use Community Center study (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

Title of Proposed Project (descriptive title)	New City Recreation Center
Date + Champion (date and who is submitting)	Councilmember Venuti 2020
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Capital
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	To provide a safe, accessible building that will provide a space for indoor recreation activities for the citizens of Homer and house offices of Homer community Recreation.
Needs Statement (why does the community need this?)	Currently recreational services are spread out in many indoor facilities creating many accessibility and logistical issues, citizens are asking for a safe, accessible building to replace the aged HERC buildings.
Proposed Outcomes (tangible, concrete, specific end results)	New ADA compliant recreational building that provides safe, healthy choices of recreation for all ages of Homer residents.
Activities Scope (which steps are needed to complete project?)	The demolition of the existing buildings on the city owned property off Pioneer; bond campaign and voter approval; construction.
City Resources (preliminary estimate of resources needed)	Public works to manage project; administration to work on compliance and legal issues; council to do design approval and building construction campaign.
Size Category (estimate) (large, medium, small)	large

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Concurrent Multi-Use Community Center and HERC Planning
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Ultimately one or two capital projects (2021-22), with plan and design in 2020
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Provide for a multi-use community center, utilizing the HERC site
Needs Statement (why does the community need this?)	The community has identified gym space as a top priority for filling a substantial recreation gap in Homer. The City currently holds the HERC building in warm-status, providing limited opportunities with quickly deteriorating conditions. The HERC Task Force (2019) clearly stated that the building either required demolition or large and expensive upgrades. To best serve the community, this project emphasizes moving forward on both the planning (including timelines for construction) of a multi-use community center and the ultimate fate for the HERC building, utilizing the HERC property as the location.
Proposed Outcomes (tangible, concrete, specific end results)	A functional building that provides an indoor gym space that can be used for basketball, pickleball, volleyball, and other compatible activities and provides some additional community meeting space. Potentially modest offices to lease? Opportunities to partner with private recreation organizations/ Offices and space for City Parks & Rec, including maintenance.

<p>Activities Scope (which steps are needed to complete project?)</p>	<p>Cost estimates (in-progress for HERC demolition), community-wide planning effort for a new facility with Council-established cost cap (i.e. no more than \$X) to constrain to reality, generating ideas for funding, long-term look at the full 4+ acres at that site for the most strategic opportunities for the community and City building needs.</p>
<p>City Resources (preliminary estimate of resources needed)</p>	<p>\$\$\$</p>
<p>Size Category (estimate) (large, medium, small)</p>	<p>Large</p>

Map out a time line for all things HERC—Rec Center

- Demolition
- Funding (are there any grants for asbestos remediation?)
- Consider full scope of all recreation opportunities currently available to the community.
- How much is enough? (library)
- Needs to be an integration of not a replacement to.
- Any new facility must be affordable and sustainable.
- If the HERC site is in fact the future location of such a facility planning will need to also commence on providing the public works maintenance crew with a suitable space to carry on with their duties.
- Recreational outlets are a core contributor to life balance and enjoyment. While the city plays a critical role in facilitating reasonable levels of access it must also be measured in its manifestation. Our current funding structure is limiting.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	HERC next steps and Multi-use Community Center study
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	HERC: plan and capital (demolition); Community Center: reconnaissance / preliminary feasibility study
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Ultimate goal is demolition of the HERC and construction of a permanent multi-use community center that replaces the HERC and meets Homer’s needs based on the 2015 PARC Needs Assessment; the 2020 conceptual goal is to make firm demolition plans for the HERC and conduct the first phase of the community center as presented in the CIP.
Needs Statement (why does the community need this?)	HERC demolition and community center development and construction are on parallel paths because loss of the HERC would result in loss of important recreational opportunities in Homer if a replacement facility is not in the works at the same time. During 2019, after much deliberation and consideration, council determined that, as much as we’d like to preserve the old middle school and modify it for community use, the costs of doing so are too great and we need to plan the building’s demolition. Because the HERC provides important recreational activities (e.g., pickleball, Zumba, Native Youth Olympics training, and skateboarding), council needs to plan a new center that provides space for these activities and other community space opportunities as outlined in the 2015 PARC Needs Assessment. Council adopted the community center as one of its legislative priorities during the CIP process in 2019 and council consistently hears from constituents about the need for a community center.
Proposed Outcomes	The ultimate goal is construction of a multi-use community center that meets the needs of Homer and the surrounding

(tangible, concrete, specific end results)	area as we demolish the HERC. The proposed outcomes for 2020 include finalizing plans (and initiating?) demolition of the HERC and a feasibility study that outlines the size and type of a new facility, functional spaces based on community need, conceptual floor and site plans, estimated total construction cost and ongoing operational costs, and possible funding mechanisms.
Activities Scope (which steps are needed to complete project?)	2020 scope would include the following: (1) review outcome of HERC demolition study and make final plans for demolition, (2) develop scope of work and budget for community center reconnaissance/feasibility study, (3) issue RFP and award contract for study, and (4) receive and review study, determine next steps and timeline (#4 may not occur in 2020 depending on when contract awarded and schedule for study). Following the 2020 scope, council will need to fund HERC demolition, decide on community center construction budget, funding mechanisms, and issue contract(s) for design and construction.
City Resources (preliminary estimate of resources needed)	Multiple city departments will be involved in the project: city manager and special projects coordinator, city attorney, planning, recreation, and public works.
Size Category (estimate) (large, medium, small)	Large

City of Homer Council-Initiated 2020 Priorities

Storm Water Management Plan and Implementation

Champions: Castner, Lord, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Storm Water Master Plan with Pipe Replacing the Open Ditches (Castner)
- Storm Water Management Plan, Phase II (Lord)
- Including Sidewalk Requirements in Homer City Code (Lord)
- Build sidewalk for Main Street (Lord)
- Amending the Comprehensive Plan and Code to include Habitat Reserve and Green Space Dedication/Allocation as Emerging Development Need (Evensen)

Mayor Castner

In 2020 I would like to see a storm water master plan with pipe replacing the open ditches.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Stormwater Management Plan, Phase II
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	To develop a comprehensive stormwater management plan for the City that provides adequate and safe drainage of stormwater to protect city infrastructure and water quality, as outlined as a top priority in the City's CIP, and building off of the nearly complete stormwater assessment project funded in part by ADEC.
Needs Statement (why does the community need this?)	A tremendous amount of water flows (and seeps) through the City of Homer. Large precipitation events, especially during the winter months, have resulted in flooding and damage to City and private infrastructure. Managing stormwater flows is critical to protecting assets and maintaining water quality. The opportunity to improve sidewalks and walkability is also tied to improved stormwater management along City streets.
Proposed Outcomes (tangible, concrete, specific end results)	A comprehensive stormwater management plan with realistic milestone dates and budget for implementation, as well as prioritized stormwater management areas taking into account large wintertime precipitation events.
Activities Scope (which steps are needed to complete project?)	Unsure? Develop scope of work from the information within the new stormwater report and additional work required as outlined in the CIP and put out to bid, with Council funding?
City Resources (preliminary estimate of	Public works, \$\$\$\$

resources needed)	
Size Category (estimate) (large, medium, small)	Large

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Including sidewalk requirements in HCC
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	The goal of this project is to amend City Code to require sidewalks on new roads built within the City.
Needs Statement (why does the community need this?)	Especially within more urban areas of Homer, walkability and public safety are high priorities for the community. By requiring sidewalks on new roads built within the City, possibly within only certain zoning districts, the City will ensure that we are pro-actively emphasizing a safe, walkable community.
Proposed Outcomes (tangible, concrete, specific end results)	Ordinance with amended City Code requiring sidewalks
Activities Scope (which steps are needed to complete project?)	Memo to planning commission with direction from Council, recommendations back to Council, public hearing & vote
City Resources (preliminary estimate of resources needed)	Planning Department time

Size Category (estimate) (large, medium, small)	Medium
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COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Build sidewalk for Main Street
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, Capital
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Using HART funds, this project will provide ADA-compliant sidewalks, curb and gutter on Main Street from Pioneer Ave to Bayview Park.
Needs Statement (why does the community need this?)	As a top priority in the City's CIP for many years, this project will ensure increased pedestrian safety, accessibility, and enhance the quality of life for residents and visitors alike.
Proposed Outcomes (tangible, concrete, specific end results)	Sidewalks!
Activities Scope (which steps are needed to complete project?)	Phase I: develop the designs and cost estimates Phase II: build
City Resources (preliminary estimate of resources needed)	Public Works time, HART funds. Estimated cost from CIP is \$943,055
Size Category (estimate) (large, medium, small)	Medium?

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Survey / Idea Generation re. Amending the Comprehensive Plan (and Code) to include Habitat Reserve and Green Space Dedication / Allocation as Emerging Development Need
Date + Champion	February 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Leverage economic development plan for Homer with practical concepts for competitive economic growth using green space reserve concepts, which are currently missing within Homer and critically in areas immediately surrounding Homer.
Needs Statement (why does the community need this?)	Residents and visitors cite lack of green space and wildlife habitat (e.g., the 'over-developed Homer Spit') as negative qualities of our Hamlet, which ironically is positioned in an otherwise pristine setting worldwide. Lack of coherence between picturesque wildlife habitats and our Cityscape (which lacks significant green space, habitat reserve) negatively affects growth and seasonal economics of Homer.
Proposed Outcomes (tangible, concrete, specific end results)	I. Definitions and strategy surrounding Reserve space within City. II. Proportional quantity of Green Space as City Development Goal (Comp. Plan).
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
Size Category (estimate)	Small (idea generation/strategy stage)

Medium-1st priority

City of Homer Council-Initiated 2020 Priorities

Climate Action Plan

Champions: Aderhold, Evensen

Council-Initiated Proposals Submitted at Retreat:

- Climate Action Plan Next Steps (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Climate Action Plan Next Steps
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, program, plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Reinitiate work on Homer’s Climate Action Plan to compare the city’s current carbon footprint with that calculated 10 years ago, evaluate actual carbon footprint with goals set in the plan, determine best methods to further reduce the city’s carbon footprint based on the plan; and work with the Kachemak Bay National Estuarine Reserve (KBNERR) on climate mitigation, adaptation, and resilience strategies for Homer.
Needs Statement (why does the community need this?)	Twelve years ago Homer was the first city in Alaska to adopt a Climate Action Plan. Following adoption of the plan, a consultant calculated Homer’s carbon footprint and outlined additional specific measures Homer could take to reduce its carbon footprint. Homer has adopted numerous actions outlined in the plan and follow-up documents and continued to collect data on energy use at all facilities and by vehicle fuel consumption. Now is a good time to assess where we are and determine next steps to further reduce our carbon footprint. In addition, KBNERR has conducted workshops on climate adaption and resilience (city staff attended the workshops) and there are actions the city may benefit from based on the outcomes of the workshops. The green infrastructure study currently in development is an example of a resilience strategy that was discussed during the workshops.

	In addition, communities around Alaska are in various stages of climate action plan development and adoption, including the Municipality of Anchorage. The University of Alaska Anchorage is seeking a grant to help Alaska municipalities with climate actions and Homer has the opportunity to participate in the grant (Donna participated in a climate action discussion with Anchorage, UAA, The Alaska Center, and others following the fall Alaska Municipal League meeting during which the grant opportunity was discussed).
Proposed Outcomes (tangible, concrete, specific end results)	<ul style="list-style-type: none"> -Calculation of Homer’s current carbon footprint and comparison to the previous calculation. -Consolidation of all climate action documents in one prominent place on the city’s website (currently documents are scattered and some are not available, such as appendices to the plan). -Evaluation of what we’ve accomplished and additional steps the city can take to reduce its carbon footprint. -Adoption of green infrastructure recommendations from the current study. -Determination of additional mitigation, adaptation, and resilience steps the city could adopt.
Activities Scope (which steps are needed to complete project?)	<ol style="list-style-type: none"> (1) Consolidate energy use data and calculation of all data. (2) Compare energy use over time—before climate action plan, as climate action measures completed and new buildings (e.g., harbormaster’s office) constructed, current. (3) Participate with UAA and other communities in climate action grant. (4) Update and make publicly available climate action measures the city has completed/implemented. (5) Council discuss and decide on next carbon footprint reduction steps to take. (6) Contract with KBNERR to develop report on climate mitigation, adaptation, and resilience workshops and measures. (7) Adopt green infrastructure recommendations based on report under development.
City Resources (preliminary estimate of resources needed)	City manager and special projects coordinator, planning department and commission, public works department
Size Category (estimate) (large, medium, small)	Medium

City of Homer Council-Initiated 2020 Priorities

Wayfinding/Streetscape

Champions: Venuti, Evensen

Council-Initiated Proposals Submitted at Retreat:

- Redistricting/Rezoning of “Town Centers” Visitor Corridor (Evensen)
- New Pioneer Avenue Banners (Venuti)
- Wayfinding Streetscape Planning for City of Homer (Venuti)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project	Redistricting/Rezoning of “Town Centers” Visitor Corridor
Date + Champion	February 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy & Program, with preliminary discussion for concepts and easiest (most pragmatic) way forward. Interaction with State (DOT) regarding roadways.
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Strategic development goal to unify high-traffic visitor streets into singular District for inclusive grouping economically, which in turn provides path forward for effective beautification (incl. property clean-up) and increased economic prosperity, and ease of implementation for funded Streetscape & Way-Finding Project.
Needs Statement (why does the community need this?)	Residents and visitors cite ugly, seemingly un-zoned qualities of our City, particularly on the heavily traveled road to and from the Spit. This negative attribute limits the potential of numerous small businesses, and likely holds back the regional growth of property value. Combining the street regions together according to usage/function allows Planning to more effectively set policy, standards (cf. Comprehensive Plan) and when needed eases maintenance/enforcement.
Proposed Outcomes (tangible, concrete, specific end results)	Establishment of functional commercial zone for visitors and high-volumes of street-based traffic.
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments & Chamber
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager
Size Category (estimate)	Medium

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	New Pioneer Avenue Banners
Date + Champion (date and who is submitting)	Councilmember Venuti 2020
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Physical
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	The banners will be visible and noticed by citizens and visitors instantly, they will share the beauty of Homer while adding life and color to the City's Pioneer Avenue.
Needs Statement (why does the community need this?)	Current banners are well worn and need replacement.
Proposed Outcomes (tangible, concrete, specific end results)	We will have banners changed for the seasons of winter and fall to add to the summer banners.
Activities Scope (which steps are needed to complete project?)	Parks and Recreation will oversee the design and inform the city council.
City Resources (preliminary estimate of resources needed)	There was funding put into the 2020-2021 budget for this. \$10,000 (1560385 funding source)
Size Category (estimate) (large, medium, small)	Small

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Wayfinding Streetscape Planning for City of Homer
Date + Champion (date and who is submitting)	Councilmembers Venuti and Smith December 2019
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan/study
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Create a Wayfinding Streetscape (WFSS) Committee that will be the communication link between user groups, city staff and a consultant to provide realistic streetscape amenities that will give Pioneer Ave. a welcoming, safe feel with pedestrian/driver signage to encourage walking and shopping.
Needs Statement (why does the community need this?)	Streetscape planning and Wayfinding will have a high return on investment as it will result in increasing business activity which generates tax revenue.
Proposed Outcomes (tangible, concrete, specific end results)	The downtown Homer businesses will be part of a vibrant, attractive and accessible area that will be a catalyst for economic development.
Activities Scope (which steps are needed to complete project?)	Create a RFP for hiring of a consultant that will work with the WF/SS committee to get public input at meetings and create focus groups.
City Resources (preliminary estimate of resources needed)	Funding from HART fund. Staff support (special projects) and council work sessions.
Size Category (estimate) (large, medium, small)	Medium

City of Homer Council-Initiated 2020 Priorities

Public Conversation regarding Community Incorporation

Champions: Evensen, Venuti

Council-Initiated Proposals Submitted at Retreat:

- Voluntary Expansion of City Limits at Request of Residents (aka Annexation) (Evensen)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Voluntary Expansion of City Limits at Request of Residents (aka Annexation)
Date + Champion	January 2020 – Evensen
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy, Program, with preliminary Plan/Study Phase (Planning) to consider Areas of Diamond Ridge, Fritz Creek, McNeil, 'Far East', etc.
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Unite Homer area residents into singular, more effective City organization with increased benefits for both Residents and City (including permanently fixed property taxes within added zones, expanded services, increased volume of Homer's tax base, better (more controlled) City planning and practicality for implementation of policy, and increased political and fiscal clout at State level.
Needs Statement (why does the community need this?)	Many residents are interested in joining COH simply for voting rights/applicability; others would benefit from public safety services and water/sewer (which is crucial regionally stemming from poor, even toxic, water quality of residential wells).
Proposed Outcomes (tangible, concrete, specific end results)	I. Feasibility & Benefits Exercise/Study: Simple tax base study to answer fundamental questions of economics for various annexation scenarios. II. Strategy for Positive Outcome (resulting in request by residential majority for given area). III. Implementation Plan (large-scale City program).
Activities Scope (which steps are needed to complete project?)	Planning preparations/scoping Feedback & strategy from City Departments
City Resources (preliminary estimate of resources needed)	Planning Dept. preparations, feedback/strategy from various City Departments via City Manager

Size Category (estimate)	Large
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Medium, Policy Focus-1st priority

City of Homer Council-Initiated 2020 Priorities

Water and Sewer Policy

Champions: Lord, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Strategic plan for the water/sewer utility, including smart use of HAWSP (Lord)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Strategic plan for the water/sewer utility, including smart use of HAWSP
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Plan & Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	A strategic examination of our water and sewer system to provide a roadmap for expansion and operations that work to reduce rates and provide excellent service, while establishing guidelines and policies for HAWSP projects that benefit the taxpayers and ratepayers.
Needs Statement (why does the community need this?)	Homer's water and sewer system is expensive. The extensive infrastructure coupled with a relatively low population density results in high rates to cover the cost of operations. In order to benefit all customers to the highest amount possible, Council should prioritize strategically examining the water/sewer system to look at opportunities, costs, and benefits to expansion, incentivizing infill, long-term maintenance costs, and other relevant issues facing the utility.
Proposed Outcomes (tangible, concrete, specific end results)	A policy that re-opens HAWSP, taking into account the overall system; policy suggestions for incentivizing infill; a reserve policy for the utility; a map of the City with goals for expanding services over time in a way that doesn't negatively impact rates.
Activities Scope (which steps are needed to complete project?)	Possible Task Force, or series of Council work sessions to ask questions/discuss. RFP for a consultant? Establish funding sources for planning work. Use policy questions raised in 2016 re: HAWSP to begin Council-level discussions again, ask what would be "ideal" utility rates

	(help with business recruitment, housing costs, etc), how do different scenarios pencil out using our current rate formula (i.e. with different levels of infill, with system expansion, with both infill & expansion, with increased consumption), how are utility reserves utilized, what big projects are on the horizon and how will they possibly be funded, how might climate change & increased summer drought potential possibly impact water storage at the reservoir? Etc.
City Resources (preliminary estimate of resources needed)	Water/Sewer and Finance staff time, \$\$
Size Category (estimate) (large, medium, small)	Large

City of Homer Council-Initiated 2020 Priorities

Reserve Funding (Water and Sewer)

Champions: Castner and Lord

Council-Initiated Proposals Submitted at Retreat:

- Responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures (Castner)
- Fund Policies (Lord)
- Establish a well founded, responsible, attainable, and sustainable reserve (Smith)

Mayor Castner

In 2020 I would like to get resolution on the responsibility of the water and sewer customers in funding an unsubstantiated tariff increase to fund a reserve that has no established guidelines for expenditures.

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

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Title of Proposed Project (descriptive title)	Fund Policies
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Establish policies surrounding fund balance, CARMA, CIP, and reserve accounts vetted by the community and established in code.
Needs Statement (why does the community need this?)	In 2019, the Mayor led Council and staff towards not only a 2-year budget but also a reorganization of City accounts. Additionally, ongoing questions exist regarding the appropriate size and use of different reserve accounts. While some work has happened (primarily with the GF fund balance), there are still many outstanding policy questions for Council to address. Having publically vetted sideboards to the City's financial pots of money is critical for a transparent and responsible government.
Proposed Outcomes (tangible, concrete, specific end results)	Policies surrounding the following accounts, which outline the purpose, any specific restrictions or requirements of that account, and the target floor/ceiling amounts in each: GF CARMA, GF CIP, GF Reserves, Utility Reserve, Port/Harbor Reserve,
Activities Scope (which steps are needed to complete project?)	Summaries of each pot of money, how it's currently used, how much is in it, possible history of its balance brought to Council along with a suite of questions to work through on each? A series of worksessions for Council to plug through, with Port & Harbor Commission input on the Harbor

	accounts, followed by Ordinances (or a single ordinance?) introduced for public hearing(s) before a final vote(s) and codification prior to our FY2022-24 budget cycle.
City Resources (preliminary estimate of resources needed)	Finance, City Managers office, Public Works Director (W/S), Port & Harbor Director
Size Category (estimate) (large, medium, small)	Large

Establish a well founded, responsible, attainable, and sustainable reserve.

- This needs to be resolved.
- The city's residents have an expectation that we maximize the utility of their tax dollars to the benefit of the community at large. Reasonable reserve ceilings/floors must be established as to not create any “dead money” or create conditions unfavorable to providing acceptable service standards.

City of Homer Council-Initiated 2020 Priorities

Election Code

Champions: Smith, Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Clarify our election code (Smith)

Clarify our election code.

- Candidate qualifications.
- Clerks methods of verification.
- Add process for a contest prior to the election.
- Amend process of contesting an election.
- Consider moving seating new council date to Jan. as state and federal officials do.
 - Provides time for runoff (can coincide with state save \$?)
 - Provides time for contest
 - Can still attend AML as council member elect
 - Reduces budget “shock”
 - *Consider moving our budget off the calendar year (effectively passing the next budget June of 2021 vs December).*
 - *This will provide time for new council members to be up to speed when chomping off a two year budget.*
 - *Likely in the best interest of council and community.*

Medium, Policy Focus-4th priority

City of Homer Council-Initiated 2020 Priorities

City Council Operating Manual

Champions: Aderhold

Council-Initiated Proposals Submitted at Retreat:

- Homer City Council Operating Manual Updates (Aderhold)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

Title of Proposed Project (descriptive title)	Homer City Council Operating Manual Updates
Date + Champion (date and who is submitting)	1/6/2020, Donna Aderhold
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Policy
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	Revise the Homer City Council Operating Manual to flow more logically, aid user friendliness, and include useful information (e.g., our “norms”) currently not included.
Needs Statement (why does the community need this?)	Newly elected officials must come up to speed on Homer city code, behaviors that are required of elected officials by law (federal, state, and city code), and the “norms” of how elected officials interact with each other, city staff, city attorney, and commissions and other appointed bodies. Homer’s City Council Operating Manual is the go-to location for elected officials and city staff. Improving its ease of use and completeness would benefit the city overall and newly elected officials in particular because we have the potential for multiple new members in any given year. Our “norms” are unwritten, which potentially makes it difficult for a newly elected official to follow them and easy for elected officials and city staff to forget them.
Proposed Outcomes (tangible, concrete, specific end results)	The proposed outcome is a revised operating manual that includes the following: <ul style="list-style-type: none"> • A table of contents that makes information easy to find • Style and language consistency throughout (city clerks made vast improvements in recent years, and

	<p>there is more that could be done)</p> <ul style="list-style-type: none"> • Plain language that references city code where appropriate but does not necessarily quote city code (this would result in fewer needed updates to the manual when code changes) • Inclusion of new text that discusses information such as interactions between council members, mayor and council members, and mayor/council members and the city manager, staff, the city attorney, and commissions and other appointed bodies • Other information as identified by council, city clerks, and the city attorney
<p>Activities Scope (which steps are needed to complete project?)</p>	<ol style="list-style-type: none"> (1) Meet with clerks and city attorney to discuss operating manual revisions and develop an outline of proposed changes (2) Present proposed changes to council for review and discussion (3) Draft changes (4) Present draft of revised changes to council (5) Further revisions based on council discussion (6) Present final to council for adoption
<p>City Resources (preliminary estimate of resources needed)</p>	City attorney and clerks
<p>Size Category (estimate) (large, medium, small)</p>	Small

City of Homer Council-Initiated 2020 Priorities

Procurement (Construction) Policy

Champions: Castner

Council-Initiated Proposals Submitted at Retreat:

- City to adopt a familiar and established process for managing construction projects (Castner)
- Codifying project account management, and reporting standards to council (Smith)

Mayor Castner

In 2020 I would like the City to adopt a familiar and established process for managing construction projects, including a hard dollar limit of promoting or accepting change orders that exceed the authorized scope of the project without review by the City Council.

Codifying project account management, and reporting standards to council.

- In house administrative measures can change as its occupiers do.
- Codification measures provide mandated timely reporting and consistent oversight.

City of Homer Council-Initiated 2020 Priorities

Funding for Large Vessel Harbor Study

Champions: Lord, Smith

Council-Initiated Proposals Submitted at Retreat:

- Port Expansion Progress (Lord)
- Secure funding for the general investigation study for the large vessel port/harbor(Smith)

COUNCIL-INITIATED PROPOSAL

CITY OF HOMER ALASKA

A proposal is a brief summary of your council-initiated project that can be used to introduce a project to the City Manager, Mayor, and Homer City Council. It serves as a tool for clarifying ideas, scoping the project, and communicating about the benefits of this project with council and administration. Please complete this proposal form by tabbing through the table and submit to the City Manager.

Title of Proposed Project (descriptive title)	Port Expansion Progress
Date + Champion (date and who is submitting)	1/6/2020 Rachel Lord
Type of Project (e.g., capital/physical, policy, program, design/engineering, plan/study)	Design/engineering, plan
Conceptual Goal of Project (one sentence of benefits to City/Homer citizens)	This project serves to highlight Council's role in helping to lead the Port Expansion project, a top priority in our CIP, which will ultimately greatly benefit the marine trades, all vessel fleets, and tourism industries in Homer with expanded port and harbor capacity.
Needs Statement (why does the community need this?)	The new facility will fill the unmet needs of large commercial vessels in Cooke Inlet and beyond, as well as opening up much needed space in the small boat harbor.
Proposed Outcomes (tangible, concrete, specific end results)	A funded general investigation study which will provide all of the pieces necessary to begin construction of the project upon completion.
Activities Scope (which steps are needed to complete project?)	Community meeting(s) to ensure widespread buy-in, Council/staff meetings with State and Federal stakeholders, Council worksession(s) to establish funding sources and steps for project success.
City Resources (preliminary estimate of resources needed)	\$\$\$
Size Category (estimate) (large, medium, small)	Large

Secure funding for the general investigation study for the large vessel port/harbor.

- A timely commitment to our portion will leverage our position as we petition the State to build this into their upcoming budget(s).
- Potential source for this \$750,000 would be a loan fund that is currently showing a balance of over \$900K and has sat unused for years. The remainder could be considered for use for HERC demolition? Finance is still Sherlocking this fund...more to come.
- The contributions of the Port and Harbor to the city's prosperity cannot be understated. It is a major part of our economic engine. The success of this project will have an enormous positive impact on our sales tax revenue and likely create growth in many economic sectors. This should be viewed as way the city can contribute to our ever elusive ways to effectively impact “economic development.”



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 20-019

TO: HOMER CITY COUNCIL
FROM: MAYOR CASTNER
DATE: JANUARY 22, 2020
SUBJECT: APPOINTMENTS TO THE CITY MANAGER HIRING ADVISORY COMMITTEE AND IDENTIFYING THEIR CHARGE

Crisi Matthews, local business owner, Mike Miller, Homer Foundation Executive Director, and Lisa Talbott, Homer United Methodist Church Pastor, are appointed as public members; and Andrea Browning, Personnel Director and Matt Clarke, Deputy Harbormaster, are appointed as staff members to the City Manager Hiring Advisory Committee.

The Committee Charge is as follows:

- All meetings, including any planning meetings you may need to prepare for the interviews, are subject to the notice and meeting requirements of the state's open meetings act.
- Members are encouraged to thoroughly review the written information provided by the candidates to the city.
- Members are encouraged to attend the candidate's interviews with the city Council. There are some questions that are not legally appropriate; members are to follow the advice of Andrea Browning in this regard.
- The delivery method of any recommendations to the council is the Committee's choice.
- Deliberations, again, must be done in public and the Committee is not authorized to meet in private for any reason. Ms. Browning shall be the person to coordinate the activities of the panel with the City Clerk.

Recommendation: Confirm the appointment of Crisi Matthews, Mike Miller, Lisa Talbott, Andrea Browning, Personnel Director, and Matt Clarke, Deputy Harbormaster, to the City Manager Hiring Advisory Committee, and the Committee Charge.

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-06

An Ordinance of the City Council of Homer, Alaska Amending the FY 2020 Capital Budget by Appropriating Funds in the Amount of \$750,000 from the General Fund Fund Balance for the Purpose of Reinitiating and Conducting a U.S. Army Corps of Engineers General Investigation Study for the Homer Large Vessel Port Expansion.

Sponsor: Smith/Lord

1. City Council Regular Meeting January 27, 2020 Introduction
 - a. Memorandum 20-016 from Port Director as backup
 - b. 2019 Homer PAS Final Report Executive Summary
 - c. Letter to B. Huber Re: Large Vessel Harbor and attachments

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

Smith/Lord

3
4 **ORDINANCE 20-06**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE 2020 CAPITAL BUDGET BY APPROPRIATING
8 FUNDS IN THE AMOUNT OF \$750,000 FROM THE GENERAL FUND
9 FUND BALANCE FOR THE PURPOSE OF REINITIATING AND
10 CONDUCTING A U.S. ARMY CORPS OF ENGINEERS GENERAL
11 INVESTIGATION STUDY FOR THE HOMER LARGE VESSEL PORT
12 EXPANSION.

13
14 WHEREAS, The City Council has identified the Homer Large Vessel Port Expansion as its
15 top priority Capital Improvement Project (CIP); and

16
17 WHEREAS, In 2019 the City and the U.S. Army Corps of Engineers (USACE) completed a
18 Planning Assistance for States(PAS) study that took a high level look at the costs and benefits
19 of expanding the City's port facility to include a large vessel harbor providing safe moorage for
20 vessels up to 250 feet; and

21
22 WHEREAS, The results from that PAS study showed a positive economic cost to benefit
23 ratio and the USACE, anticipating a positive Section 905(b) analysis and the development of a
24 Project Management Plan, placed the Homer Port Expansion General Investigation Study on
25 their 2020 work plan budget, as well as their 2021 regular budget, to secure funds for their
26 share of that study; and

27
28 WHEREAS, In 2007 the City and the State of Alaska Department of Transportation (DOT)
29 entered into a Memorandum of Agreement to share the non-federal costs of the General
30 Investigation of Homer's port expansion study; and

31
32 WHEREAS, Staff shared the results of the PAS study with ADOT and have been working
33 to secure a financial commitment from the State for the purpose of resuming and completing
34 the General Investigation that we started in 2007; and

35
36 WHEREAS, The cost of this study will be shared between the USACE (50%), the State
37 DOT (25%), and the City (25%) with the USACE contributing \$1,500,000; the State \$750,000; and
38 the City \$750,000; and

39
40 WHEREAS, The General Investigation will cover planning aspects needed to build a
41 large vessel port at the Homer Spit including, but not limited to: breakwater basin design,
42 economic factors, environmental, geo-physical, construction methods and costs. The end

43 result of the study will provide an end Benefit Cost Ratio that will justify federal funding for
44 final construction; and

45
46 WHEREAS, The purpose of this ordinance is to budget for the City’s commitment for the
47 cost of completing a General Investigation Study for the Homer CIP-listed Large Vessel Port
48 Expansion, and thereby take the next step in building a port expansion that will address both
49 the navigational safety concerns that come from current overcrowding as well as support
50 emerging regional and national economic opportunities; and

51
52 WHEREAS, It is appropriate that the City participate in funding the General Investigation
53 study as the new Large Vessel Port will magnify our current Port and Harbor’s vital
54 contribution to the City of Homer’s overall economic growth, health and welfare.

55
56 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

57
58 Section 1: The FY 2020 Capital budget is hereby amended by appropriating funds in the
59 amount of \$750,000.00 from the General Fund Fund Balance for the purpose of conducting a
60 General Investigation Study in partnership with the U.S. Army Corps of Engineers and the
61 Alaska Dept. of Transportation for the Homer Large Vessel Port Expansion, as follows:

62

63 Account No.	64 Description:	65 Amount:
	66 U.S. ACE General 67 Investigation Study- 68 Large Vessel Port 69 Expansion	70 \$750,000.00

71
72 Section 2: The Finance Department is directed to establish a project account for the
73 Large Vessel Harbor to track all project related expenses.

74
75 Section 3: This is a budget amendment ordinance and shall not be codified.

76
77 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
78 2020.

79
80 CITY OF HOMER
81
82 _____
83 KEN CASTNER, MAYOR
84

85 ATTEST:

86

87 _____

88 MELISSA JACOBSEN, MMC, CITY CLERK

89

90 YES:

91 NO:

92 ABSTAIN:

93 ABSENT:

94

95 First Reading:

96 Public Hearing:

97 Second Reading:

98 Effective Date:

99

100 Reviewed and approved as to form.

101

102 _____

103 Katie Koester, City Manager

104

105 Date: _____

Michael Gatti, City Attorney

Date: _____



Memorandum 20-016

TO: HOMER CITY COUNCIL

THROUGH: KATIE KOESTER, CITY MANAGER

FROM: BRYAN HAWKINS, PORT DIRECTOR/HARBORMASTER

DATE: JANUARY 21, 2020

SUBJECT: RE: FUNDING FOR USACE GENERAL INVESTIGATION STUDY-PORT EXPANSION

Homer's Port & Harbor is a regional port, serving the needs of commercial vessels operating across southcentral and western Alaska in the maritime industrial, marine transportation, and commercial fishing industries. Over time, demand has outgrown Homer harbor's ability to safely and efficiently serve this fleet. Certain sizes of commercial vessels can't access the port and harbor due to depth limits and configuration of the harbor entrance. Those that can find harbor moorage at capacity. Even after rafting large vessels three to four deep on the moorage floats, Homer annually turns away 40-60 vessels requesting to home port.

The City has identified a new large vessel harbor as its highest priority capital project to (1) meet current need, (2) address overcrowding and associated navigational safety concerns and high maintenance costs, and (3) support emerging regional and national economic opportunities such as the opening of the Arctic for transportation and resource development.

High demand combined with favorable changes in cost drivers (new local sources of more competitively priced building materials and an in-water option for disposal of dredge material) prompted the City and Corps to continue the general investigation from 2009 utilizing a Section 22 Planning Assistance to States Program grant.

The positive results from that Planning Assistance to States Study provided a Cost Benefit Ratio that qualified for further USACE funding going forward, with the General Investigation Study portion of Homer's Large Vessel Port Expansion being the next step, and they placed the project on their 2020 Work Plan and 2021 Budget accordingly. Final approval of USACE's 2020 Work Plan is currently set for Feb 10 2020 and we will know more at that time. The Alaska Dept. of Transportation is also working to secure a financial commitment from the State. By budgeting for the City's commitment for the cost of completing the upcoming General Investigation Study it not only helps with our own planning but also can be used as assurance to both the Federal and State entities as they endeavor to also approve their respective funding portions.

Once all funding portions are in place we will still need to enter into a formal agreement that will be presented to City Council for approval, before the General Investigation Study can commence. This Ordinance is simply to plan and budget for such an event so that the prerequisites are in place.

RECOMMENDATION

That City Council approve Ordinance 20-06 amending the FY2020 Operation budget by appropriating funds in the amount of \$750,000. From the General Fund fund balance for the purpose of conducting a General Investigation Study in partnership with the U.S. Army Corps of Engineers and the Alaska Dept. of Transportation for the Homer Large Vessel Port Expansion.

Enc:

CIP Page Write up - Homer Port & Harbor: New Large Vessel Moorage Facility

Letter to Governor Dunleavy Requesting State Participation

Planning Assistance to States Study Executive Summary

Entire report can be found at <https://www.cityofhomer-ak.gov/port/new-large-vessel-port-expansion-project>

Executive Summary

This study provides planning and technical assistance to the City of Homer (the City) related to the Homer Harbor Large Vessel Expansion Project. The purpose of this study is to provide planning/technical assistance to the local sponsor by developing a preliminary assessment of the benefits and costs of implementing navigation improvements to build a large vessel harbor to the north of Homer's existing small boat harbor.

The authority for this study is the Planning Assistance to States (PAS) Program Section 22 of WRDA 1974 (P.L. 93-251) as amended. Section 22(a)(2) provides authority for the U.S. Army Corps of Engineers (USACE), at the request of a non-Federal sponsor, to provide technical assistance with provisions and integration of hydraulic, economic, and environmental data and analyses. This analysis considers one alternative, which is consistent with the conceptual drawings developed by the non-Federal sponsor.

This technical report is a high-level preliminary economic analysis of the benefits and costs of implementing the proposed navigation improvements. The previous Homer Small Boat Harbor Navigation Improvements feasibility study in 2008 (USACE 2008a) resulted in a benefit-cost ratio (BCR) ranging from 0.5 to 0.7 for the array of alternatives considered. The current PAS effort uses new available information for re-evaluation of benefits and costs for the alternative considered. This results in a preliminary BCR range of 0.89 to 1.0 for a project cost range of \$72.5 million to \$81 million based on rough order magnitude (ROM) costs.

The analysis brought price level updates to 2018 prices, and applied the discount rate for fiscal year 2019. Each benefit category was assessed against readily available data. Transportation cost savings, through avoided travel for commercial fishing vessels, are quantified by cross-referencing data sets from the harbor office and other sources. The subsistence harvest evaluation is updated with the alternative method, Production Cost Analysis, which is used more commonly by the USACE Alaska District.

The project costs range is developed with two broad assumptions, which are discussed in subsequent sections. The considerations of the BCR range from a benefits perspective are constrained by limited data. There are potential increases to existing benefits if sufficient data are available. There are also potential new benefits that emerged during this study; however, these are unquantifiable at this time. As such, this report elaborates on data gaps as opportunities for the local sponsor to focus on data gathering for a more in-depth analysis.



City of Homer

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Office of the City Manager

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(f) 907-235-3148

November 8th, 2019

Mr. Brett Huber, Sr.
Senior Policy Analyst
Executive Office of Governor Dunleavy
550 W 7th Ave.
Anchorage, AK 99501
Submitted electronically: Brett.Huber@alaska.gov

Mr. Huber,

Honorable Governor Dunleavy recently visited Homer to attend the Alaska State Home Builders Association conference but he also was able to share some of his time with Homer Mayor Ken Castner, Port and Harbor Advisory Commission Chair Steve Zimmerman, and myself to discuss the City of Homer's Large Vessel Harbor Expansion Project. During our meeting, the Governor recommended we continue our conversation with you as our next point of contact.

Brief background information: the Large Vessel Harbor Expansion Project is a regional economic development initiative that will allow vessels up to 250 feet in length safe moorage in Alaskan waters. The outcome will be hundreds of thousands of dollars in savings for large vessel owners that currently have to moor their boats elsewhere while letting Alaska keep more dollars in-state. Industries that have so far expressed interest in having central gulf region operations include oil and gas, commercial fishing, commercial transportation, research, enforcement, and adventure cruise ships. Homer's large vessel harbor will also provide safe moorage for the US Coast Guard, and result in high paying jobs for Alaska marine tradesmen since vessels could now be worked on and in Alaska instead of Washington.

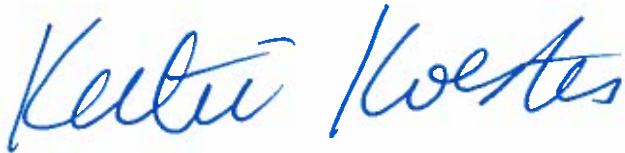
The State of Alaska has long been a partner with the City of Homer in the Large Vessel Harbor Expansion Project. In 2007, a General Investigation Study for the new harbor was initiated with funding shared 25% City, 25% State through the Alaska Department of Transportation (ADOT), and 50% Army Corps (see attached agreement). In 2009, this study was shelved due to project cost and demand however there is good news to share. The US Army Corps Planning Assistance to States (PAS) grant completed this year has determined variables like cost and demand have significantly improved, making this a feasible project. During their upcoming budget cycle, the Corps will be recommending funding to reinstate the General Investigation Study. The Study will be a three year commitment with a total cost of \$3 million dollars.

The City of Homer is asking for the State of Alaska to continue our longstanding partnership in this transportation project by contributing a 25% match over 3 years, totaling \$750,000. ADOT staff in the Central Region Planning office have recommended cruise ship passenger vessel tax dollars as the State's funding source for this match.

Given the positive momentum behind this project, I would appreciate any opportunity to further discuss the Large Vessel Harbor Expansion Project with you and the Governor as soon as possible. It would be a significant accomplishment to line out potential next steps to initiate the General Investigation Study with ADOT and reaffirm the City's important partnership with the State regarding this endeavor.

Thank you for your time and attention.

Best regards,



Katie Koester
Homer City Manager

Enc:

2007 MOA between ADOT and City of Homer for Payment of Matching Funds for Homer Harbor Feasibility Study

2020-2025 Capital Improvement Plan, New Large Vessel Moorage Facility

Memorandum of Agreement
 between the
 Alaska Department of Transportation and Public Facilities
 and the
 City Of Homer
 for
 Payment of Matching Funds
 For Homer Harbor Feasibility Study

This Memorandum of Agreement is by and between the Alaska Department of Transportation and Public Facilities, hereafter referred to as the Department, and the City of Homer, hereafter referred to as the City.

The City, as local sponsor, has requested State assistance in the funding of the feasibility study for a harbor expansion project in Homer.

The Alaska legislature in Chapter 82, SLA 2006, has appropriated funds that may be used as matching funds for the Army Corps of Engineers Harbor projects.

The Department has agreed to provide these funds in the amount of \$150,000 for the City's matching fund requirement.

The City requests the Department make payments directly to the Corps of Engineers.

Therefore, the Department agrees to issue payment directly to the Army Corps of Engineers, not to exceed \$150,000.

The City agrees that the Department has no obligation on the Homer Harbor Expansion Project beyond that specifically agreed to in this Memorandum of Agreement.

City Of Homer

Steve Dew, Acting City Manager

Date

11/28/07

Alaska Department of Transportation
& Public Facilities

Patricia M. Miller

Date

11.27.07

**State-Municipality Cooperation Agreement
Between the
State of Alaska Department of Transportation and Public Facilities
and**

The City of **Homer**

Project Name: **Homer** Navigation Improvements

Project No. #####

The Municipality and the State are entering a long term working relationship with the Corps of Engineers (hereinafter called the Corps) on the above reference project. The Municipality as project sponsor has requested State assistance.

This cooperation agreement is effective upon execution by the State of Alaska, Department of Transportation and Public Facilities, (hereinafter called the State) and City of **Homer**, Alaska (hereinafter called the Municipality). The State and Municipality are entering this Agreement pursuant to AS 35.15.080 et. seq. and any regulations promulgated thereunder.

The Municipality's coordinator for this Agreement is **Steve Dean, Harbormaster**. The State's coordinator for this Agreement is **Harvey Smith**, State Harbors Engineer. Each party agrees to notify the other party of any change in the coordinator.

1. This agreement defines and formalizes the State's role during the Corps' Feasibility Study process. It is our intent that the State's engineer will be a Technical Consultant to the Municipality and liaison between the State and the Corps. This function is reserved for a department representative on any project anticipating state funding for either design or construction, or for any project that may affect an existing state harbor facility.
2. The Municipality recognizes that:
 - a) It will be required to provide access, uplands, and tidelands sufficient to support construction, operation, and maintenance of the proposed facility and that the State will not participate in land acquisition and right of way purchases.
 - b) If not already in place, the Municipality shall adopt harbor ordinances that provide for the administration, management, operation, and maintenance of the completed facility for public purposes as a condition of receiving State construction funds for the proposed project.
 - c) The Corps process seeks to satisfy National Economic Development (NED) criteria to determine the national interest, which may not include local or state interest.
 - d) The State has unique professional coastal and harbor engineering expertise and considerable experience as sponsor that can provide substantial technical and administrative strength to the project.
3. The Municipality and the State agree to appoint members as appropriate to the project study team and one member each to the project executive committee.
4. The Municipality agrees to a joint review with the State of the draft Project Feasibility Cost Share Agreement (FCSA) before signature by the Municipality.

5. The Municipality agrees to a joint review of intermediate work products, study recommendations and final draft report.
6. The Municipality agrees to promote the project, support the team effort, and actively participate as a team member.
7. The State agrees to:
 - a) Provide review and consultation during FCSA development.
 - b) Act as technical advisor and consultant to the Municipality. This includes taking information presented by the study team and, working cooperatively with the Corps and Municipality, compile it into an optimum design representing the interests of the Municipality while conforming with State Policy and Corps' National Economic Development (NED) requirements.
 - c) Look at the whole harbor concept by integrating the necessary uplands, mooring basin, and protective structures into a fully functional harbor. This effort will strive to create harmony with the Corps' NED plan. The NED plan normally focuses on the General Navigation Features (GNF), consisting of only breakwaters and primary navigation channels. The harbor area recommended for upland development is approximately equal to that required for moorage and may have similar, or greater, potential for economic benefits.
 - d) Work in cooperation with state planning personnel providing technical guidelines for planning decisions. The planning objectives are to identify local and State benefits in addition to national benefits and to help the Municipality develop facilities that maximize the economic opportunities for the Municipality and the State.
 - e) Work with the study team to develop measurable criteria from which to evaluate harbor alternatives.
 - f) Work with environmental and other groups to resolve issues that may cause delay in the design development.
8. Subject to appropriation by the Legislature, the State will provide in-kind services. Financial obligations are understood to be obligations of the Municipality. Where State financial assistance is approved, payment (less in-kind services) will be made directly to the Corps of Engineers. Prepayment, when required by the federal program, will be made upon receipt of requests for payment accompanied by documentation submitted by the District Engineer, Alaska District Corps of Engineers, or his authorized representative. The required documents are the signed FCSA between the Corps of Engineers and the Municipality, and a letter from the District Engineer requesting payment.
9. In the event the final total amount of the local Municipality's financial obligation is less than the total amount estimated at the time of signing this agreement, then the State shall receive its proportionate share of any unused portion of the local Municipality funding returned by the Corps of Engineers at the completion of the project.

10. The State and Municipality will make no commitment for subsequent project development costs unless this agreement is amended in writing and signed by both parties.
11. If, due to changed circumstances, the State or the Municipality wishes to terminate this Agreement prior to its completion, the initiating party shall notify the other party in writing of its reasons for requesting the early termination. To terminate, both parties must agree in writing that it is in their mutual best interests to terminate. If the State and Municipality agree to terminate, the State assumes no further liability to the Municipality, the Corps of Engineers or any other party.
12. Before any party to this agreement may bring suit in any court concerning an issue relating to this agreement, such party must first seek in good faith to resolve the issue through negotiation or other forms of non-binding alternative dispute resolution mutually acceptable to the parties.
13. Unless changed by prior written notice, any correspondence required by this Agreement must be sent to the following addresses:

STATE:

Office of the State Harbors Engineer
 Department of Transportation and Public Facilities
 3132 Channel Drive
 Juneau, AK 99801

MUNICIPALITY:

City of Homer
 491 East Pioneer Avenue
 Homer, Alaska 99827

APPROVALS:

Authorized Signature for Municipality, Title	Date
(Director of Design and Engineering Services	Date

APPENDIX A

Scope of Project:

1. Description of Project: The Municipality plans to enter into a project feasibility cost share agreement (PFCSA) with the Corps of Engineers, Alaska District to investigate and report on the proposed project feasibility.
2. The Municipality has requested State assistance by letter dated August 27, 1998

APPENDIX B

Payment Schedule:

For Corps of Engineers Matching Funds

There is no appropriation for the Homer Navigation Improvements project at this time, however, the State agrees to transfer funds, if appropriated by the Legislature and approved by the Commissioner, for the project to a special account in the State Treasury. The funds transferred to this special account for the Municipality shall not exceed a total of \$ ##### or the amount actually appropriated by the Legislature for this project, whichever is less. In no case shall the amount expended on this project be more than 50% of the total non-federal cost including in-kind services. State will charge directly to this account for in-kind services provided under this agreement and the PFCSA.

Payment, less State incurred in-kind costs, will be made directly to the Corps of Engineer at FINANCE AND ACCOUNTING OFFICE, ALASKA DISTRICT, US ARMY CORPS OF ENGINEERS, PO BOX 898, ANCHORAGE AK 99506-0898. The check will be pay to the order "FAO, USAED, ALASKA"; memo "Homer Navigation Improvements"; Or, in the case where the Municipality has advance funded the project, the State may make payment directly to the Municipality.



2. Homer Port & Harbor: New Large Vessel Moorage Facility

Project Description & Benefit: This project will construct a new large vessel moorage facility to the north of Homer's existing Port and Harbor. It will enhance port capabilities by:

- Accommodating large commercial vessels (fishing vessels, work boats, landing craft, tugs, etc.) outside the small boat harbor. Currently, large vessels are moored at System 4 and System 5 transient floats. Due to shortage of moorage space, large vessels are rafted two and three abreast constricting passage lanes, creating traffic congestion and overstressing the floats. The new facility will address overcrowding and associated navigational safety concerns and high maintenance costs in Homer's small boat harbor,
- Enabling Homer to moor an additional 40 to 60 large commercial vessels that potentially would use Homer Port & Harbor as a home port, but have been turned away due to their overall size, draft, or that the systems are working beyond capacity and we simply lack the space;
- Positioning Homer's Port and Harbor to meet the demands of emerging regional and national economic opportunities such as the Cook Inlet Oil & Gas industry, a possible LNG export plant in Nikiski, the opening of the Arctic for research, transportation and resource development and the US Coast Guard's long-term mooring needs. Currently, the USCGC *Hickory* moors at the Pioneer Dock which provides inadequate protection from northeasterly storm surges. The large vessel harbor will be built to provide protected and secure moorage suitable to accommodate USCG assets.

Centrally located in the Gulf of Alaska, Homer's Port & Harbor is the region's only ice-free gateway to Cook Inlet, the port of refuge for large vessels transiting the Gulf of Alaska, Cook Inlet, and Kennedy Entrance, and is the marine industrial and transportation system hub for central and Western Alaska. The new moorage facility will fill the unmet needs of large commercial vessels operating in the maritime industrial, marine transportation and commercial fishing industries.

Plans & Progress: The City, State of Alaska ADOT, and Army Corps of Engineers (ACOE) partnered on a port expansion feasibility study in 2004. At that time, preliminary results indicated the project's Benefit to Cost ratio would be non-competitive for Federal funding so the study was put on hold. High demand and favorable changes in cost drivers since then prompted the City and the ACOE to reexamine feasibility utilizing a Section 22 Planning Assistance to States Program Study grant in 2018. The study's positive results led to a recommendation by the ACOE to resume work on the Navigational Improvement Feasibility Study to dredge and build the new moorage facility. The City has formally expressed its intent to work with the ACOE on the Study and renew our partnership with the State of Alaska for technical expertise and funding, with the understanding that costs are shared 50% Federal, 25% City, 25% State.

Total Project Cost: \$124,233,000

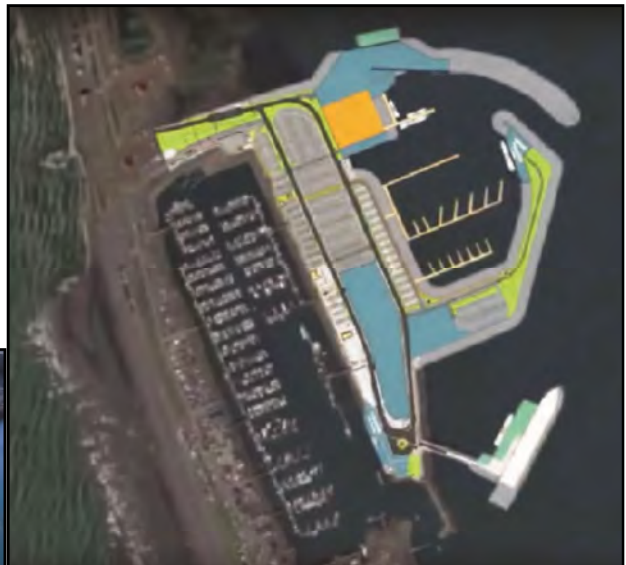
Design and Permitting: \$10,258,000

Breakwater Construction and Dredging: \$90,275,000

Inner Harbor Improvements: \$23,700,000

FY2021 State Request: \$10,258,000

(City of Homer 10% Match: \$1,025,800)



The large vessel port expansion adds a new basin with its own entrance adjacent to the existing Small Boat Harbor. It will relieve large vessel congestion in the small boat harbor and will provide secure moorage compatible with the USCG's assets .

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-07

An Ordinance of the City Council of Homer, Alaska Amending the Capital Budget and Authorizing the Expenditure of up to \$100,000 in Pass Through Funds for Repairing Damage to the Deep Water Dock.

Sponsor: City Manager/Public Works Director

1. City Council Regular Meeting January 27, 2020 Introduction
 - a. Memorandum 20-017 from Port Director as backup

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

ORDINANCE 20-07

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE CAPITAL BUDGET AND AUTHORIZING THE
EXPENDITURE OF UP TO \$100,000 IN PASS THROUGH FUNDS FOR
REPAIRING DAMAGE TO THE DEEP WATER DOCK.

WHEREAS, The Deep Water Dock was damaged when a vessel collided with it on Nov 19-2019; and

WHEREAS, The vessel owner has insurance that will cover the cost of repairs (Harbormaster has been in contact with the owner’s insurance company representative), and

WHEREAS, The Harbormaster estimates the cost of repairs may be up to \$100,000. (See Memorandum 20-017 from the Harbormaster).

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby authorizes up to an additional \$100,000 be expended from and reimbursement deposited in the account described below:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
415-0910	Deep Water Dock Repair	up to \$100,000

Section 2. This is a budget ordinance and shall not be codified.

ENACTED BY THE HOMER CITY COUNCIL this 10th day of February, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

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MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSENT:
ABSTAIN:

First Reading:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Date: _____

Michael Gatti, City Attorney

Date: _____



City of Homer

www.cityofhomer-ak.gov

Port and Harbor

4311 Freight Dock Road
Homer, AK 99603

port@cityofhomer-ak.gov

(p) 907-235-3160

(f) 907-235-3152

Memorandum

TO: Mayor and City Council

THROUGH: City Manager Katie Koester

FROM: Bryan Hawkins Harbormaster

DATE: 1-18-2020

SUBJECT: Deep Water Dock Fender Repair

On November 19-2019 a vessel collided with our Deep Water Dock and damaged one of the dock fender units. The vessel owner was contacted as well as his insurance company. A claim was filed and a local marine surveyor was engaged by the insurance company to oversee the claim. The city issued a task order to R&M Consulting one of our term contract engineering firms to represent the cities interests and oversee the repair project. A survey of the damage will be completed this week and from that a plan will be formed based on the extent of the damage and how the repairs will be done. At this time it is difficult to come up with a cost estimate as we do not know the full extent of the damage but I estimate it will be less than \$100,000 but more than \$25,000.

Ordinance 19-52 authorizes the city to pay contractors for the repair labor and materials. The city will be fully reimbursed by the vessel owner's insurance company.

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

3 City Manager

4 **RESOLUTION 20-010**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
7 APPROVING A FIVE YEAR EXTENSION OF THE MEMORANDUM OF
8 UNDERSTANDING BETWEEN THE CITY OF HOMER AND
9 KACHEMAK CITY REGARDING THE CANYON TRAILS SUBDIVISION
10 AND ROAD MAINTENANCE ON STELLARS JAY DRIVE AND GOLDEN
11 PLOVER AVENUE.

12
13 WHEREAS, The City of Homer and Kachemak City signed a Memorandum of
14 Understanding (MOU) in 2014 that provided for limited road maintenance on two roads outside
15 City limits as City crews passed through Kachemak City to provide service to the newly
16 developed Canyon Trails Subdivision (within Homer City limits); and

17
18 WHEREAS, The MOU defines the limited road maintenance effort expected of the City,
19 and provided a way for a higher level of maintenance to be provided at the expense of
20 Kachemak City; and

21
22 WHEREAS, A higher level of road maintenance provided for in the MOU was never
23 formally implemented; and

24
25 WHEREAS, The MOU expired December 31, 2019; and

26
27 WHEREAS, Kachemak City has requested that the MOU be extended; and

28
29 WHEREAS, Additional time/expense to the City in providing limited road maintenance
30 was small and no significant complaints were received from Kachemak City; and

31
32 WHEREAS, Public Works has suggested some additional language to require City
33 Council approval before implementing a higher level of maintenance beyond the limited effort
34 currently provided.

35
36 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska approves a
37 Memorandum of Understanding with Kachemak City effective for an additional five years and
38 authorizes the City Manager to execute the appropriate documents.

39
40 PASSED AND ADOPTED by the City Council this ___ day of _____, 2020.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Estimated City of Homer cost is \$4780

38 WHEREAS, The City of Homer and Kachemak City have worked together cooperatively
39 in order to upgrade Stellers Jay Drive and Golden Plover Avenue to minimum road standards,
40 improve traffic flow and public safety, mitigate the impacts of increased development and
41 traffic, and promote the general welfare of the residents of both communities; and
42

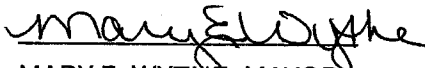
43 WHEREAS, The proposed Memorandum of Understanding provides that the two Cities
44 will share the cost of providing routine rural road maintenance based upon a negotiation
45 process and average maintenance costs per mile for rural road maintenance.
46

47 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council finds that working
48 cooperatively and sharing the cost of routine maintenance on Stellers Jay Drive and Golden
49 Plover Avenue is mutually beneficial and in the best interest of the public.
50


51 BE IT FURTHER RESOLVED that the Homer City Council hereby approves the
52 Memorandum of Understanding between the City of Homer and Kachemak City regarding
53 Canyon Trails Subdivision and road maintenance on Stellers Jay Drive and Golden Plover
54 Avenue; a copy of which is attached and incorporated herein.
55

56 PASSED AND ADOPTED by the Homer City Council this 13th day of January, 2014.
57

58 CITY OF HOMER
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61 
62 MARY E. WYTHE, MAYOR
63

64 ATTEST:
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66 
67 _____
68 JO JOHNSON, MMC, CITY CLERK
69
70

71 Fiscal Note: Estimated City of Homer costs < \$3,000 annually.

MEMORANDUM OF UNDERSTANDING

Between

The City of Homer

And

Kachemak City

WHEREAS, The Canyon Trails Subdivision contains approximately 30 lots and is located within the corporate boundaries of the City of Homer; and

WHEREAS, The only access to the Canyon Trails Subdivision is via Stellers Jay Drive and Golden Plover Avenue; both of which are located within the municipal boundaries of Kachemak City; and

WHEREAS, The City of Homer will benefit by development of this subdivision because the result will be increased population, an increase in water and sewer customers, and increased property tax revenues; and

WHEREAS, Kachemak City will benefit from this MOU through improved and more consistent road maintenance and better access for emergency vehicles; and

WHEREAS, The development of Canyon Trails Subdivision will result in increased traffic, dust, noise, and maintenance requirements on Stellers Jay Drive and Golden Plover Avenue; and

WHEREAS, Kachemak City residents will experience some negative impacts associated with development adjacent to their properties; and

WHEREAS; The City of Homer is obligated to provide road maintenance within the subdivision but City equipment must travel through Kachemak City in order to do so; and

WHEREAS, Stellers Jay Drive and Golden Plover Avenue are approximately 2,000 linear feet in length and it would be mutually beneficial for City of Homer Public Works crews to provide limited maintenance to that section of road as they pass through to provide service to Canyon Trails Subdivision; and

WHEREAS, The developer of the Canyon Trails Subdivision and Kachemak City have made improvements to Stellers Jay Drive and Golden Plover Avenue that has brought these roads up to acceptable City of Homer rural road standards; and

WHEREAS, Kachemak City currently provides a basic level of funding for road maintenance to its neighborhoods through its Roads Program and it proposes to use a portion to help pay for increased maintenance on Stellers Jay Drive and Golden Plover Avenue; and

WHEREAS, The City of Homer and Kachemak City have worked together cooperatively in order to upgrade Stellers Jay Drive and Golden Plover Avenue to minimum road standards, improve traffic flow and public safety, mitigate the impacts of increased development and traffic, and promote the general welfare of the residents of both communities.

THE PARTIES HEREBY AGREE:

General Terms:

1. **Term:** The term of this Memorandum of Understanding shall be five years commencing on January 1, 2014 and ending on December 31, 2019. The term may be extended or renewed by mutual consent of the parties. The parties agree that the City of Homer will not provide maintenance service until there are enough residences in the new subdivision to justify service pursuant to City of Homer Policy.
2. **Cost of Service:** The parties agree that enhancing road maintenance is mutually beneficial. The parties therefore agree to share the cost of maintaining Stellers Jay Drive and Golden Plover Avenue. The City of Homer will contribute to the cost of routine maintenance as provided below in Section 5. Kachemak City will contribute a negotiated amount consistent with Homer's existing rural road maintenance program, the average cost per foot, and Number 5 below. Inflation adjustments will be made each year and shall be based upon actual costs subject to review by Kachemak City. The City of Homer shall bill Kachemak City for the service on January 1st of each year. If service begins in the middle of the year, the bill shall be prorated.
3. **Amendments:** Amendments to this Memorandum of Understanding can be made by mutual consent of the parties. Amendments must be made in writing and signed by both parties.
4. **Termination:** This MOU may be terminated by either party with or without cause. The party wishing to terminate the agreement must provide 90 days notice of its intent to terminate.
5. **Routine Maintenance Defined:** The parties agree that Routine Maintenance includes activities such as grading, dust control, snow plowing, and sanding when the Public Works Department is also providing service to Canyon Trails Subdivision. Routine maintenance does not include fixing or cleaning culverts, fixing potholes, installing or maintaining signage, surface improvements, or drainage maintenance. Routine maintenance does not include capital improvements. Capital

Improvements remain the responsibility of Kachemak City and/ or its contiguous residents. The level of maintenance provided through this agreement will be similar to other roads maintained to rural road standards.

- 1) Plowing snow and sanding intersections (based on “rural” road standards) during winter months,
- 2) Complete summer road grading (approximately twice a summer; based on “rural” road standards subject to availability of resources),
- 3) Application of “dust control” (as needed, as available, based on the “rural” road standards schedule).

The City of Homer Agrees to:

1. Provide routine maintenance as described herein on approximately 2,000 linear feet of Stellers Jay Drive and Golden Plover Avenue that lead to the subdivision after there is enough development in the new subdivision to justify the service.
2. Share the cost with Kachemak City pursuant to Number 2 under General Conditions.

Kachemak City Agrees to:

1. Share the cost of providing this service and pay Homer a negotiated fee subject to Number 2 under general Conditions.
2. Be the point of contact for all inquiries, comments, questions, concerns, and complaints regarding maintenance on this section of road that originates from Kachemak City residents.

NOTICES:

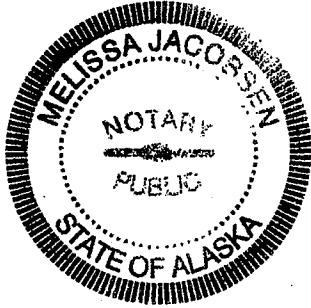
All notices shall be sent to both parties as follows:

City Manager
City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

City Mayor
Kachemak City
P.O. Box 958
Homer, Alaska 99603

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

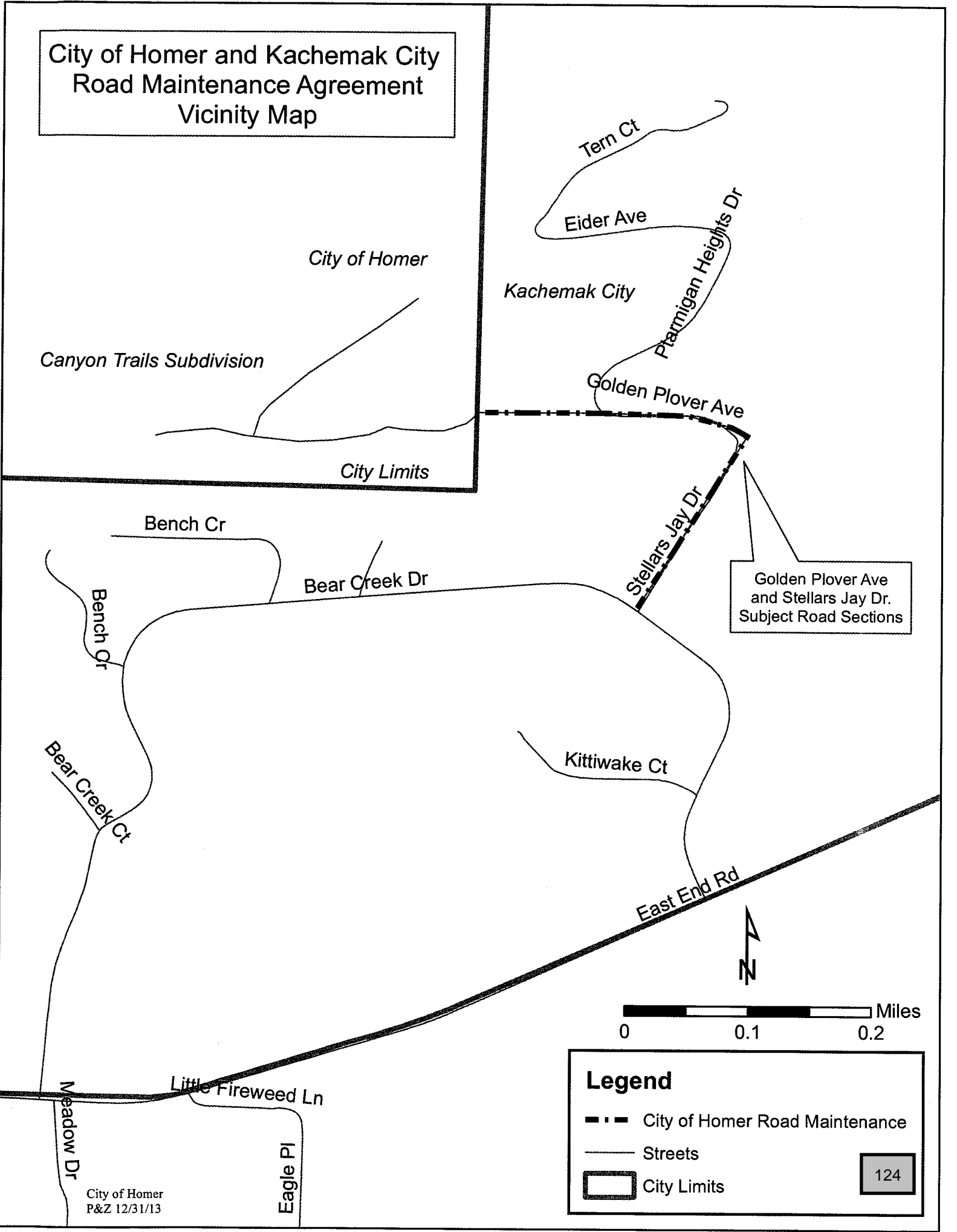
The foregoing instrument was acknowledged before me on the 24 day of March, 2013, by PHILEMON MORRIS, Mayor of the City of Kachemak, on behalf of the City of Kachemak.



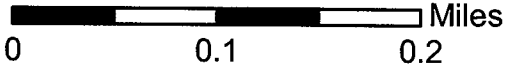
Melissa Jacobsen
Notary Public in and for Alaska

My Commission Expires: 9/8/16




**City of Homer and Kachemak City
Road Maintenance Agreement
Vicinity Map**



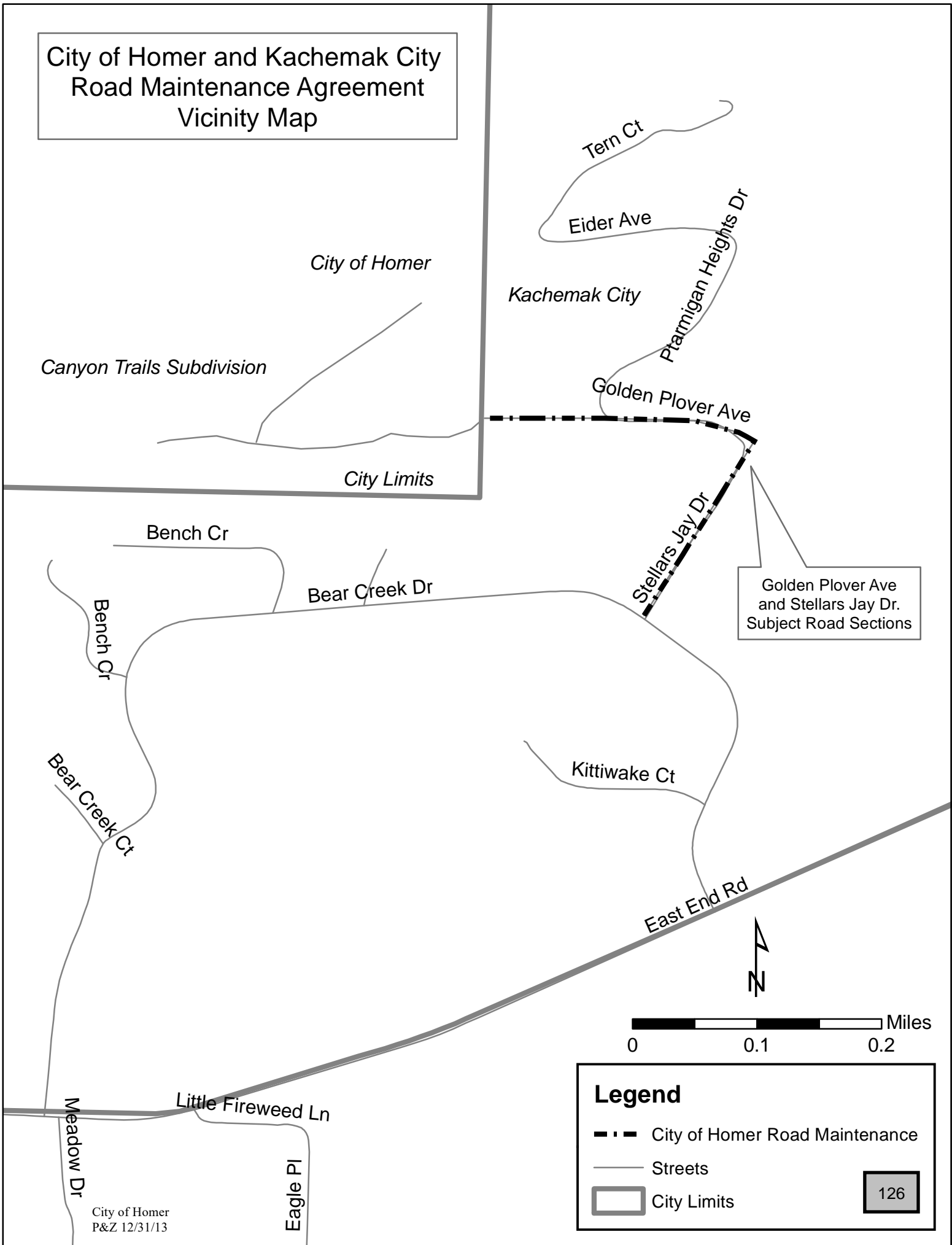
Golden Plover Ave
and Stellars Jay Dr.
Subject Road Sections



Legend

-  City of Homer Road Maintenance
-  Streets
-  City Limits

City of Homer and Kachemak City
Road Maintenance Agreement
Vicinity Map



Golden Plover Ave
and Stellars Jay Dr.
Subject Road Sections

Legend

- - - City of Homer Road Maintenance
- Streets
- City Limits

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 20-011**

6
7 A RESOLUTION OF THE HOMER CITY COUNCIL AWARDING THE
8 CONTRACT FOR THE HAZARDOUS MATERIAL SURVEY OF THE
9 HERC BUILDINGS TO THE FIRM OF ENVIRONMENTAL
10 MANAGEMENT, INC. OF ANCHORAGE, ALASKA IN THE AMOUNT OF
11 \$7,600 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, In preparation of a cost estimate for the HERC buildings demolition project,
15 bids were solicited for a Hazardous Material Survey Contract to understand the cost of
16 abatement of hazardous materials in the building; and

17
18 WHEREAS, Competitive bids were solicited from eight firms by a Fax Back bidding
19 process provided for in the procurement policy in conformance with the City of Homer’s
20 Procurement Policies; and

21
22 WHEREAS, Three responsive bids were received from qualified firms on January 17,
23 2020 (see Memorandum 20-018 from Public Works); and

24
25 WHEREAS, Environmental Management, Inc. of Anchorage, Alaska was found to be the
26 lowest responsive bidder; and

27
28 WHEREAS, The low bid is within the project budget approved by the City Council and
29 the budget established by Public Works for the project; and

30
31 WHEREAS, Although the City’s local bidder’s preference applies to the award of this
32 contract, there were no local bidders; and

33
34 WHEREAS, This award is not final until written notification is received by the firm from
35 the City of Homer.

36
37 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
38 contract for the Hazardous Material Survey of the HERC Buildings to the firm of Environmental
39 Management, Inc. of Anchorage, Alaska in the amount of \$7,600 and authorizes the City
40 Manager to execute the appropriate documents necessary to complete this project.

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42 PASSED AND ADOPTED by the Homer City Council this 27th day of January, 2020.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: 156-0396



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 20-018

TO: Katie Koester, City Manager
FROM: Carey Meyer, PW Director
DATE: January 21, 2020
SUBJECT: **Award of Hazardous Material Survey Contract
HERC Building Demolition Cost Estimate**

The Homer City Council passed Ordinance 19-38(A)(S) which authorized \$35,000 to prepare a cost estimate for the demolition of the HERC buildings. To complete this estimate, understanding the cost of abatement of hazardous materials in the building, is critical. The work includes:

- Conduct a hazardous building material survey to collect samples (assume 45 asbestos, 30 lead) and analyze suspect hazardous materials, to identifying/quantify hazardous materials in the building.
- Provide an inventory at the completion of the survey, in report form, including test results.
- Complete TCLP tests and/or any other tests necessary to determine building demolition waste stream disposal requirements.
- In addition to the cost to conduct the survey, prepare and include a cost estimate for removal of the asbestos containing material identified within the building that will be required to be removed prior to demolition of the structure.

On January 17, 2020, quotes to complete the survey were received, in response to a Fax Back bidding process provided for in the procurement policy. Competitive bidding was completed in accordance with the City's procurement regulations. Eight firms were solicited.

Three responsive bids were received from qualified firms. The bid results were evaluated and the results are as follows:

Responsive Bidder	Location	Quote
Environmental Management, Inc.	Anchorage	\$ 7,600
Absolute Services, Inc.	Anchorage	\$ 9,639
Alaska Demolition	Anchorage	\$16,100
PW Estimate		\$10,500

The low bid is within the budget approved by the City Council and the budget established by Public Works for the project. Public Works recommends awarding to the low bidder. Although the City's local bidder's preference applies to the award of this contract; there were no local bidders.

Recommendation:

City Council pass a resolution awarding the hazardous material survey of the HERC buildings contract in the amount of \$7,600 to Environmental Management, Inc., Anchorage, Alaska and authorizing the City Manager to execute all appropriate documents necessary to complete this project.

Fiscal Note – 156-0396

**CITY OF HOMER
HOMER, ALASKA**

Mayor/Lord

RESOLUTION 20-012

A RESOLUTION OF THE CITY COUNCIL OF HOMER ALASKA REOPENING THE HOMER ACCELERATED WATER AND SEWER PROGRAM FOR CITIZEN INITIATED SPECIAL ASSESSMENT DISTRICTS UNDER HCC 17.02.040 AND DIRECTING THE PLANNING COMMISSION TO PROVIDE INPUT ON CRITERIA FOR EVALUATION SADS AND SCHEDULING A WORKSESSION FOR COUNCIL TO PROVIDE INPUT ON APPROPRIATE METRICS FOR THE FISCAL HEALTH OF THE FUND.

WHEREAS, The Homer Accelerated Water and Sewer Program (HAWSP) Fund is made up of special assessment district (SAD) payments and a $\frac{3}{4}\%$ dedicated sales tax; and

WHEREAS, The HAWSP fund is used to finance water and sewer improvements, including the build out of water and sewer infrastructure through a SAD; and

WHEREAS, According to the City of Homer 2015 Audited Financial Statements, the HAWSP fund had an ending negative balance of \$4,644,761; and

WHEREAS, In 2016 the Homer City Council expressed concern regarding the debt burden HAWSP and its ability to continue to take on new debt; and

WHEREAS, To address these concerns Resolution 16-041(S-2)(A) instituted a minimum debt service ratio of 1.25 in order to initiate new special assessment districts; and

WHEREAS In June of 2016 Homer City Council placed a moratorium on all new Special Assessment Districts pending improved health of the fund and reduced debt burden; and

WHEREAS, The debt service ratio of 1.25 was found to be a confusing metric that was difficult to track over time; and

WHEREAS, Since June of 2016 three property owners have attempted to initiate a water and sewer special assessment district for water and/or sewer improvements; and

WHEREAS, It is in the best interest of the City of Homer to reopen the ability of the HAWSP fund to finance special assessment districts for the growth of water and sewer infrastructure; and

43 WHEREAS, extensive work was done by the Finance Department, City Manager’s office,
44 and the Mayor to establish the history of the HAWSP fund transfers; and

45
46 WHEREAS, In 2019 Homer City Council hired an independent third party auditor, Altman
47 Rogers and Company, to study the history of the fund and provide recommendations for
48 improving the fiscal health of HAWSP; and

49
50 WHEREAS, In order to eliminate the negative balance of the fund, Altman Rogers and
51 Company recommended a transfer of \$3.5 million dollar from water and sewer operations to
52 the HAWSP fund which was accomplished in Ordinance 19-58; and

53
54 WHEREAS, The current unaudited balance of the HASWSP is \$1.7 million; and

55
56 WHEREAS, There remain a number of policy questions that need to be answered to
57 ensure the long-term health and management of the fund in the best interest of the public.

58
59 NOW THEREFORE BE IT RESOLVED that the SAD process for water/sewer projects
60 eligible for HASWP funding be opened to allow for the initiation of districts process under
61 17.02.040

62
63 BE IT FURTHER RESOLVED that the Planning Commission is directed to provide
64 recommendations to City Council on criteria for evaluating SAD applications, including
65 prioritization based on the Comprehensive Plan and long-term community planning.

66
67 BE IT FURTHER RESOLVED that the City Council shall hold a work session on March 9,
68 2020 to develop updates to the HAWSP policy manual that address the following, utilizing the
69 November 30,2016 Planning Commission memo to Council in addition to other resources:

- 70
- 71 • What is an appropriate metric to gauge the health of the HASWP fund?
 - 72 • How often should Council review the health of the HAWSP fund?
 - 73 • Should pending HAWSP projects be taken into considering when evaluating the health
74 of the fund?
 - 75 • How should system-wide projects be evaluated and prioritized versus citizen-initiated
76 SADs?
 - 77 • Should the fees be increased to initiate a SAD?
 - 78 • Does the first come method work, to be tracked by the Clerk’s office?

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80 PASSED AND ADOPTED by the City Council this ___ day of _____, 2020.

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

CITY OF HOMER

KEN CASTNER, MAYOR

17.02.040 Initiation of special assessment district.

a. A special assessment district may be initiated by:

1. A resolution, initiated by a Council member, the City Manager, or through the developer reimbursement application process set forth in this title and approved by a vote of not less than three-fourths of Council; or

2. A petition signed by 50 percent of the total record owners who receive notice from the City Clerk's office that they will be assessed a portion of the costs of a single capital improvement.

b. Special assessment petition applications are available from the Clerk's office. A benefited property owner proposing a special assessment district by petition must file with the Clerk a complete special assessment petition application no more than 60 days after the notice of assessment is issued to record owners. The Clerk shall approve all properly and timely submitted applications within 10 days of the date on which the application is filed. The Clerk shall notify the petition sponsor in writing that the petition has been approved, prepare the petition, and distribute it by certified mail to all record owners of property in the proposed district no more than 30 days after the petition application is approved.

c. Upon adoption of a resolution initiating a special assessment district, or the filing of a sufficient petition with the Clerk, the City Clerk shall:

1. Schedule a meeting of record owners of real property in the proposed district, notify the record owners by mail of the date, time and location of the meeting, and include a copy of the notice in the City's regular meeting advertisement;

2. Refer the proposed district to the Public Works Director, who shall prepare an improvement plan for the proposed district. The proposed district improvement plan shall include:

a. The boundaries of the proposed district;

b. The design of the proposed improvement;

c. A cost estimate for the improvement;

d. The assessment allocation method used to calculate the amount owed by each record owner in the proposed district;

e. The percentage of the improvement cost to be assessed against properties in the district;

f. The time period over which assessments will be financed; and

g. Preliminary assessment roll for the proposed district.

3. The Public Works Director shall use the equal area method in calculating the assessment amount unless another method is specified in the improvement plan. [Ord. [19-23\(S-2\)\(A\)](#) § 5, 2019].

17.02.050 Creation of a special assessment district. 

a. Upon completion of an improvement plan under this chapter, the City Clerk shall set a time for a public hearing on the necessity of the improvement and proposed improvement plan. Notice of the hearing shall be published at least twice in a newspaper of general circulation in the City, and mailed via certified mail to every record owner of real property in the proposed district not less than 60 days before the hearing.

b. A record owner of real property in the proposed district may file a written objection to the improvement plan with the City Clerk no later than the day before the date of the public hearing on the improvement plan. If owners of real property that would bear 50 percent or more of the assessed cost of the improvement file timely written objections, the Council may not proceed with the improvement unless it revises the improvement plan to reduce the assessed cost of the improvement that is borne by objecting record owners to less than 50 percent of the assessed cost of the improvement. If the resolution changes the district boundary in the improvement plan, the City Clerk shall notify all record owners of property included in the district under the improvement plan of the change.

c. At the noticed date and time, Council shall hold a public hearing and shall adopt a resolution approving the assessment if Council finds, via resolution, that the improvement is necessary and benefits the properties that will be assessed. Council must also approve the proposed improvement plan. The resolution shall contain a description of the improvement, the estimated cost of the improvement, the percentage of the cost to be assessed against the properties in the district, and a description of the properties to be assessed.

d. If record owners of all real property in the proposed assessment district waive in writing the notice, protest period and public hearing required under this section, the question of creating the district may be submitted to Council without such notice, protest period or public hearing. [Ord. [19-23\(S-2\)\(A\)](#) § 5, 2019].

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**CITY OF HOMER
HOMER, ALASKA**

City Manager

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RESOLUTION 16-041(S-2)(A)

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE HOMER ACCELERATED ROADS AND TRAILS PROGRAM (HART) POLICY MANUAL TO CHANGE THE ALLOCATION OF COSTS FOR STREET RECONSTRUCTION AND NEW STREET CONSTRUCTION, AND THE BASIS FOR ASSESSING SUCH COSTS; AMENDING THE HART AND HOMER ACCELERATED WATER AND SEWER PROGRAM (HAWSP) POLICY MANUALS TO STATE THAT EXPENDITURES UNDER EACH PROGRAM IS SUBJECT TO THE AVAILABILITY OF FUNDS; REFERRING THE DEVELOPMENT OF A MATCHING GRANT PROGRAM FOR SMALL SCALE GREENWAY TRAILS TO THE PARKS AND RECREATION ADVISORY COMMISSION; AND REFERRING OTHER REVISIONS OF THE HART POLICY MANUAL TO THE HOMER ADVISORY PLANNING COMMISSION FOR ITS REVIEW AND RECOMMENDATIONS.

WHEREAS, It is in the best interest of the City and its residents to encourage the reconstruction of streets and the construction of new streets with funding from Homer Accelerated Roads and Trails Program (HART) funds; and

WHEREAS, Revising the formula for funding street reconstruction and new street construction from HART funds will provide a better incentive for property owners to participate in special assessment districts (SAD) for street reconstruction and new street construction; and

WHEREAS, Uniformity between HART and the Homer Accelerated Water and Sewer Program (HAWSP) with regard to the basis for allocating special assessments is desirable; and

WHEREAS, The HART Policy Manual is in need of updating and reorganization, and it would be appropriate to refer this matter to the Homer Advisory Planning Commission for its review and recommendations.

NOW, THEREFORE, BE IT RESOLVED that Paragraph III.A.1.j of the Homer Accelerated Roads and Trails Program (HART) Policy Manual is amended to read as follows (additions bold and underlined; deletions stricken through):

j. For special assessment districts initiated on or before May 10, 2016, property owner contribution through SAD process by paying \$30 per front foot for gravel and \$17 per front foot for paving cost of a residential standard street and the city pays all costs for

43 additional improvements deemed necessary. For special assessment districts initiated after
44 May 10, 2016, property owner contribution through SAD process of 25% of project cost for
45 street reconstruction or new street construction on an equal assessment per lot basis for cost
46 of a residential standard street and the city pays all costs for additional improvements
47 deemed necessary.

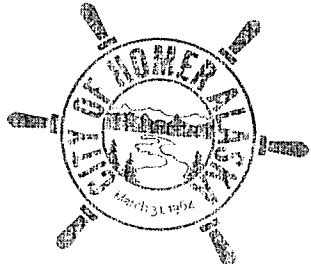
48
49 BE IT FURTHER RESOLVED that each of the Homer Accelerated Roads and Trails
50 Program (HART) and Homer Accelerated Water and Sewer Program (HAWSP) Policy Manuals
51 is amended to state that expenditures under each program are subject to the availability of
52 funds, after maintaining a debt-service coverage ratio of 1.25 or above.

53
54 BE IT FURTHER RESOLVED that the Council refers to the Homer Advisory Planning
55 Commission for its review and recommendations the subject of revising the HART Policy
56 Manual to achieve the following goals: (i) update and improve the organization and
57 readability of the HART Policy Manual; (ii) make policies in the HART Policy Manual as
58 consistent as possible with the policies in the Homer Accelerated Water and Sewer Program
59 (HAWSP) Policy Manual; and (iii) review project eligibility; (iv) provide for the funding of
60 special assessment districts for sidewalks with HART funds; and (v) develop a matching grant
61 program for small scale greenway trails.

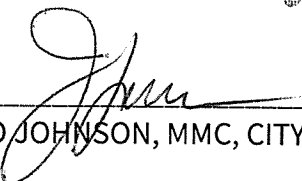
62
63 BE IT FURTHER RESOLVED that the Council refers to the Parks and Recreation Advisory
64 Commission for its review and recommendations the subject of revising the HART Policy
65 Manual to develop a matching grant program for small scale greenway trails.

66
67 PASSED AND ADOPTED by the Homer City Council this 9th day of May, 2016.

68
69 CITY OF HOMER



Mary E. Wythe
MARY E. WYTHE, MAYOR

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75 ATTEST:
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79 JO JOHNSON, MMC, CITY CLERK
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81 Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 16-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, PLACING A MORATORIUM ON ALL NEW WATER OR SEWER SPECIAL ASSESSMENT DISTRICTS UNTIL THE DEBT SERVICE RATIO FOR THE HOMER ACCELERATED WATER AND SEWER FUND IS ABOVE 1.25 AND DIRECTING THE HOMER ADVISORY PLANNING COMMISSION TO DEVELOP PROCEDURES FOR APPLYING AND LIFTING THE DEBT SERVICE RATIO RESTRICTIONS.

WHEREAS, The Homer Accelerated Water and Sewer (HAWSP) Fund is made up of a combination of special assessment district (SAD) payments and a ¾% dedicated sales tax; and

WHEREAS, The HAWSP Fund is used to pay the City's share of water and sewer improvements and pay back low interest loans for improvements initiated through local special assessment districts; and

WHEREAS, The HAWSP Fund has significant debt burden and Council is concerned with the fund's ability to meet current and future debt obligations; and

WHEREAS, To address fiscal solvency concerns, Council instituted a minimum debt service ratio of 1.25 in Resolution 16-041(S-2)(A) in order to initiate new special assessment districts; and

WHEREAS, The recent approval of Kachemak Drive Phase III and Lillian Walli SADs place the current debt service ratio below 1.25; and

WHEREAS, Procedures must be developed as to how the debt service ratio is applied, when and how it is lifted, and what to do about requests for SADs that come forward during the interim; and

WHEREAS, As an example, Mission Road attempted to initiate a new water special assessment district recently that was denied because of the current debt service ratio and should be first on the list when the moratorium on special assessment districts is lifted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, places a moratorium on all new water or sewer special assessment districts.

42 BE IT FURTHER RESOLVED that the City Council directs the Homer Advisory Planning
43 Commission to develop a recommendation to Council on procedures for:

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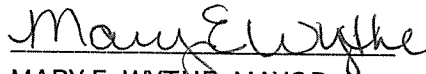
- How the City should apply the debt service ratio
- When the debt service ratio should be calculated
- When pending HAWSP projects should be inputted into the debt service ratio calculation
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects

55 PASSED AND ADOPTED by the Homer City Council this 27th day of June, 2016.

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57

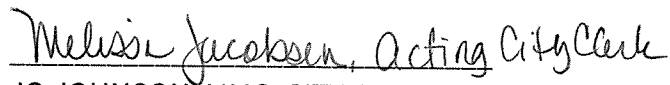
CITY OF HOMER

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MARY E. WYTHE, MAYOR

63 ATTEST:

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JO JOHNSON, MMC, CITY CLERK



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Fiscal Note: N/A

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

48
49 Transfer To:

50 Fund Name:	Description:	Amount:
51 HAWSP (205)	Transfers from	\$3,101,082

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

55
56 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2020.

57
58 CITY OF HOMER

59
60 _____
61 KEN CASTNER, MAYOR

62 ATTEST:

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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 _____
Michael Gatti, City Attorney

83 Date:_____

84 Date:_____

HAWSP Fund Balance Analysis

Altman Rogers & Co. was contracted to look at and analyze the HAWSP fund and to focus on the negative fund balance. It is our understanding that the HAWSP fund was created to account for sales tax in the amount of $\frac{3}{4}$'s of a percent "for the purpose of funding debt retirement of the sewer treatment plant improvements, and to the extent of revenues from such tax exceed such debt retirement obligations for the purposes of funding water and sewer systems."

Prior to 2002 the water and sewer enterprise funds were accounted for as individual funds, between 2002 and 2009 the funds were combined into one enterprise fund. In 2010 a decision was made and the water and sewer utility fund was converted from an enterprise fund to a special revenue fund. Upon this conversion the HAWSP fund was created with a beginning fund balance of (\$4,055,680). We reviewed previous audit information to determine if this beginning fund balance was reasonable. With the assistance from the City finance department we were able to obtain audit reports dating back to late 1980's. We concentrated our focus on the enterprise fund cash flow statements, due to the fact that we were trying to recreate the activity of the fund based on the modified accrual basis of accounting. We determined that the sales tax started being collected in late 1991 with the first full year of collections in 1992.

From 1992 to 2009 the water and sewer utility funds were accounted for as enterprise funds and as such based on the full accrual method of accounting. We recreated the activity for those years from the cash flow statements as if they would have been accounted for on the modified accrual basis of accounting (see attached spreadsheet). Based on this analysis the beginning fund balance at 1/1/10 should have been (\$954,958). We looked at the accounting records from the City's accounting system from 2005 (when the accounting software was converted) through 2009 when the fund was converted from an enterprise fund to a special revenue fund. Upon looking at those reports as well as previous audit reports it appears that there was an error made in the beginning fund balance allocation between operations and HAWSP. This appears to have been caused by the combination of the water and sewer utility into one fund as well as the recording of yearly activity when the fund was an enterprise fund. Based on our analysis we recommend that a transfer between operations and HAWSP is made in the amount of \$3,101,082.

During review of the fund activity from 2010 to current we came across one unusual transaction. In 2014 there was a debt deobligation of \$1,580,014. There was a decision made to stop pursuing collections of amounts due from state or federal agencies (see email). Amounts related to these transactions had been recorded as an increase in fund balance in previous years. The debt deobligation was recorded in the same fund that the related revenue was accounted for previously. A decision should be made if this write off of accounts receivable should be accounted for in the HAWSP fund or should the non collection be covered by the reserve fund. If the council decides that the short fall be covered by the reserve fund a transfer should be made from the reserve fund to the HAWSP fund.



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

TO: MAYOR ZAK AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBOUD, CITY PLANNER
DATE: NOVEMBER 30, 2016
SUBJECT: HAWSP RECOMMENDATIONS

Introduction

The Planning Commission was asked to review the HAWSP and make recommendations regarding the application of a 1.25 debt service ratio.

Recommendation:

The Planning Commission has developed recommendations regarding the HAWSP policies in consideration of the following:

- How the City should apply the debt service ratio?
- When the debt service ratio should be calculated?
- When pending HAWSP projects should be inputted into the debt service ratio calculation?
- A process for keeping track of and prioritizing special assessment district requests that occur while a moratorium on new districts is in effect.
- A process for lifting and implementing a moratorium on water and sewer special assessment district projects.

These concerns are interrelated and the answers are dependent on thought of the entire process and are not easily broken down in response to each individual question. Staff Report PL16-47 contains the thought that the Commission supported. Specific recommendations include:

- The Finance Department should report the debt service ratio quarterly to the City Council and City Manager.
- Increase the application fee to \$1000.00.

1. How and when should the debt service be applied and calculated:

- Current fiscal experience should be used for calculations and application.
- It can be calculated at any time. It was recommended to provide quarterly updates and have some discussion at time of budget adoption. A moratorium may be lifted by the City Council at any time the debt ratio has room for a project.

2. The consideration for the input of projects.

- The projects are recommended to be considered on a first come basis. The City Clerk can take applications and track them.

3. Input of projects into the debt service ratio.

- Projects should be inputted into the ratio as soon as an estimate is available.

These policy guidelines are general in nature and all come with policy implications. The Commission feels that the City Council will need to have the latitude to evaluate the particular concerns that apply to the specific proposals they may see.

Policy implications.

1. A more detailed report of the effect of the various loan terms may allow the Council to plan better for the future.

While the recommendation is to make decisions based on the real-time debt service ratio, several elements of the figure could give a clearer picture of the future. The lion's share of our tax revenue is collected in the third quarter and drives the trend in collection experience, so it is useful to have the current figure. A breakdown of debt retirement would also be a useful planning tool. This program has generally been used to cover the financing of long-term debt. Projects started in 1998 may still be on the books. A table displaying the impact of debt retirement on the debt ratio would help in getting a better vision of the future of the fund.

2. The first come policy regarding project consideration has some concerns in particular scenarios.

Many think of the projects as citizen initiated SAD's, but the fund is also used for what some may think of as maintenance or general system upgrades (think water plant and tank, even Kachemak Drive Phase Three). There is a competition between these two different types of projects, which have priority? We should build a projected needs list for the maintenance and system upgrades that include at least a rough estimate. These needs with timeline should be part of the debt service ratio analysis.

A subcategory of the concern listed above is what I call the large verses small. We may have to wait a long time for the debt service ratio to accept a project of several million dollars; in the meantime, we may have requests for a project costing a hundred thousand. Should the fund sit idle, waiting to fund a large project that has a considerable impact on the debt service ratio and forego consideration of other smaller projects? I believe the answer is, 'it depends'. This is where a value judgement by the Council will be necessary.

It is very difficult to prescribe a particular policy procedure

3. Input into debt service ratio.

It can take up to four months to get results of petitions to show interest and developing a rough cost estimate. It would be best to consider a project 'encumbered' as soon as it is considered. An estimate should be inputted into the ratio when initially determining the probable lots to be served. It would only be withdrawn at the time that the project has become unfeasible.

Technical implications

1. We may need legal guidance to create the process to lift a moratorium. It could be accomplished many ways, including just following standards for project queueing in regards to acceptable debt service ratios. In consideration of the current and forecasted ratio, we may have a list of projects waiting for a favorable debt ratio.
2. We may want to declare our project list in order of priority. This might be done annually and would provide the debt service ratio goal needed in order commence with a project.
3. A policy needs to be developed regarding the timing of the charge for initiating a project. If there is an unfavorable debt service ratio, a project might be on hold for some time. We could consider some sort of deposit to get it on the list and then an expectation of collecting the full amount prior to commencing a project.

Concerns with current understanding of policy and process.

Attachments

Draft Ordinance

City of Homer, Alaska
Utility Special Revenue Fund
Combining Balance Sheet

<i>December 31, 2015</i>	Utility Operations	HAWSP Debt Service	Utility Capital Projects	Utility Reserves	Total Utility Fund
Assets					
Cash and investments	\$ 2,695,189	\$ (4,394,408)	\$ (140,305)	\$ 4,112,150	\$ 2,272,626
Receivables					
Accounts	273,832	-	-	-	273,832
Sales taxes	(20)	195,549	-	-	195,529
Assessments	-	4,398,291	-	-	4,398,291
Total Receivables	273,812	4,593,840	-	-	4,867,652
Inventory	310,094	-	-	-	310,094
Prepaid items	31,437	-	-	-	31,437
Total Assets	\$ 3,310,532	\$ 199,432	\$ (140,305)	\$ 4,112,150	\$ 7,481,809
Liabilities					
Accounts payable	\$ 41,254	\$ -	\$ -	\$ -	\$ 41,254
Accrued payroll and related liabilities	21,593	-	-	-	21,593
Customer deposits	40,697	-	-	-	40,697
Matured debt service	-	445,902	-	-	445,902
Total Liabilities	103,544	445,902	-	-	549,446
Deferred Inflows of Resources					
Deferred assessments	-	4,398,291	-	-	4,398,291
Total Liabilities and Deferred Inflows of Resources	103,544	4,844,193	-	-	4,947,737
Fund Balances (Deficits)					
Nonspendable - inventory and prepaid items	341,531	-	-	-	341,531
Assigned - water and sewer	2,865,457	(4,644,761)	(140,305)	4,112,150	2,192,541
Total Fund Balances (Deficits)	3,206,988	(4,644,761)	(140,305)	4,112,150	2,534,072
Total Liabilities, Deferred Inflows of Resources and Fund Balances (Deficits)	\$ 3,310,532	\$ 199,432	\$ (140,305)	\$ 4,112,150	\$ 7,481,809

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

3 City Manager

4 **RESOLUTION 20-013**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE
8 CITY OF HOMER AND THE KENAI PENINSULA BOROUGH
9 REGARDING A REGIONAL APPLICATION TO ASSISTANCE TO
10 FIREFIGHTERS GRANT PROGRAM AND AUTHORIZING THE CITY
11 MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

12
13 WHEREAS, Resolution 18-080 approved a Memorandum of Agreement between the City
14 of Homer and Kenai Peninsula Borough regarding the application to an Assistance to
15 Firefighters Grant Program for the purpose of funding the replacement of self-contained
16 breathing apparatus for emergency responders in Anchor Point, Homer, Ninilchik and the
17 Kachemak Emergency Service Area; and

18
19 WHEREAS, The Assistance to Firefighters Grant was not awarded to the Kenai Peninsula
20 Borough and the group is reapplying for the grant with the Homer Volunteer Fire Department
21 as the lead agency, requiring a revised Memorandum of Agreement be approved; and

22
23 WHEREAS, All of the justification outlined in Resolution 18-080 and importance of
24 collaboration is as relevant today as it was then; and

25
26 WHEREAS, As part of the Memorandum of Agreement the City of Homer is committing
27 to providing a 10% match for the SCBA at an estimated cost of less than \$10,000; and

28
29 WHEREAS, If awarded, the Homer City Council will need to appropriate the match by
30 ordinance; and

31
32 WHEREAS, The regional nature of the application and collaboration between
33 departments is to be commended.

34
35 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the
36 Memorandum of Agreement between the City of Homer and the Kenai Peninsula Borough.

37
38 BE IT FURTHER RESOLVED that if awarded the funds, the Homer City Council will
39 consider by ordinance appropriating a 10% match.

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41 PASSED AND ADOPTED by the Homer City Council this 27th day of January, 2020.
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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

**MEMORANDUM OF AGREEMENT BETWEEN
THE KENAI PENINSULA BOROUGH ON BEHALF OF THE ANCHOR
POINT FIRE & EMERGENCY MEDICAL SERVICE AREA AND THE
KACHEMAK EMERGENCY SERVICE AREA IN COLLABORATION
WITH THE CITY OF HOMER VOLUNTEER FIRE DEPARTMENT AND
THE NINILCHIK EMERGENCY SERVICES**

This Memorandum of Agreement (MOA) is by and between the Kenai Peninsula Borough, whose address is 144 North Binkley Street, Soldotna, AK 99669, hereinafter “Borough,” on behalf of the Anchor Point Fire & Emergency Medical Service Area, hereinafter “Participant” and on behalf of the Kachemak Emergency Service Area, hereinafter “Participant” in collaboration with the City of Homer, whose address is 491 East Pioneer Avenue Homer, AK 99603, hereinafter “City,” on behalf of the Homer Volunteer Fire Department, hereinafter “Host” and the Ninilchik Emergency Services, whose address is 15727 Kingsley Road Ninilchik, AK 99639, hereinafter “Participant.” The purpose of this MOA is to specify the individual and mutual responsibilities of the Host and Participants as required under the U.S. Department of Homeland Security, Federal Emergency Management Agency, “Assistance to Firefighters Grant,” Catalogue of Federal Domestic Assistance CFDA#97.044.

WHEREAS, the Anchor Point Fire & Emergency Medical Service Area and the Kachemak Emergency Service Area are entities of the Kenai Peninsula Borough, Federal tax identification EIN# 92-0030894; and

WHEREAS, the Homer Volunteer Fire Department is an entity of the City of Homer, Federal tax identification EIN# 92-0030963; and

WHEREAS, the Ninilchik Emergency Services is a nonprofit volunteer organization, Federal tax identification EIN# 92-0101230; and

WHEREAS, the Anchor Point Fire & Emergency Medical Service Area, the Kachemak Emergency Service Area, the Homer Volunteer Fire Department and the Ninilchik Emergency Services are eligible applicants as defined by the Federal Emergency Management Agency, “Assistance to Firefighters Grant” (AFG); and

WHEREAS, the AFG program requires the Host and Participants to enter into an MOA in order to submit a regional grant application; and

WHEREAS, the Host and Participants intend to request grant funds to supplement the costs for personal protective gear or equipment as described in the AFG regional application; and

WHEREAS, the Host and Participants intend to meet the five percent cash match requirement as approved by respective governing bodies; and

NOW THEREFORE, the Borough, City, Host and Participants agree to adhere to the AFG grant requirements as described below.

- A. The Borough, on behalf of the Host, assumes all responsibility for submitting the online, regional grant application and entering into an agreement with the U.S. Department of Homeland Security, Federal Emergency Management Agency, "Assistance to Firefighters Grant," CFDA#97.044.
- B. The City, on behalf of the Host, assumes all responsibilities of grant management upon award, including but not limited to pre-award, post-award, close-out and retention requirements as governed by federal regulations 2 CFR 200.
- C. The City, on behalf of the Host, will order and distribute the total number of personal protective gear or equipment for the Host and Participants as approved by and reimbursed from AFG.
- D. The City will provide the five percent cash match for the Host and Participants' personal protective gear or equipment as approved by AFG.
- E. The Host and Participants will provide to the City the five percent cash match and total costs for the Participants' personal protective gear or equipment as approved by AFG.
- F. The Participants will maintain the Participants' personal protective gear or equipment and provide annual reports to the Host as required under 2 CFR 200 Subpart D (§§ 200.310 - 200.316).
- G. This MOA becomes effective upon the last date of signing, and shall continue from year to year for the purpose of applying for AFG Regional Grant Applications until terminated in writing by any party to this agreement. This MOA may be amended by signed written agreement of the parties.
- H. This MOA may be executed in counterparts, and may be executed by way of facsimile or electronic signature in compliance with AS 09.80, and if so, shall be considered an original.

CITY OF HOMER

**HOMER VOLUNTEER FIRE
DEPARTMENT**

By: _____
Katie Koester, City Manager

By: _____
Mark Kirko, Fire Chief

ATTEST:

Melissa Jacobsen, City Clerk

(City Seal)

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ___ day of _____, 2020, by Katie Koester, City Manager, on behalf of the City of Homer, an Alaska municipal corporation.

(Notary Seal)

NOTARY PUBLIC for State of Alaska
My Commission Expires: _____

NINILCHIK EMERGENCY SERVICES

By: _____

Steve Vanek, President

NINILCHIK EMERGENCY SERVICES

By: _____

David Bear, Fire Chief

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this ___ day of _____, 2020, by Steve Vanek, President, on behalf of Ninilchik Emergency Services, a Nonprofit Corporation in good standing with the State of Alaska.

(Notary Seal)

NOTARY PUBLIC for State of Alaska
My Commission Expires: _____

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 18-080

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE
CITY OF HOMER AND THE KENAI PENINSULA BOROUGH
REGARDING A REGIONAL APPLICATION TO ASSISTANCE TO
FIREFIGHTERS GRANT PROGRAM AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The purpose of the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant program (AFG) is to enhance the safety of the public and firefighters with respect to fire and fire-related hazards; and

WHEREAS, The Homer Volunteer Fire Department is in need of replacement of self-contained breathing apparatus (SCBA) which were purchased in 2004 and will require significant upgrades to meet new NFPA Standards; and

WHEREAS, It is in the best interest of the City for the SCBA to be compatible with neighboring fire departments; and

WHEREAS, The regional nature of the application and collaboration between departments allows for safer operations when working on multi-agency emergencies; and

WHEREAS, A regional AFG application will be more competitive than multiple applications from individual departments; and

WHEREAS, As part of the Memorandum of Agreement the City of Homer is committing to providing a 5% match for the SCBA at an estimated cost of less than \$10,000; and

WHEREAS, If awarded, the Homer City Council will need to appropriate the match by ordinance; and

WHEREAS, The regional nature of the application and collaboration between departments is to be commended.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby approves the Memorandum of Agreement between the City of Homer and the Kenai Peninsula Borough, a copy of which is attached and incorporated herein.

43 BE IT FURTHER RESOLVED that if awarded the funds, the Homer City Council will
44 consider by ordinance appropriating a 10% match.

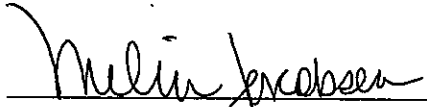
45
46 PASSED AND ADOPTED by the Homer City Council this 22nd day of October, 2018.
47

48 CITY OF HOMER

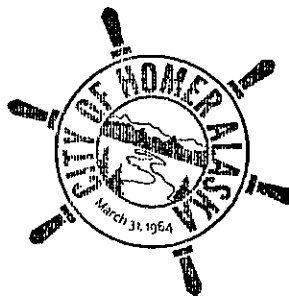
49
50 

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52 KEN CASTNER, MAYOR

53
54 ATTEST:

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56 
57
58 MELISSA JACOBSEN, MMC, CITY CLERK

59
60 Fiscal Note: N/A



**CITY OF HOMER
PUBLIC HEARING NOTICE
CITY COUNCIL MEETING**

Ordinances 20-01, 20-02, 20-03, 20-04, 20-05

A **public hearing** is scheduled for **Monday, January 27, 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 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.

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.

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.

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.

Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager.

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# 20-008 Publish 012320

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 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.

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.

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.

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.

Ordinance 20-05, An Ordinance of the Homer City Council Adopting the Industrial Waste Disposal Permit. City Manager.

...was distributed on Monday, January 20, 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 20th day of January 2020.



Rachel Tussey, Deputy City Clerk I

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
2. City Council Regular Meeting January 27, 2020 Public Hearing and Second Reading

**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>	<u>Description</u>	<u>Amount</u>
52 808-0375	Ocean Drive Loop Special Service District (82%)	\$35,099
53 156-0369	Seawall Maintenance Reserve	\$7,705

54

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

57

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

59

60 CITY OF HOMER

61

62

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64 _____

65 KEN CASTNER, MAYOR

66 ATTEST:

67

68 _____

69 MELISSA JACOBSEN, MMC, CITY CLERK

70

71 YES:

72 NO:

73 ABSTAIN:

74 ABSENT:

75

76 First Reading:

77 Public Hearing:

78 Second Reading:

79 Effective Date:

80

81 Reviewed and approved as to form.

82

83 _____

84 Katie Koester, City Manager

85

86 Date: _____

Michael Gatti, City Attorney

Date: _____

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 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.

Sponsor: Planning Commission

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Memorandum 20-006 from City Planner as backup
2. City Council Regular Meeting January 27, 2020 Public Hearing and Second Reading

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 LOT 9 TRACT A,
8 NILS O SVEDLUND SUBDIVISION AMENDED EXCLUDING ANY PORTION
9 WITHIN LOT 9A THOMAS SHELFORD SUBDIVISION '68 ADDITION A
10 PORTION OF THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT, TO
11 CENTRAL 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: _____

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

2. City Council Regular Meeting January 27, 2020 Public Hearing and Second Reading

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
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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: _____

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

2. City Council Regular Meeting January 27, 2020 Public Hearing and Second Reading

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 \$20,850 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
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42 _____
43 KEN CASTNER, MAYOR
44

45 ATTEST:
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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:

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62 _____

63 Katie Koester, City Manager

64
65 Date: _____

Michael Gatti, City Attorney

Date: _____

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; and

32
33 WHEREAS, According to Homer City Code 14.04.110(b) the Industrial Waste Manual shall
34 contain administrative rules and regulations governing discharge of industrial waste into the
35 sanitary system and must be approved by Council via ordinance.

36
37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

38
39 Section 1. The Homer City Council hereby adopts the Industrial Waste Disposal Permit.

40
41 Section 2. This ordinance is permanent in nature but shall not be codified.

42
43 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27th day of January, 2020.
44

CITY OF HOMER

KEN CASTNER, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____

ORDINANCE REFERENCE SHEET
2020 ORDINANCE
ORDINANCE 20-05

An Ordinance of the Homer City Council Adopting the Industrial Waste Permit

Sponsor: City Manager

1. City Council Regular Meeting January 13, 2020 Introduction
 - a. Industrial Waste Permit Manual
 - b. Industrial Waste Permit

2. City Council Regular Meeting January 27, 2020 Public Hearing and Second Reading

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.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 22, 2020
SUBJECT: City Manager Report for Jan. 27th, 2020 City Council Meeting

Assistant EMS Chief Hired

I am pleased to announce that the Homer Volunteer Fire Department has selected Lillian Hottmann for the position of Assistant Chief of EMS. Lillian brings over eight years of experience to the position and began her career right here in Homer. Lillian was an EMT for Homer and a graduate of the 2011 firefighter-I class. She then moved to Colorado to pursue her career as a paramedic and for the past three years she has been supervising a very fast paced ambulance service in the Dallas, Texas area. She has been instrumental in teaching new paramedics and mentoring them through their probationary periods. Lillian still has family in Homer and an obvious deep seated love for the area. We eagerly await her arrival and the leadership and mentoring that she will bring to the department. Her expected start date is March 1st.

Hiring Update for Public Works Director Position

The Public Works Director position closes on January 24th. Application review will be conducted the week of January 27th, with telephonic and in-person interviews to follow. We are aiming for telephonic interviews the week of February 10th, and in-person interviews to be conducted the week of February 24th. I am currently putting together an interview committee to offer their expertise in the hiring of this very key position, including recruiting expertise in Public Works from a neighboring community to help with technical questions.

Next Steps on Seawall

City Attorney Gatti and his colleague, Bond Attorney Cindy Cartledge, are scheduled to come to Homer the first week of March to spend a day with staff reviewing files, responding to the legal opinion passed by Council at the last meeting, and brainstorming potential solutions that would provide long term maintenance to the Seawall that is fair to all City residents.

Meeting With Chamber on Contract Amendments

Councilmember Aderhold and I met with Chamber Director Brad Anderson regarding the proposed amendments to the Chamber contract discussed during the January 13th Council meeting, including their proposed \$14,000 increase to staff the 'derby shack' during the summer and the Mayor's request to look at providing special event insurance. I shared hesitancy on the part of City Council to fund a service that would have otherwise been covered through the Halibut Derby without more explanation and justification. T

Chamber was very open to the idea of facilitating special event insurance for the many grassroots events that color our town. One suggestion was that, in exchange for a fee, the Chamber provide the insurance for a predetermined list of community wide events and provide assistance to other community groups who want to hold an event by helping them either navigate the event insurance landscape or facilitate a one day policy through the Chamber. I will be working with Brad on details to bring to the Council once he has had a chance to get numbers from their insurance company.

PARCAC's Recommendation concerning Tesiho Art Display

On September 20th, 2018, PARCAC recommended Council allocate funds to install signage on the front of City Hall and UV film protection for the windows in order to make the conference room suitable to host the gifts the City has received from our sister cities over the years. This was the last action taken by PARCAC on the subject, and I have included their September 13th and 20th, 2018 meeting minutes; the August 2018 proposal provided by the Pratt Museum; and the resolution that originally tasked PARCAC with finding a suitable venue to display the Sister City art collection. I have met with Library Director Berry regarding the potential for the library to host the art and asked him to get back to me with suggestions on how their space could accomodate either a special exhibit, rotating display, or some other way to give these unique pieces more public promenance in our community.

Evaluation of Land Listed for Sale

Two private parcels currently listed for sale (outlined in red) may be of interest to Council given their proximity to City parklands (outlined in green); descriptions of each parcel are provided below. Land acquisition procedures are outlined in HCC 18.06 and the City contracts with Angie Newby of Homer Real Estate to provide her expertise on these matters. As of January 22nd, the Land special reserve account (150) has a balance of roughly \$200,000.



Parcel between Early Spring Street and Jack Gist Park

14.84 acres. List price is \$285,000.

This property is an attractive location for new housing, and may sell quickly.

During the planning phase of Jack Gist Park, this lot was considered for future soccer fields and equestrian areas. In recent years a smaller 2.33 lot adjacent to the park was for sale. PARCAC recommended against purchasing it because that lot was too small to add much utility to the park, and this 14.84 acres parcel is much more desirable, if it ever came up for sale.

As Jack Gist Park stands now, additional parking areas are needed as well as a buffer from any potential new residential development. The western ball field hugs the property line. If Council is interested in exploring the purchase of this land, a sponsor is needed and I would suggest getting input from PARCAC.



Parcel Directly West of Hornaday Park

39.5 acres. List price is \$929,000.

A portion of the City campground and road may encroach on this property. Council may want to consider purchasing a portion of the land, so the park facilities are all on city property, as well as gaining access to the city property above Hornaday Park. A new buyer may or may not be concerned with the encroachment issue, but it's something that is likely to come up during the property transaction and may require council action. Staff is working to both quantify the potential encroachment and determine recommendations for how to remedy this land issue and will report back to Council.

Police Station Change Order Report

I have asked Project Manager McNary to provide a verbal update to accompany the attached memo during the Committee of the Whole on the police station budget, including the use of contingency funds, as there have been many questions in regards to the contingency and change orders. While the City of Homer Procurement Manual gives the City Manager the authority to approve change orders, there are important limitations on that authority and reporting requirements to Council. While change orders are not routine, monthly reporting has not been common practice for many years. I will be better at flagging this in the future and look forward to working with Council and the Mayor on proposed improvements to this section of the Procurement Manual.

3.16.100 Change orders – Manager Authority. The City Manager or his designee is authorized, without Council approval. To enter into change orders where the amount of additional expenditure occasioned by the change order or orders does not, in the aggregate, exceed any contingency fund previously established with respect to the particular project or change the scope of work. The Manager or his designee shall report monthly to the Council the nature and amount of such change orders. Change orders exceeding in the aggregate the foregoing limitation or which change the scope of work are not binding without prior approval of the Council.

Enc:

September 13th, 2018 PARCAC meeting minutes and August 2018 Pratt Museum proposal

September 20th, 2018 PARCAC meeting minutes

Resolution 16-129

Memo RE: Homer Police Station Budget/ Contingency Status



City of Homer

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Memorandum

TO: PARKS, ART, RECREATION AND CULTURE ADVISORY COMMISSION

FROM: RENEE KRAUSE, CMC, DEPUTY CITY CLERK

DATE: SEPTEMBER 13, 2018

SUBJECT: SISTER CITY ART CURATION PROJECT PROPOSAL AND RECOMMENDATION TO CITY COUNCIL

At the August 16, 2018 regular meeting the Commission reviewed the proposal submitted on the Teshio Art Collection. The Commission determined a brief worksession prior to the regular meeting was needed to familiarize themselves with the collection.

Motion before the Commission:

ROEDL/LEWIS MOVED TO RECOMMEND CITY COUNCIL ALLOCATE FUNDS TO INSTALL SIGNAGE ON THE FRONT OF CITY HALL AND UV FILM PROTECTION FOR WINDOWS.

Following page is the excerpt from the meeting minutes related to the discussion and motion before the commission.

Recommendation

Take action on the motion before the commission.

Make any additional motions the commission feels are appropriate to address the direction of the City Council.

NEW BUSINESS

E. Pratt Proposal for Teshio Sister City Art Collection

Chair Lowney asked if anyone would like to propose a motion.

Commissioner Sharp did not want to propose a motion at this time as he believed they really needed to discuss what they are going to do and where they are going to put the collection. The proposal was very thorough and he appreciated all the details. He related the various ideas of locating pieces of the collection in various city buildings around the city, he liked the idea of a teaser collection placed on the spit for cruise ship visitors and the like to see. Commissioner Sharp did not see how reasonable it would be to get one of those cabinets at this time.

Chair Lowney was questioning if there would an option to place the collection in various public buildings such as Land's End.

Deputy City Planner Engebretsen explained that security is a concern as there is very limited staff that would be able to care and track this collection. It would also take staff to move and relocate the collection each time.

Commissioner Lewis suggested that they should get the information on the pieces, details on how big the collection is, care needed and value if any before they figure out where to put it. He related that Teshio has installed a large monument that honors the sister city relationship with Homer.

Deputy City Clerk Krause explained that the collection is 37 pieces and security is a major concern and then the issues with staffing. If they split the collection up that increases the burden of tracking the collection, care, and security. It would also lose the effect as a whole collection it would just be pieces of art then.

Commissioner Roedl commented that one of the reasons they were given this project was to make it more accessible to the public. The biggest deterrent is that the public doesn't know where it is. That is why they spoke about signage on the front of City Hall with a small teaser collection out at the Harbor so cruise ship passengers and visitors would be aware of the collection and where it was displayed.

Commissioner Archibald commented that he felt a photographic Library of the collection would be a good way to go. He stated getting one of those cabinets may not be possible now but placing a small collection out at the Harbor would let the public know.

Commissioner Fair responded that they do have one, that was professionally done and exhibit quality, it is kept in the City Clerk's Office.

Deputy City Clerk Krause stated that she is in the process of making it accessible on the website but it is a tedious process and time constraints have delayed the completion of the project.

ROEDL/LEWIS MOVED TO RECOMMEND CITY COUNCIL ALLOCATE FUNDS TO INSTALL SIGNAGE ON THE FRONT OF CITY HALL AND UV FILM PROTECTION FOR WINDOWS.

Discussion followed on using photo collages placed at various points around town; the staff recommendation to postpone for further discussion at the September meeting; viewing the collection prior to the developing the recommendation so that they present clear direction on the best care for the collection; supporting the motion to fund the signage and UV film on the windows; taking the time to make sure they are concise in what they want to do.

LEWIS/FAIR MOVED TO POSTPONE THE RECOMMENDATION FOR FURTHER DISCUSSION AT THE SEPTEMBER MEETING THEN PRESENT THEIR RECOMMENDATION AFTER THE NEW COUNCIL IS SEATED IN OCTOBER.

There was a brief clarification from Deputy City Clerk Krause on the motion to postpone while a motion is pending in response to questions from the commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Pratt Museum:

Recommendations for City of Homer's Teshio Art Collection

August 8, 2018



This proposal was created in response to a discussion on May 31, 2018 that included Peter Roedel (PARCAC), Renee Krause (City of Homer), Laurie Stuart (Pratt Executive Director), Scott Bartlett (Pratt Exhibits Curator), and Savanna Bradley (Pratt Collections Manager).

From this conversation, it is understood that PARCAC's priorities for an exhibit about our sister-city relationship with the city of Teshio, Japan include:

- That the exhibit be secure
- That the artifacts are appropriately preserved for posterity
- That the exhibit be free to the public
- A high visitation rate: that the exhibit be in a highly visible/accessible site, where visitors to Homer can easily engage with it
- That Homer's exhibit about the sister-city relationship is as visible as the exhibit at Teshio's city museum, so that it is a destination for delegation visits.
- That there is interpretation and ongoing collaboration beyond the artifacts. [In this case, "interpretation" is the mission-based communication process that forges emotional and intellectual connections between the audience and a resource.]
- Preference for the collection (~35 pieces) to stay together at the same site for security reasons.

The group discussed PARCAC's preference for the exhibit to be a high-traffic, high-visibility site. However, no city-owned site other than City Hall was identified as a possibility. We also discussed creating a small "teaser" exhibit of 1-2 objects in a high visibility area that would draw visitors to City Hall to view the rest of the collection. This idea raised concerns about security for the objects at the satellite location. Therefore, this proposal assumes that the conference room on the northeast side of the City Hall building, where the artifacts are currently stored and on display, is still the most appropriate site for the exhibit.

Caring for the Collection

The Museum recommends the following activities to best protect and provide longevity for the collection art/artifacts:

- Move fragile objects (especially textiles, featherwork, paper) away from light sources.
- Cover windows with UV reduction filters.
- Plan to rotate artworks on display at least once per year.

- Relocate non-display items to an interior storage space with improved environmental stability (temperature and humidity).
- Ensure glass cases for any items on display (to reduce inherent vice and incidental damage from contact).
- Acquire acid-free, inert packing material and create custom storage as necessary for all collections items in storage (including items that rotate out on an annual basis).
- Fabricate inert passive display mounts for object on exhibit (as necessary)
- Acquire more robust display cases which will help to stabilize the internal microclimate (possibly with built-in LED lighting, dessicant storage, etc.).
- Develop and implement simple Integrated Pest Management (IPM) program and a basic “housekeeping” schedule.

Curating the Exhibit

The Museum recommends the following activities to create a public exhibition from the Teshio artifact collection:

- Solicit from Teshio representative (museum or government) the significance of the existing gifts. What do they represent? (i.e. is Teshio famous in Japan for making golf clubs? Was any of the artwork created by a venerated master artist seen as a city/national treasure? **This information is critical metadata to keep associated with the collection, and may also be used/extracted for interpretive labels. This data should be catalogued with an inventory of the entire collection. [Have we provided this information to Teshio on the gifts that we have given? Do we have an inventory of the gifts that are in Teshio’s exhibit?]
- Identify suites of objects for exhibit which can provide a focused storyline for interpretation, i.e. “leisure and sport in Teshio,” “Two Fishing Villages on the Pacific”, “Discovering the history of Japan through an exchange of gifts.”
- Create interpretive text outlining the history and nature of the Homer/Teshio sister-city relationship.
- Create signage on an exterior door (on Pioneer Street) identifying access to the “City of Homer Art Collection” (actual title to be determined). PARCAC has identified the goal of drawing general tourist visitation to the exhibit, which will require clear signage and inclusion on tourist maps.
- Consider creating a satellite exhibit or a poster in a higher traffic site (e.g. at the harbor) to market access to the exhibit at City Hall.
- Make access to the exhibit space available on cruise ship/high traffic days (with a docent, when possible).

Budget Considerations

The following activities would need budgeted to meet the priorities set by PARCAC for this exhibit:

SUPPLIES

Acid free storage boxes/tissue for collection	\$300
1-2 display cases with gasket seals, tempered glass, UV protection, LED lights	\$16,185 /ea
UV film for conference room windows	\$200
Exterior signage for City Hall	\$50-500
Satellite Poster/Signage	\$100-500
Gloves, desiccant, basic supplies	\$100
Fabrication of exhibit signs for each exhibit	\$300

PERSONNEL/CONTRACT

Collection of metadata/information on Teshio artifacts	40 hours
Inventory of collection with metadata, storage creation	40 hours
Creating exhibit signage (text, graphics) (Note: This would increase if new stories are included)	40 hours
Installing exhibit and signage	40 hours

To create the Teshio exhibit, the Museum recommends that the City of Homer consider applying for a grant through the Rasmuson/Museums Alaska Collection Management. Governmental entities holding objects in the public trust are eligible for this collection management grant, which could provide for assistance with UV protection, display cases, storage, and storage supplies. The Pratt Museum would commit to partnering on the writing of such a grant, and would help to select appropriate casework and materials to suit the City's decisions on this exhibit.

Additional Programming/Partnerships

There are many ways to keep the sister-city relationship active, which would give a Teshio art exhibit deeper context and make it more relevant to the community and our visitors. The Museum and the school district could be partners on a program that connected students from Homer and Teshio by videoconference, for example. Other community exchanges and partnerships potential exists. Funders for these exchanges could include (and are not limited to) the Homer Foundation, Rotary, and the Rasmuson Foundation. To initiate these partnerships, it is recommended that the benefits of the sister-city relationship be clearly outlined in a whitepaper that could be shared with potential partners and funders.

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\$14,115.00

Reference the color swatches sheet for all color and finish selections below.

[VIEW SWATCHES](#)

Selected Options [Clear](#)

Overall Dimensions : 78H x 48W x 16"D

Base Colors:

RAL Beige Grey 7006

Linen Colors:

Ultra IV Natural 406

Ship By Date:

Quantity:

1

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UV-Filtering Vitrine	Yes
Silica Gel Tile Compartment	No
Security Lock	Yes
Lighting	Yes
Number of Shelves	2
Adjustable Shelves	2
Interior Height (in.)	68
Overall Height (in.)	78
Overall Depth (in.)	16
Brand	Gaylord Archival®

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B. Sister City Art Collection Proposal and Recommendation to City Council

Chair Lowney inquired if there was a motion.

Deputy City Clerk Krause stated that there is a motion on the floor from the August meeting.

Chair Lowney read the motion from the memorandum:

ROEDL/LEWIS MOVED TO RECOMMEND CITY COUNCIL ALLOCATE FUNDS TO INSTALL SIGNAGE ON THE FRONT OF CITY HALL AND UV FILM PROTECTION FOR THE WINDOWS.

Discussion on relocating the art collection to the main upstairs lobby would address the request by Council to make the collection accessible, has a minimal impact to the budget and does not add additional strain to the city staff to be able to maintain and track. The commission also discussed including a photo collage of the collection at various city facilities to advertise the collection and bring people to City Hall.

There was a brief consideration of amending to motion to remove the inclusion of the UV protection but it was noted that all recommendations besides the specialty cabinets were minimal costs and application of the UV protection would still allow art to be placed in the conference room.

Chair Lowney called for a roll call vote.

VOTE. YES. ASHMUN, ROEDL, HARRALD, LOWNEY, SHARP, FAIR, LEWIS, SALZMANN

Motion carried.

NEW BUSINESS

A. Sidewalk Maintenance – Carey Meyer, Public Works Director

This item was postponed to the October meeting.

B. Ordinance 18-37, Karen Hornaday Park Traffic Calming and Safety Improvements

Chair Lowney explained that City Council remanded this back to the Commission based on concerns expressed by Commissioner Archibald and herself when they gathered some additional information after the commission had submitted their recommendations. Also some frustration with procedures on solving some of the issues with the parks in their community, and piece-mealing their way through and not considering the Master Plan in their considerations. So they decided to bring this back to the commission for discussion and to gather more information to consider some other options.

Commissioner Archibald contacted a landscape Architect in Anchorage who approved of the direction they were going with putting some curves in the road but recommended creating more of an “S” curve which may be more appealing and narrow in the pedestrian crossings.

Deputy City Clerk Krause stated that the Commission submitted their recommendation to City Council and the Commission must make the motion as recommended in the memorandum before further discussion or action can be taken, the motion must be made, seconded and approved by a majority vote.

**CITY OF HOMER
HOMER, ALASKA**

Lewis

RESOLUTION 16-129

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
REQUESTING THAT THE PARKS, ART, RECREATION AND
CULTURE ADVISORY COMMISSION EXPLORE A SUITABLE VENUE
TO DISPLAY THE SISTER CITY ART COLLECTION.

WHEREAS, The City of Homer and the City of Teshio, Hokkaido, Japan have been sister cities since taking an Oath to Establish the Sistership on April 17, 1984; and

WHEREAS, Teshio and Homer have enjoyed a profound camaraderie, sharing of families, student exchanges, ideals and memorabilia for more than thirty years; and

WHEREAS, Teshio has established a section within their local museum that is dedicated to the display of the memorabilia and gifts sent to them from Homer; and

WHEREAS, The Sister City Art Collection is currently displayed in the Upstairs Conference Room at City Hall, and not readily viewable by the general public; and

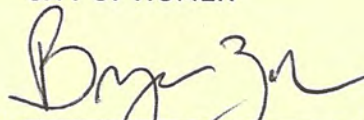
WHEREAS, The Sister City Art Collection should be in a venue that is accessible by the general public.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby requests that the Parks, Art, Recreation and Culture Advisory Commission explore a suitable venue to display the Sister City Art Collection.


PASSED AND ADOPTED by the Homer City Council this 5th day of December, 2016.



CITY OF HOMER


BRYAN ZAK, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Impact: To be determined.



City of Homer

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Public Works

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Memorandum

TO: Katie Koester, City Manager
FROM: Pat McNary, Project Manager
DATE: January 21, 2020
SUBJECT: NEW HOMER POLICE STATION – CONTINGENCY STATUS

The purpose of this memo is to update the City Manager on current construction contingency status on the police station project. Typical changes to the work necessitate use of the contingency. City requested changes and unforeseen site conditions come from the City contingency. Design and execution changes come from the Cornerstone contingency. Any remaining Cornerstone contingency is shared equally with the City of Homer and Cornerstone General Contractors at the end of the project. This project is approximately 51% complete as of December 31, 2019.

Original Cornerstone GC/CM Contract Amount - \$6,064,758

Changes/Contract Modifications to date:

Mod #1 – this modification supplements the initial civil portion to arrive at the total GC/CM contract amount above.

Mod #2 - \$16,467.00. For over excavation required due subsurface condition encountered. No betterments.

Mod #3 - \$5,154.00. Add toilet/sink on cell #6 – not captured in design review. No betterments.

Mod #4 – (-1,552.00) Deductive change/credit for simplification of generator placement.

Current Cornerstone GC/CM Contract Amount - \$6,084,827

Contingency Amounts at GMP Contract:

City of Homer - \$85,000

Cornerstone - \$147,921

Contingency Status:

City of Homer - \$64,931 remains – 24% of this contingency used to date

Cornerstone - \$90,921 remains – 39% of this contingency used to date.

Prepared by: Pat McNary
Project Manager



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info@kbfpcc.org • www.kbfpcc.org



City of Homer
491 East Pioneer Avenue
Homer, Alaska 99603

20 January 2019

Dear Mayor Castner, Council Members and City of Homer,

On behalf of Kachemak Bay Family Planning Clinic (KBFPCC) and the R.E.C. Room (a Youth Resource & Enrichment Co-op), I want to thank the City of Homer for its support of area non-profits. In 2019 KBFPCC received a Homer Foundation – City of Homer grant for \$2,989 which provided valuable general operating support. In addition, I thank the Homer Foundation for administering this important program.

The City of Homer grant brings more money into our community by providing important “match” funds that help our organization leverage resources from other funders. As part of our operating expenses, this grant supports good, year-round local jobs at the Clinic and the R.E.C. Room. It also helps us keep our promise to provide accessible reproductive health services all people in our community, regardless of their ability to pay.

Thanks to this grant and other generous support from our community, we provided screenings for breast and cervical cancer, birth control consultation and supplies, infertility and preconception counseling, pregnancy testing, and STD/STI testing and treatment for over 800 men and women in 2019. Each year we provide over 15,000 free condoms to the greater Homer community through our Clinic, outreach events, and the baskets we maintain at community hubs like the Fritz Creek General Store. These services empower people of all genders and sexualities to make informed choices about their health and their relationships.

Teens in Homer know the R.E.C. Room as a safe and welcoming place to meet with friends after school and get connected with other local resources. Over 900 young people participated in our youth education programs and positive afterschool activities, including school-based, peer-led health education, in 10 area schools (three schools in the City).

Community commitment and support make our work possible. Our thanks, again, to the City of Homer, the Homer Foundation, and all our community partners who support KBFPCC to serve as a trusted source of up-to-date, accurate and affordable reproductive health care and education since 1983.

Thank you,
Yours sincerely,

A handwritten signature in black ink that reads "Amy Woodruff".

Amy Woodruff
KBFPCC Board President



City of Homer

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(f) 907-235-3148

Memorandum 20-020

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: January 22, 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.

At the January 13th Council meeting, at the recommendation of staff, City Council scheduled an executive session for January 31st for initial review of City Manager candidates. Since that time, the City Attorney has recommended the applicant review be held in open session. As you recall, the original schedule was for the review to occur on February 3rd; however because it was in executive session there was a request to hold the meeting on the 31st so everyone could attend (per the Council Operating Manual, members cannot participate telephonically in executive session). However, because the position closes the 30th of January; the earliest Human Resources (HR) could get you materials to review and score would be noon on the 31st. I believe it would be far more productive for members to have the weekend to review and score candidate.

The packet you will be provided on the 31st will only include candidates that meet the minimum qualifications. If there is any question as to whether or not they meet them, the application will be include for review by the body. I have attached a scoring rubric that was used for the initial review of candidates during the last round of City Manager hiring. Council could use this rubric to facilitate individual initial review. Please provide feedback and any changes recommended to the scoring rubric to HR Director Browning.

Another item that needs to be addressed is interview questions. I have attached the excerpt from the International City Manager Guidelines for Selecting a Local Government Administrator to give you an idea of potential questions. If Council would like the questions to remain private, I would recommend each member send HR Director Browning the questions they would like to see asked of the candidate by Tuesday, February 4th so she can combine similar questions and prepare a list of question for telephonic interviews the week of February 10. If Council would like the questions to be public, I would request a similar approach. However I will include questions for Council approval in the February 10th Council meeting packet. Keep in mind, each member has latitude during the interview process to ask follow up questions of each candidate.

Recommendation:

- Reschedule the initial candidate review for a public Special Meeting for 4pm on February 3rd
- Determine if Council would like to approve the final list of telephonic interview questions, and thereby make them public before the interview process, or if having HR collate questions is adequate.

-Determine if Council wants to use the scoring rubric. If so, provide any feedback and suggested changes

Follow-up Needed

-Review City Manager candidates (utilizing scoring rubric if Council determines the desire to use this tool for initial applicant review).

-Provide interview questions to Human Resources no later than Tuesday, February 4th.

-Please reserve the afternoons of February 12th and 13th for telephonic interviews. Council can schedule these at the end of your special meeting on the 3rd.

Enc:

Draft Scoring Rubric for CM Hiring

Appendix E: Potential Interview Questions, an excerpt from the International City Manager Guidelines for Selecting a Local Government Administrator

Draft Timeline for CM Hiring

Appendix E:

Potential Interview Questions³

It is suggested that each member of the governing body ask the same question(s) of each candidate.

Candidate Traits/Experience/ Qualifications

1. Provide a brief summary of your education and work experience.
2. Please briefly describe your experience with
 - a. Land use planning
 - b. Economic development/redevelopment
 - c. Tax increment financing
 - d. Business attraction and retention programs
 - e. Beautification programs
 - f. Business assistance programs—e.g., façade improvement, code compliance
 - g. Annexation
 - h. Subdivision policies and regulations, particularly as they relate to storm-water management
 - i. Zoning
 - j. Building code administration
 - k. Municipal facilities expansion—in particular, water and wastewater utility expansions
3. How would you describe your leadership and management styles?

Interaction with Governing Body

1. What do you perceive to be the chief administrator's role in working with the governing body, local government attorney, and clerk?
2. What are your expectations of the governing body in relation to
 - a. Yourself
 - b. Other staff
3. How and when do you communicate with the governing body?

Candidate Thoughts on Role of Administrator

1. In your opinion, what role should the administrator have in the community?
2. Do you believe the administrator should be an active member of a service or fraternal organization? If yes, why?
3. How do you deal with the news media?
4. How do you deal with special-interest or single-interest groups?
5. What is the best way for an administrator to deal with an angry constituent?

Personnel Experience

1. How and when do you delegate responsibility and authority?
2. Have you ever been at the bargaining table and been actively engaged in negotiating an agreement?
3. Have you taken part in mediation, fact finding, or arbitration? Which ones? Please explain your experience in such process(es) including your role/level of involvement and your thoughts regarding the outcomes of these experiences.
4. Have you ever had to discipline, demote, or fire an employee? Please elaborate.
5. How do you educate, encourage, and motivate your staff?
6. Are you familiar with state and federal laws relating to nondiscrimination, sexual harassment, employees with disabilities, and equal opportunity?
7. Have charges of violation of state or federal employment laws or a grievance ever been filed against you or your city? Please explain.
8. What experience have you had in the preparation and implementation of personnel rules, regulations, procedures, and compensation plans? Please describe.

9. What is your experience with employee benefits administration, group health insurance, and risk management?
10. What in your opinion is the most serious issue today in local government personnel management?
11. How and when should private sector resources (e.g., contractors) be used to provide village services?

Financial Management Experience

1. Is there a difference between a financial plan and a budget? If so, please explain how they differ.
2. Are/were you the designated budget officer for your local government? Did you prepare and present the budget to the council, and upon adoption, were you responsible for implementation? Please explain the outcomes of various budget processes and any challenges you encountered through budget development through council adoption.
3. What is your experience with debt financing? Please give an example.
4. Have you secured and administered any type of loans or grants? Please give an example.
5. Describe the most successful capital improvement project you were responsible for and what made it successful?
6. Have you reviewed our annual budget and/or annual report? If yes, what is your impression of our financial condition?
7. What is your opinion of “pay as you go” financing of maintenance and capital projects? Special assessments? Special taxing districts?

8. What type of financial reports do you provide the elected body and with what frequency?
9. Have you read our comprehensive or general plan? What are your impressions or thoughts?

Intergovernmental Relations Experience

1. What experience have you had in dealing with
 - a. Councils of government/intergovernmental agencies?
 - b. County government?
 - c. Other local governments (schools, parks, etc.)?
 - d. State agencies?
 - e. Federal agencies?
 - f. State legislature?
 - g. Congress?
2. Do you feel comfortable “lobbying”?

External Organizational and Professional Association Relations

1. Have you been an active participant in the activities of a statewide municipal league, statewide city or county management association, the International City/County Management Association (ICMA) or other professional organizations devoted to local government? Please give examples of your activities.
2. Are you an ICMA Credentialed Manager? If so, how do you fulfill your annual professional development requirement?

Relations with Applicants—Do's and Don'ts

Do:

- Keep all candidates informed of their status at all times.
- Identify one point of contact through which everything flows, including contacts with candidates, reference checks, etc., in order to ensure that the information, messages, and details are consistent and that the process is fair and equitable.
- Keep all information strictly confidential throughout the entire recruitment and selection process unless state law requires otherwise.
- Create an outreach strategy that will ensure a diverse candidate pool.
- After carefully reviewing all applicant submittals, select a short list of the most promising candidates.
- While maintaining the confidentiality, carefully check educational credentials and references on those candidates judged best qualified.
- Invite those candidates judged best qualified for initial interviews at the local government's expense.
- Send the candidates under consideration an information packet that may include the outreach brochure and copies of your government's budget, charter, annual report, and other pertinent documents; or provide the information on where to find this material on the agency's website.
- Pay expenses of the candidates invited to a second interview (and of their spouses/partners, if applicable).
- Perform detailed background checks on the final candidate(s).
- Visit, if possible, the local governments in which the most promising candidates work.
- Be prepared to enter into a formal written employment agreement with the successful candidate.
- Promptly notify all other candidates once the selection has been made and the position has been accepted. However, it is best to wait until the selected finalist has accepted the position and the agency and candidate have mutually agreed to the provisions of the employment contract.

Don't:

- Let the selection process last too long.
- Expect to get all the necessary information about the candidates from written material.
- Forget that you are seeking overall management ability, not technical competence in one specialized field.
- Forget to consider candidates who are assistant managers as well as current managers
- Overlook the need for candidates to possess municipal administrative experience and the advantages or value of college or university training, post degree training, and continued professional development.
- Release for publication any names or local governments of candidates unless state law requires it.

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.



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Memorandum 20-021

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: PLANNING COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: JANUARY 6, 2020

SUBJECT: KENAI PENINSULA ORDINANCE 2019 –24 TO AMEND KPB CODE 20.80
SUBDIVISION PRIVATE STREETS AND GATED SUBDIVISIONS

The Planning Commission reviewed the proposed substitute ordinance from the Kenai Peninsula Borough to Adopt KPB 20.80, Subdivision Private Streets and Gated Subdivisions at a worksession and regular meeting on January 2, 2020. Following are ensuing recommendations from the Planning Commission and related minutes of that meeting.

The Planning Commission has concerns with the proposed amendments related to:

- Percentage Requirements for owners of record when creating a gated community
 - o It is the recommendation of the Homer Planning Commission that it should be a 100% of record property owners before any vacation of public streets since having a 70/30 supermajority would deprive those owners of records who did not sign the petition, of city or borough services, even if those same record owners did not pay HOA fees.
- Significant issues with converting existing neighborhoods and properties into gated subdivisions and private streets
 - o Homer Planning Commission would pursue methods within municipal policy to reduce the capability of the conversion of public streets into private streets within city limits.
- In the event of a transition from a private, gated community to public
 - o Homer Planning Commission recommends including the reference to city requirements in tandem to KPB 20.80.020

The Planning Commission appreciated the recognition by the Kenai Peninsula Borough Assembly of their concerns by amending Section 3 to 180 days until enactment to allow communities to respond with a municipal policy.

The Planning Commission expressed ongoing concerns with items that were outlined in their previous memorandum dated October 8, 2019 concerning the following:

- City Code Changes
- Comprehensive Plan Amendments
- Transportation Plan

- Stormwater Issues
- Emergency Services
- Public Works
- Provision of Utilities
- Easements
- Hazard concerns

Excerpt from the Unapproved January 2, 2020 Meeting Minutes

NEW BUSINESS

A. Staff Report 20-07, Kenai Peninsula Borough Gated Subdivision Ordinance

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

City Planner Abboud provided a summary of Staff Report 20-07 for the Commission. He commented on the following:

- Private Streets are a separate parcel
- Must provide turnaround for those denied entry/access
- No Borough maintenance – he is checking this out with the City Attorney
- Converting public streets to private streets – this will be an issue to handle locally there is concern with the city’s vacation code
- Cannot convert a road improved or created with government funds for 10 years – Will require legal input to see if the city should have a similar requirement.
- Cost to convert will have to be looked at locally
- Converting back to public from private
- Not sure if the proposed amendment of those not voting for the action do not have to pay dues or participate.
- Council can veto but the Borough has no standards on or for a veto when it concerns the vacation of dedicated rights of way

Commissioner Bentz suggested taking the previous memorandum that was sent to the Borough since it contained the general concerns for the city and they could add to that and not have to rehash those points. She then addressed the current amendments proposed by Kelly Cooper and Willy Dunne:

- On the first amendment proposed by Ms. Cooper regarding the HOA, she believed that there was a requirement of 100% participation. She did not believe that they had to address this.
- The second amendment there may be complications and not sure how to address this since the Borough has platting authority.
- Previously public ROW’s being returned if they added equal or superior access to address those concerns of previous designs, would be acceptable and a direction to deal with those.
- The city may be able to limit the conversion of existing neighborhoods by not allowing it if there were CIP or RIAD roads/projects involved.

Commissioner Petska-Rubalcava requested clarification that the ordinance included in the packet was an amended ordinance and that the proposed amendments by Cooper and Dunne were to further amend the ordinance.¹

City Planner Abboud responded that he believed that it was originally at 100% but Ms. Cooper is recommending changing to a majority approval.

City Planner Abboud responded to Chair Venuti regarding submitting a recommendation of non-support of the ordinance but since the Borough has platting authority he was not sure how that would be effective. He would have to confer with the City Attorney on the best action and if it would be allowed to prohibit properties that are on the maintenance map from converting to a gated community. The city may be able to use that regulation.

Further comments by the commission and staff included the following:

- Proposed amendment reflected the 70% supermajority who have an interest of record
- Prohibit gated communities in Homer since it did not appear to reflect Homer values
- The Borough has platting authority over everything it would mean that the City would have to take that responsibility over.
- City regulations would be applied if a property was within city limits. The city could implement rules that would be recognized within the Borough subdivision rules.
- The term of snobbery when referencing gated communities was unfair as some of the residents in Homer that winter outside consider it a safer situation for their homes.
- residents can put a gate across their driveway or fence their property
- it would be unfair to disallow a property owner because they were out of state at the time or unavailable to sign a petition
- The 30% would not be required to pay for the services if they do not sign off on the HOA
- Keeping the 100% property owner participation was preferable since allowing even a supermajority as described in the ordinance would not allow the 30% the benefit of city (or borough) services
- Gated communities are very common in the Lower 48 in many states.
- Limiting gated communities to new development
- Lack of success for subdivisions in Homer
- The ability to care and preserve city infrastructure was a big concern
- Too divisive and not suitable for established neighborhoods

City Planner Abboud confirmed that the Commission's role tonight was to offer comment on the proposed ordinance and the City will have six months to create regulations within the city. He did not think the Borough will be concerned with the city infrastructure. He provided some process on the possibility of what would need to be done if someone wanted to create a gated community in the city.

Chair Venuti call for a recess at 8:11 p.m. to allow the Clerk to access and print off the prior memorandum for the Commission. The meeting was called back to order at 8:18 p.m. after the Commission reviewed the

¹ Note for Clarification: KPB Ordinance 2019-24 was referenced as a Substitute. Ms. Cooper and Mr. Dunne proposed amendments adopted, would amend the substitute ordinance.

previous memorandum that was submitted to the Kenai Peninsula Borough Assembly regarding the proposed regulations in October 2019.

Commissioner Petska-Rubalcava departed the meeting at 8:11 p.m. due to illness.

Chair Venuti requested recommendations from the Commission after review of the memorandum.

BENTZ/BOS MOVED TO DRAFT A NEW MEMORANDUM TO THE CITY COUNCIL INCLUDE PORTIONS OF THE PREVIOUS MEMORANDUM OUTLINING THE GENERAL CONCERNS OF THE CITY AND INCLUDE LANGUAGE REGARDING THE CONCERNS FOR THE PROPOSED AMENDMENTS.

There was a brief discussion on the necessity to copy the Borough Planning Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion by the Commission and staff on the memorandum being drafted and ready for the Planning Commission review at the next meeting and then forwarded to Council in a timely manner to be submitted to the Borough by the deadline.

Commissioner Bentz suggested content for the memorandum as follows:

The Homer Planning Commission has concerns with the ordinance amendments related to:

- Percentage Requirements for owners of record when creating a gated community
 - o It is the recommendation of the Homer Planning Commission that it should be a 100% of record property owners before any vacation of public streets since having a 70/30 supermajority would deprive those owners of records who did not sign the petition, of city or borough services, even if those same record owners did not pay HOA fees.
- Significant issues with converting existing neighborhoods and properties into gated subdivisions and private streets
 - o Homer Planning Commission would pursue methods within municipal policy to reduce the capability of the conversion of public streets into private streets within city limits.
- In the event of a transition from a private, gated community to public
 - o Homer Planning Commission recommends including the reference to city requirements in tandem to KPB 20.80.020

There was no dissent expressed by the Commission on the recommendations as stated by Commissioner Bentz.



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Staff Report PL 19-81

TO: Homer Advisory Planning Commission
THROUGH: Rick Abboud AICP, City Planner
FROM: Julie Engebretsen, Deputy City Planner
DATE: October 2, 2019
SUBJECT: Kenai Peninsula Borough Draft Ordinance Adopting KPB 20.80,
Subdivision Private Streets and Gated Subdivision

Introduction

The Kenai Peninsula Borough has introduced an ordinance to allow for gated subdivisions and private roads within the subdivision process. The timeframe for review on this ordinance is fairly quick; currently it is scheduled for KPB Assembly action on October 8th. (This may be postponed.)

Please read through the KPB desk packet of 9/23/19. Scott Huff, Borough Platting Manager will be attending our work session to talk about the ordinance and answer questions.

Planners Abboud and Engebretsen had a teleconference with Mr. Huff and Borough Planner Director Max Best on 9/24/19. Borough staff stated that the City's requirements for construction, and the Borough requirement for an installation agreement would still stand. Additionally, the connections in our adopted plans for road and trails would still be binding, as they are now.

Planning staff has provided the ordinance to the City Fire and Police Departments for their comments.

Analysis

The ordinance would allow private, gated subdivisions. The road to each individual lot would not be a public dedication as is required now. Instead, the Home Owners Association (HOA) would bear all responsibility for the road, and the road would be its own separate parcel, owned collectively by the HOA. There are provisions for blocking public access by gating the private road, if desired. Upon initial reading it appears the ordinance covers emergency access concerns.

Staff was concerned that a developer could avoid building the infrastructure within the development – roads, water, sewer, electricity, etc, and that Homer could end up with a gated

community in an area where an adopted plan shows a through street connection. After speaking with Borough staff, staff learned that the subdivision construction requirements remain unaffected by this ordinance, and that through street connections can still be required based on Homer's adopted plans.

In the limited time staff has had for analysis, it's possible that Homer City Code would need to be amended to address things like setback requirements along the private road. However these are Homer City Code issues, not Kenai Peninsula Borough platting concerns.

Staff Recommendation

1. Use work session to gain enough information to formulate a response to forward to the Kenai Peninsula Borough at the regular meeting.
2. If the ordinance is adopted by the Kenai Peninsula Borough, revisit the topic and interactions with Homer City code in the near future.

Attachments

1. Kenai Peninsula Borough Planning Commission Desk Packet Excerpt 9/23/2019
2. KPB PC Regular meeting packet excerpt 9/23/2019
3. KPB PC Memorandum from 8/26/19 meeting

MEMORANDUM

TO: KPB Planning Commission
THRU: Max Best – Planning Director *MB*
FROM: Scott Huff – Platting Manger *SH*
DATE: September 18, 2019
RE: Ordinance 2019- 24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

At the August 26th Planning Commission meeting, Ordinance 2019- 24 Adopting KPB 20.80 Subdivision Private Streets and Gated Subdivision was introduced. The commissioners requested Staff to gather additional information and reviews.

On September 9th e-mails were sent to the following, with a request to review the proposed ordinance and submit any comments.

- Dil Uhlin – KPB Roads Director
- Dan Nelson – Senior Manager, Office of Emergency Management, KPB
- Chief Roy Browning – KPB CES
- Mary Kay Grenier – KPB Assessing, Title Officer
- Mary Broderick – First American Title
- Chris Hough – Stewart Title of Kenai Peninsula Borough
- Kathy Hemstreet – Kachemak Bay Title Agency

No comments were received.

The ordinance was also sent to the Kenai, Soldotna, Homer, and Seward for review and comments. The City of Soldotna and Homer replied and requested KPB Staff meet with the city Staff and/or attend a city planning commission meeting to explain the ordinance and answer any questions.

KPB staff has continued to review the proposed ordinance. **Staff recommends** the following corrections/edits be made to the ordinance and introduced to the assembly.

Date September 19, 2019
To: Planning Commission
RE: Ordinance 2019-_____, Subdivision Private Streets and Gated Subdivisions

1. Revise 20.80.020.A to read, 'All provisions of KPB Title 20, excluding 20.30.210, must be met and/or shall apply.'
2. Revise 20.80.020.B by removing, 'and KPB 20.30'.
3. Revise 20.80.020.C by removing, 'with having to backup'.
4. Revise 20.80.020.D to read, 'A homeowners' association (HOA) is required for approval of private streets within a subdivision. All property owners to be served by the private streets must be in the HOA. The HOA shall own and be responsible for the maintenance of the private streets and appurtenances.
5. Remove 20.80.020.H.1.
6. Remove 20.80.020.H.3
7. Revise 20.80.030.A into two items, remove a portion of 20.80.030.C and combine the remaining code back into 20.80.030.A to read as follows.
 - A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider, borough assessing department, borough planning department, and law enforcement shall be provided access.
 - B. The entrances to all private streets shall be marked with a sign stating that it is a private street.
8. Remove 20.80.030.F and 20.80.030.H.
9. Replace a portion of 20.80.040.A with 20.70.040 to follow the same requirements for application submittal as required for right of way vacations. This portion will read as follows

Application – Petition required.

A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owners of the majority of land fronting or abutting the right of way to be vacated. The petition shall be filed with the

Page -2-

Date September 19, 2019

To: Planning Commission

RE: Ordinance 2019-_____, Subdivision Private Streets and Gated Subdivisions

planning commission. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.

An updated ordinance is attached. Proposed deletions are ~~strike through~~, and proposed additions are [bracketed].

Introduced by: Mayor
Date: 9/3/19
Hearing: 10/8/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE
STREETS AND GATED SUBDIVISIONS**

- WHEREAS**, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and
- WHEREAS**, Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land; and
- WHEREAS**, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and
- WHEREAS**, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and
- WHEREAS**, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public's privacy, security, and access concerns; and
- WHEREAS**, the Kenai Peninsula Borough Road Service Area board at its meeting held on August 13, 2019, recommended unanimous approval of this ordinance; and
- WHEREAS**, the Kenai Peninsula Borough Planning Commission at its meeting held on August 26, 2019, recommended _____;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI
PENINSULA BOROUGH:**

SECTION 1. That KPB Chapter 20.80, entitled "Private Streets and Gated Communities" is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. A subdivision with private streets and gated access may be created at the time of subdivision by the owner of the parcel being subdivided or, where streets have been previously dedicated to the public which access lots in different ownerships, by the owners of those parcels in accordance with the provisions of this chapter.

20.80.020. – Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. ~~The general p~~ [P]rovisions of KPB Title ~~14 and 20~~ [, excluding 20.30.210 must be met and/or apply] ~~as they relate to development, streets and utilities shall apply, except as otherwise provided for in this chapter.~~
- B. Private streets shall conform to the same standards regulating the design and construction of streets, street naming and street addressing in KPB 14.06, 14.10, 14.20 and KPB 20.30.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit[.] without having to backup.
- D. A homeowners' association (HOA) is required for approval of private streets within a subdivision. All property [owners] to be served by the private streets must be members in ~~or part of~~ the HOA. The HOA shall own and be responsible for the maintenance of the private streets and appurtenances.
- E. Private streets shall be contained within a separate lot owned by the HOA.
- F. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- G. The subdivision final plat and HOA documents shall note that borough maintenance shall not be provided on any private streets.
- H. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

- ~~1. Internal streets shall conform to the requirements of KPB 20.30, Subdivision Design Requirements, except as otherwise allowed in this section;~~
- ~~2. Emergency services shall be provided access to deliver services within the private subdivision. Approval by the fire and emergency services provider with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision;~~
- ~~3. The requirements of KPB title 20 are met because alternate legal access to adjoining properties is available and that access is constructible in accordance with KPB 20.30, Subdivision Design Requirements and KPB 14.06, Road Standards;~~
- ~~4. There shall be a note on the plat that the streets are not public and are subject to private construction and maintenance;~~
- ~~5. The HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers and officials, agents and employees, hereinafter collectively referred to as "agents," harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys' fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA's acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.~~
- ~~6. The HOA and all of the HOA's subcontractors, if any, shall be responsible for the purchase and maintenance of all insurance required by law and any other insurance the HOA deems necessary or appropriate.~~

20.80.030. – Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate shall conform to the following requirements:

- ~~A. Each gate must be approved prior to installation by the fire and emergency services provider that serves the proposed gated subdivision. The entrances to all private streets shall be marked with a sign stating that it is a private street. [The fire and emergency services provider that serves the proposed gated subdivision must~~

approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider, borough assessing department, borough planning department, and law enforcement shall be provided access.]

[B. The entrances to all private streets shall be marked with a sign stating that it is a private street.]

[C.]B. Gates, approach and departure areas shall be designed by a licensed professional civil engineer.

C. — In order to allow access for the provision of emergency services, each security gate designed and installed shall be equipped so that access is by a radio operated controller or keypad. The fire and emergency services provider serving the gated subdivision, borough assessing department, borough planning department, and law enforcement shall be provided either radio controlled or keypad access to the subdivision.

D. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

E. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The HOA must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation. A proper power supply shall be provided and maintained to all electrical components at all times. Each electrical vehicular gate must be provided with a fail-open device to open during power failures and be equipped for emergency access.

F. — A public vehicular turn around shall be provided to allow vehicles that have been denied entry the ability to exit without having to backup.

G.[F.] No part of the gate system shall be placed in a public right-of-way.

H. — The HOA is responsible for the gate, its signage and its costs, and shall be responsible for any violations of this section.

20.80.040. – Converting to gated subdivision.

- A. A subdivision HOA may seek to convert a subdivision to a gated community with private street(s) and restrict public access by filing a replat and vacation petition with the planning director, which shall be considered a request to vacate public street(s) and/or right of way(s), as well as replat the subdivision. [A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owner of the majority of land fronting or abutting the right of way to be vacated.] The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.
- B. Upon determination by the planning director that the replat application is complete, the request shall be subject to review and approval by the borough planning commission regarding whether the gated subdivision requirements and procedures have been met, as set out in this chapter. The borough planning commission decision is subject to appeal to the hearing officer pursuant to KPB 21.20.
- C. Converting public street to private street – standards.
1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
 2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system or distribute an unacceptable amount of traffic through an existing neighborhood than would otherwise result if public streets were used. Converted private streets may not unduly impair access to public facilities, including schools, parks and libraries. Utilities proposed for vacation must not provide service to customers outside the proposed gated subdivision boundary.
 3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner in the proposed gated subdivision with frontage on the public right-of-way that is to be vacated.
 4. Prior to recording the final plat the property owners abutting the vacated public street shall file with the borough fully executed deeds conveying their interest in the vacated street to the HOA.
 5. Prior to recording the HOA shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising

from the HOA's ownership, maintenance and control of the converted street.

6. HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as "agents", harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys' fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA's acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

20.80.050. – Converting private streets to public streets in gated subdivision.

- A. The owners of a private street may petition to dedicate the private street through the platting process. The street must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- B. A civil engineer at the HOA's expense shall determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- C. The borough may also require, at the HOA's expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. – Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.050,

SECTION 2. That KPB Chapter 20.90, entitled "Definitions is amended as follows:

20.90.010. – Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

...
“Gated subdivision” means a residential subdivision consisting of five (5) or more parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is limited to gates, security personnel, fences or walls. This definition does not include gates or other barriers limiting access to an individual parcel or lot.

...
“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by a homeowners’ association. The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
_____ DAY OF _____, 2019.

Wayne Ogle, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk


E. UNFINISHED BUSINESS


- 2. Ordinance 2019-24; An Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.**

***Postponed from the August 26, 2019 Planning Commission meeting.
Motion on floor.***

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor
Dil Uhlin, Roads Director 

FROM: Max Best, Planning Director 

DATE: August 22, 2019

RE: Ordinance 2019-_____, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land. Privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions. Private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access.

There is a need for standardization, criteria, and establishment of procedures for creating both subdivisions with private streets and gated subdivisions. This ordinance codifies the requirements and procedures for creating these types of subdivisions.

This matter is scheduled to come before the KPB Road Service Area Board's at its August 13, 2019 meeting and the KPB Planning Commission at its August 26, 2019 meeting. The recommendations of both boards will be presented to the assembly prior to the final hearing on this ordinance.

Your consideration of this ordinance is appreciated.

Introduced by: Mayor
Date: 9/3/19
Hearing: 10/8/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE
STREETS AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public’s privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on August 13, 2019, recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on August 26, 2019, recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. A subdivision with private streets and gated access may be created at the time of subdivision by the owner of the parcel being subdivided or, where streets have been previously dedicated to the public which access lots in different ownerships, by the owners of those parcels in accordance with the provisions of this chapter.

20.80.020. – Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. The general provisions of KPB Title 14 and 20 as they relate to development, streets and utilities shall apply, except as otherwise provided for in this chapter.
- B. Private streets shall conform to the same standards regulating the design and construction of streets, street naming and street addressing in KPB 14.06, 14.10, 14.20 and KPB 20.30.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit without having to backup.
- D. A homeowners' association (HOA) is required for approval of private streets within a subdivision. All property to be served by the private streets must be members in or part of the HOA. The HOA shall own and be responsible for the maintenance of the private streets and appurtenances.
- E. Private streets shall be contained within a separate lot owned by the HOA.
- F. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- G. The subdivision final plat and HOA documents shall note that borough maintenance shall not be provided on any private streets.
- H. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

1. Internal streets shall conform to the requirements of KPB 20.30, Subdivision Design Requirements, except as otherwise allowed in this section;
2. Emergency services shall be provided access to deliver services within the private subdivision. Approval by the fire and emergency services provider with jurisdiction in the area of the gated subdivision is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision;
3. The requirements of KPB title 20 are met because alternate legal access to adjoining properties is available and that access is constructible in accordance with KPB 20.30, Subdivision Design Requirements and KPB 14.06, Road Standards;
4. There shall be a note on the plat that the streets are not public and are subject to private construction and maintenance;
5. The HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers and officials, agents and employees, hereinafter collectively referred to as “agents,” harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA’s acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.
6. The HOA and all of the HOA’s subcontractors, if any, shall be responsible for the purchase and maintenance of all insurance required by law and any other insurance the HOA deems necessary or appropriate.

20.80.030. – Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate shall conform to the following requirements:

- A. Each gate must be approved prior to installation by the fire and emergency services provider that serves the proposed gated subdivision. The entrances to all private streets shall be marked with a sign stating that it is a private street.

- B. Gates, approach and departure areas shall be designed by a licensed professional civil engineer.
- C. In order to allow access for the provision of emergency services, each security gate designed and installed shall be equipped so that access is by a radio operated controller or keypad. The fire and emergency services provider serving the gated subdivision, borough assessing department, borough planning department, and law enforcement shall be provided either radio controlled or keypad access to the subdivision.
- D. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- E. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The HOA must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation. A proper power supply shall be provided and maintained to all electrical components at all times. Each electrical vehicular gate must be provided with a fail-open device to open during power failures and be equipped for emergency access.
- F. A public vehicular turn around shall be provided to allow vehicles that have been denied entry the ability to exit without having to backup.
- G. No part of the gate system shall be placed in a public right-of-way.
- H. The HOA is responsible for the gate, its signage and its costs, and shall be responsible for any violations of this section.

20.80.040. – Converting to gated subdivision.

- A. A subdivision HOA may seek to convert a subdivision to a gated community with private street(s) and restrict public access by filing a replat and vacation petition with the planning director, which shall be considered a request to vacate public street(s) and/or right-of-way(s), as well as replat the subdivision. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.

B. Upon determination by the planning director that the replat application is complete, the request shall be subject to review and approval by the borough planning commission regarding whether the gated subdivision requirements and procedures have been met, as set out in this chapter. The borough planning commission decision is subject to appeal to the hearing officer pursuant to KPB 21.20.

C. Converting public street to private street – standards.

1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system or distribute an unacceptable amount of traffic through an existing neighborhood than would otherwise result if public streets were used. Converted private streets may not unduly impair access to public facilities, including schools, parks and libraries. Utilities proposed for vacation must not provide service to customers outside the proposed gated subdivision boundary.
3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner in the proposed gated subdivision with frontage on the public right-of-way that is to be vacated.
4. Prior to recording the final plat the property owners abutting the vacated public street shall file with the borough fully executed deeds conveying their interest in the vacated street to the HOA.
5. Prior to recording the HOA shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the HOA’s ownership, maintenance and control of the converted street.
6. HOA shall execute a defense and indemnification agreement in favor of the borough in the following form: The HOA shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The HOA shall be responsible under this clause for any and all legal actions or claims of any character arising from the HOA or the HOA’s acts or omissions related to its private streets and gates in any way whatsoever. This

defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

20.80.050. – Converting private streets to public streets in gated subdivision.

- A. The owners of a private street may petition to dedicate the private street through the platting process. The street must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- B. A civil engineer at the HOA’s expense shall determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- C. The borough may also require, at the HOA’s expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. – Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.050,

SECTION 2. That KPB Chapter 20.90, entitled “Definitions is amended as follows:

20.90.010. – Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

...

“Gated subdivision” means a residential subdivision consisting of five (5) or more parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is limited to gates, security personnel, fences or walls. This definition does not include gates or other barriers limiting access to an individual parcel or lot.

...

“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by a homeowners’ association. The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
_____ DAY OF _____, 2019.

Wayne Ogle, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Commissioner Venuti wanted to know if Ms. Wade had the opportunity to read the letter from the Kachemak Bay Conservation Society. Ms. Wade read it briefly right before the meeting. Commissioner Venuti wanted to know what she thought of the recommendations and if they were feasible to add into the plan. Ms. Wade felt that they could and did not see anything that contradicted the values that have been shared through this process.

Commissioner Ecklund wanted to discuss the process for the plan. She wanted to know if it could be brought back after some of the suggestions are made so they can review it. She felt they did not need the whole plan again but would like to see the changes. She also wanted to know if they had to make motions for each recommendation or if some could be grouped. Mr. Wall said that they could instruct staff to make some changes and bring it back and then they will have a new draft to review and adopt.

Chairman Martin said that he would like it to be time specific on when to review the plan.

Commissioner Ruffner wanted to try to summarize the wishes of the Commission for Ms. Wade. Update the census tables for the agriculture data from 2012 to 2017; incorporate the five recommendations from the Kachemak Bay Conservation Society, and a specific timeline for review instead of periodic update.

Chairman Martin noted from his agriculture perspective that the cannabis statistics are significant even if the benefits are not local relatively speaking. Commissioner Carluccio noted that we do get sales tax. Mr. Wall said the sales tax does go to the Borough.

Commissioner Ruffner wanted to know if staff needed more information. Mr. Wall felt that what was given was sufficient direction. He does have concerns about item one on the Kachemak Bay Conservation Society list. It deals directly with the Hazard Mitigation Plan. That is something that the Commission has already forwarded to the Assembly. He would recommend items two through five on the list.

Commissioner Ecklund noted that Kachemak Bay Conservation Society amendments do not get specific enough for alternative energy or the solar and wind farmland use. She would like to see more about alternative energy.

Ms. Wade said there were two things she did not hear Commissioner Ruffner cover in his summary and the alternative energy was one. The other was related to it, the educational and training opportunities tied to growth industries. Tying it back to those alternative energy and others discussed. Commissioner Ruffner wanted to clarify that those suggestions would also be looked at. Ms. Wade confirmed.

Commissioner Ruffner asked if staff wanted to the postponement to be date certain or brought back by staff. Mr. Best asked what Ms. Wade's ability would be to have the changes made. Ms. Wade said she would like to have the changes made within the next two weeks. After hearing the public input and with it already being a two-year process, she felt sooner was better. Mr. Best said that brought back by staff would be best.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Ecklund, to postpone the review of the Comprehensive Plan until brought back by staff.

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

AGENDA ITEM F. PUBLIC HEARINGS

- 2. Ordinance 2019-___; Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions.

Staff Report Given by Max Best

PC Meeting: 8/26/19

This ordinance is to allow people to have gated or private subdivisions within the Borough. If all of the requirements of the Borough Platting code are met, a road can be vacated and made into a tract of land creating a gated private community.

Some requirements are that Title 14 and 20, as they relate to development, would need to apply. Utility requirements, road width, etc. would have to apply in case the tract is dedicated as a public right-of-way and ceases being private.

There are requirements to get to and through the gates. There must be a turnaround before the gate and adequate access. All of the requirements go through fire and emergency services to determine that they could access the subdivision if needed. They would have a clicker or code that would allow them access to the subdivision.

This was created by staff to address those subdivisions that may potentially want private roads. This can be difficult but doable. There are situations where "to and through" the subdivision is not needed. Example would be a small cul-de-sac that accesses land that does not require streets to go around or through the subdivision. It would work in that situation.

END OF STAFF REPORT

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

MOTION: Commissioner Venuti moved, seconded by Commissioner Carluccio, to forward to the Assembly a recommendation to approve Ordinance 2019-__; an ordinance adopting KPB 20.80, Subdivision private streets and gated subdivisions.

Commissioner Whitney wanted to know if an existing subdivision could do this if the ordinance is adopted. Mr. Best said they could but the right-of-way would have to be vacated. One hundred percent of the property owners that about the right-of-way would have to be a part of the process. It will take everyone in the area to agree to it.

Commissioner Ecklund noted that this is a brand new section of Borough Code. She did not think there was anything existing about gated communities or private streets in the code. Mr. Best said this is new. It can be done under existing code but it requires numerous exceptions to the code. Commissioner Ecklund wanted to know if there was a specific instance that had caused this to be drafted. Mr. Best said perhaps.

Commissioner Carluccio wanted to know if staff looked at other Boroughs or States that have gated communities to see how it worked for them. Mr. Best said they did a lot of research on how it worked in other municipalities. There are a lot of them in California, etc. The biggest concern was providing emergency services to people and making sure there is a way to adequately respond to people. It cannot just be a trail that emergency vehicles cannot use. Commissioner Carluccio followed up by asking if it would all have to be privately owned land, that there would be no easements or trails. Mr. Best said it would be a tract of land that is owned by all the abutting landowners. If it is done at the time of subdivision, it would be a tract owned by the Home Owners Association and the Association would own, operate, and maintain the road. Utility easements would be associated with it and building setbacks in case the Borough takes over the right-of-way. It has to meet all of title 14 and 20 for the Borough to take it. Non-conforming structures or things in the right-of-way would not allow the Borough to take the road. It must be built to Borough standards and met all the requirements the Borough has in place. Commissioner Carluccio asked if the best way to do this is to start with a tract of land and then subdivide to build the gated community. Mr. Best said this is generally for that situation. It will be difficult but possible for existing subdivisions to become a gated community.

Commissioner Venuti wanted to know if a local option zone could be a gated community and about emergency vehicle access. Mr. Best said that he did not know any reasons why a local option zone could not be a gated community. The Borough would have access anytime staff needed. Gates would have to

be approved by emergency service providers. There would be a code, a lock that can be cut, and a way to access the subdivision if needed even if the power is out. Emergency services would have free access and this ordinance reserves access for the Planning Department. Widths and heights of gates will be worked out with Emergency Services. Commissioner Venuti wanted to know if a how property rights will be handled. Mr. Best said that an HOA would have to own it and the Borough would not have property rights associated with the roadway. The HOA would also maintain the road.

Commissioner Ecklund is concerned about not having building setbacks incorporated into the ordinance due to safety standards for fires, etc. Mr. Best noted that building set backs are a provision of Chapter 20 so it would have to be in place.

Commissioner Whitney wanted to know if the Borough would be compensated for giving up a right-of-way in established subdivisions that form a gated community and turn the road into a private road. Mr. Best responded that if a municipality purchased land for a right-of-way they could be compensated during the vacation process. The Borough gets the right-of-ways mostly through dedicated fee land with no cost. Commissioner Whitney noted that the Borough may have been improving it and have money invested into the road. Mr. Best thought that the Roads Department would be willing to give up the maintenance on the road over what it costs to continue maintenance and improvements. Mr. Best noted that it was a good question that was not fully considered.

Commissioner Ruffner noted that when reading the proposal it is generally following all the subdivision requirements and Title 14 for road construction. That seems reasonable in the sense that it could wind up coming back to the Borough and it needs to be safe. The issue he sees is once a certain sized parcel is turned into a gated community the through traffic to get to future development seems to be a challenge. He wanted to know if there was any thought put into size limitations. There are block length requirements, but he wanted to know if there was something in this ordinance that talks about size. Mr. Best said that it must meet Chapter 20 requirements including the "to and through". It is not for every piece of property. There is no size requirement because many larger parcels require "to and through" easements or right-of-way dedications. Commissioner Ruffner noted that the exception to block length is given generously and he could see that becoming an issue.

Chairman Martin wanted to know if there would be any legal complications if the Borough owns a parcel inside a gated community after tax foreclosure. Mr. Best said that was discussed and it was determined that the borough would not be obligated to pay Home Owner fees for tax foreclosed properties. The Borough currently does not have those obligations for property acquired during tax foreclosure.

Commissioner Whitney wanted to know if the property owners in the gated community would still have to pay the road service mill rate. Mr. Best said they would. Commissioner Whitney said the owners would be doubling their cost because they would also pay the maintenance through the Home Owners Association. Mr. Best said that was correct.

Chairman Martin noted he likes to encourage more parks and open space within subdivisions. Currently there is no economic incentive for a developer to do that and the Borough does not want to own those parks. He wanted to know if this would help encourage that. Mr. Best said the developer or owners could designate a lot within the subdivision as an open space and the Home Owners Association can own it and utilize it as a park. This could possibly advance that type of situation. Chairman Martin noted they would still have to pay property tax on it. Mr. Best said they would.

Commissioner Ruffner said he did not have any issues if a developer wants to develop a gated community if it does not interfere with future development of the larger lands that are still out there. The Borough is still entitled to some State lands and the State is still entitled to some Federal lands. This is a big piece of code to introduce and vote on in the same meeting. He does not know if the public knows that this is out there. Everything he has heard sounds reasonable but is reluctant to vote on it.

Commissioner Ecklund wanted some clarification about section line easements that go through a parcel that wants to be a gated community. She wanted to know if the gate would go on the far side of the section

line easement so that public access is not blocked. Mr. Huff said that public access easements would have to stay open from point A to point B. The easement could pass through a subdivision but the public would not have the right to get onto the private access road. Commissioner Ecklund wanted to know if the property was to be gated if a pedestrian gate would have to be allowed on either side to allow people to walk through the section line easement. Mr. Huff stated that a legally a pedestrian or section line easement cannot be blocked. The gate would be on the road and the public could continue to use the section line easement to pass through the subdivision. Commissioner Ecklund followed up by stating that the owners could not put up a fence around the whole property from both sides of the gate and block the whole subdivision off if there is a section line easement through it. Mr. Huff said a fence could be put up on their property but the section line easement cannot be blocked.

Commissioner Whitney felt that many questions of had been raised and many answers were not available right now. He felt that there needed to be more research and clarification on what the parameters, rules and regulations would be for somebody to do this. Mr. Best asked Commissioner Whitney what specific questions he would like answered. Commissioner Whitney wanted to know what would happen to the street in an already formed subdivision. If that road has been built and maintained by the Borough who will pay for that investment.

Commissioner Fikes asked if there were any gated communities in the Borough at this time. Mr. Best said there are some. Commissioner Fikes asked how they are operated. Mr. Best said it is similar to this ordinance. Kenai River Keys is one and the emergency service providers have clickers to get access and a gate that can be clipped and opened at any time. It has been a private subdivision with private roads since about 1972.

Commissioner Ruffner he would like some more thought on size limitations and tie it to block length. Maybe two time the block length or something similar would be a limitation. It can get more complicated than that when looking at the surrounding lands. A block length could be met but forcing the only other access into a wetland that cannot be developed. He would like to see some rules that limit size and feasibility for construction around the subdivision. Mr. Best said that they could look into it more. The ordinance is being introduced to the Assembly on September 3 and will be heard on October 8. The Planning Commission will have a meeting between those dated so more information can be given to the Commission before they vote.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Carluccio to postpone until brought back by staff.

Commissioner Ecklund wanted to ask about the management of the new ordinance. She wanted to know the Planning Commissioner or Assembly will be making the decisions on private subdivisions. Mr. Best said it would be the Planning Commission and their decision would not be forwarded to the Assembly.

Commissioner Fikes said if this were coming back, she would like to see or hear some feedback from Emergency Services if there have been any complaints or issues. In addition, if the utility companies have had problems with access, or complaints from people that live in a current gated community regarding services. Mr. Best said that there have been no complaints that the Borough is aware of because they make the subdivision must be access available. Kenai Keys has had a special assessment done and had gas put into the community. During a flood event, the gate is locked open so that people can come and go to escape any flood issues. Commissioner Fikes was concerned about seasonal people or those that are on the slope. If an emergency arises when they are not there, where would the protection and responsibility lie, with the Borough or Home Owners Association?

Commissioner Ecklund said this brings to mind when a staff report says that the different groups say no comment or no objection. She wanted to know if that could be included in a staff report for this item. It may be helpful to know that others have reviewed it.

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



At 9:07 p.m. Chairman Martin called for five minute break.

Chairman Martin called the meeting back to order at 9:13.

Chairman Martin asked for the Planning Commission's consent to move item I1 to be next on the agenda. There was no opposition.

SPECIAL CONSIDERATIONS

AGENDA ITEM I. SPECIAL CONSIDERATIONS

1. Building Setback Exception
 Carver Subdivision Part 3 Lot 8 Block 6
 KPB File 2019-098; Resolution 2019-29
 Location: On Carver Drive and Gene Avenue, Ridgeway area

Staff Report given by Scott Huff

PC Meeting: 8/26/19

Petitioner: Paul J. Flanagan of Kenai, Alaska.

Submittal (summarized): The owner recently obtained an as-built of the property that revealed 6.2 foot encroachment into the building setback of a bedroom/garage addition. The owner purchased the property in the summer of 2004 and hired a contractor to build the addition in the fall so that he could have the extra bedroom for his three children before winter. Unbeknownst to the owner, the contractor built the addition in the building setback. Both Carver Drive and Gene Avenue have had extensive work recently done to them (Fall 2017). The roadwork was done in the area of the property (44290 Gene Ave). Both have been raised, widened, draining improvements (including all new culverts installed), trees removed, plus new easier sloped grades at the corner of Gene and Carver.

Staff Discussion: The encroaching structure for which the exception is being sought is shown on the as-built survey dated August 9, 2019. The as-built survey indicates the structure encroaches 6.2 feet into the building setback of Carver Drive which is a 60 foot wide right of way. The portion of the Carver Drive right-of-way adjoining Lot 8 Block 6 is straight, with bends shortly before and after. Lot 8 Block 6 is located on the corner of Carver Drive and Gene Avenue. The Carver Drive and Gene Avenue intersection is approximately 100 feet from the encroachment.

KPB GIS mapping indicates Carver Drive has a gentle slope adjacent to Lot 8 Block 6, with an approximately 8% uphill grade sloping to the southeast. KPB GIS 4-foot contours indicate the encroaching structure is approximately four feet below the constructed road level of Carver Drive.

KPB GIS mapping indicates Lot 8 Block 6 is not within a mapped flood hazard zone and is not within the Anadromous Habitat Protection District.

Sight distance does not appear to be impacted by the encroaching structure.

Per KPB GIS mapping, Carver Drive is constructed and maintained by the KPB Road Service Area. KPB RSA reviewed the building setback exception request and has no objection to the request.

Findings:

1. The parent plat, Carver Subdivision Part 3, KN 77-73, granted a 20-foot building setback from all street rights-of-way.
2. KPB GIS 4-foot contours indicate Carver Drive adjacent to Lot 8 Block 6 has a gentle slope.
3. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, Carver Drive is not affected by low wet areas.
4. The as-built survey dated August 9, 2019 shows the structure encroaches 6.2 feet into the building setback.

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor
Dil Uhlin, Roads Director

FROM: Max Best, Planning Director

DATE: August 22, 2019

RE: Ordinance 2019-_____, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions (Mayor)

Goal 6.5 of the 2005 Comprehensive Plan is to maintain the freedom of property owners in the rural areas of the borough to make decisions and control use of their private land. Privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions. Private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access.

There is a need for standardization, criteria, and establishment of procedures for creating both subdivisions with private streets and gated subdivisions. This ordinance codifies the requirements and procedures for creating these types of subdivisions.

This matter is scheduled to come before the KPB Road Service Area Board's at its August 13, 2019 meeting and the KPB Planning Commission at its August 26, 2019 meeting. The recommendations of both boards will be presented to the assembly prior to the final hearing on this ordinance.

Your consideration of this ordinance is appreciated.

City Planner Abboud provided clarification on the easement referenced in the report for Commissioner Smith.

BENTZ/RUBALCAVA – MOVED TO ADOPT STAFF REPORT 19-82 AND RECOMMEND APPROVAL OF AA MATTOX APLIN 2019 REPLAT PRELIMINARY PLAT WITH COMMENTS 1-3.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PENDING BUSINESS

NEW BUSINESS

A. Staff Report 19-81, Kenai Peninsula Borough Draft Ordinance Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivision

Chair Venuti introduced the item by reading of the title into the record. He noted that the Commission discussed this thoroughly at the worksession prior to the meeting.

City Planner Abboud reviewed Staff Report 19-81. He noted that he has not had a response from the Fire or Police Departments on the proposed ordinance. He suggested that the Commission can make a list of concerns. His concern would be that it does not interfere with any adopted plans that the city has currently especially transportation and public safety.

The Commission expressed concerns and questioned how the establishment of gated communities and handling of basic services such as maintenance of utilities, roads, etc., would be governed and that this proposed legislation was not crafted for Homer. They also discussed their recommendation to the Borough did not address what the city would enact but just advisory to the Borough on their actions but this did bring it before them the possibility of it happening in the city limits and they currently have no regulations governing this type of actions.

DAVIS MOVED THAT THE COMMISSION FORWARD A RECOMMENDATION TO THE KENAI PENINSULA BOROUGH THAT THEY ADOPT A POLICY THAT THE HOME OWNERS ASSOCIATION THAT BENEFITS FROM THE VACATION OF A GRANTING THEM OWNERSHIP OF A ROAD THAT WAS IMPROVED WITH PUBLIC FUNDS BE REQUIRED TO REIMBURSE THE LOCAL AUTHORITY FOR THE VALUE OF THAT IMPROVEMENT.

Chair Venuti asked for a second before any discussion.

The motion failed for lack of a second.

Commissioner Bentz recommended drafting recommendations and having staff put them into a memorandum to forward to the Borough.

Further discussion ensued on clarification of the actions that the Commission on behalf of the city could recommend at this point. It was explained that the Commission could submit a recommendation to the Borough to tweak their regulations before making this effective.

Commissioner Smith suggested including a recommendation that the Borough should include language that if there is an applicant within the city limits of Homer that it allows for the Planning Commission to create language to give structure to the development of gated communities.

Commissioner Bentz suggested that Section 3 of the proposed ordinance be amended to contain language that allows or postpones enactment to provide cities the time to develop tandem code and or policy that applies to gated subdivisions in their respective communities. She stated that since the existing ordinance if approved at the Borough level and a resident of the city submitted an application to create a gated subdivision the city has no regulations or policy in place to deal with that application.

There was a brief discussion on that delay for the enactment of the ordinance on the Borough level would then allow the other municipalities to institute their own regulations and debated asking for a 90 day or up to six month delay as a reasonable enactment date. A 90 day time frame would be the minimal time needed. It was pointed out that according to Assembly member Cooper this ordinance was scheduled to be on the agenda for October 8, 2019. Further information on the presentation and approval schedule by the Borough Assembly and Planning Commission.

Deputy City Clerk Krause provided input on the process for submitting their recommendations to the Borough Planning Department via memorandum at the request of Commissioner Bentz.

The Commission further discussed the requirement to submit their recommendations to the Borough through City Council. City Planner Abboud explained that the Commission can respond to the Borough and that they will need to submit all code changes through Council when that come up but they can submit the recommendations to the Borough on the ordinance.

Commissioner Smith offered the following recommendation for consideration: Homer Planning Commission recommends the following language be added to KPB Ordinance 20.80 to allow first class cities to develop their own code language prior to the allowance of specific applications for gated communities within these cities.

Additional comments were offered by the City Planner and Commissioners on adding or prohibiting applications until cities have a chance to respond.

Commissioner Bentz advocated for generalized concerns since there could be problems with submitting the incorrect legalese to the Borough. She then requested some of their direct concerns that should be included.

Commissioners and City Planner Abboud provided their concerns.

Commissioner Bentz then stated that she would like to provide a concise statement for Staff to be able to craft the memorandum effectively with minimal wordsmithing.

The Homer Planning Commission has general concerns with the City's ability to respond to this ordinance once it is approved by the Assembly with the predominant apprehension to have Section 3 becoming effective immediately.

The Homer Planning Commission recommends that Section 3 be amended to delay or prohibit enactment until the City can respond with policy commensurate or municipal policy. Items of specific concern are the following:

- City Code Changes
- Comprehensive Plan Amendments
- Transportation Plan
- Stormwater Issues
- Emergency Services
- Public Works
- Provision of Utilities
- Easements
- Hazard concerns

Commissioner Bentz also noted that they heard public comment at the worksession on concerns regarding the following:

- Annexation issues - if in the future the City of Homer annexed an area with a gated community
- Maintaining Pedestrian and Section Line Easements and that there will be a separate vacation process to effect that vacation.
- Retroactive establishment of gated communities
- Maintaining connectivity in multiple sectors and aspects of our community

The Commission agreed by consensus to forward a Memorandum to the Kenai Peninsula Borough in response to the proposed ordinance KPB 2019-xx

INFORMATIONAL MATERIALS

- A. City Manager's Report for the August 26, 2019 Homer City Council Meeting



City of Homer

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Staff Report PL 20-07

TO: Homer Advisory Planning Commission
FROM: Rick Abboud AICP, City Planner
DATE: January 2, 2020
SUBJECT: Kenai Peninsula Borough Draft Ordinance Adopting KPB 20.80,
Subdivision Private Streets and Gated Subdivision

Introduction

A substitute ordinance is up for consideration at the borough. In addition to the substitute, Assembly members Dunne and Assembly President Cooper have proposed amendments. The Commission and Council are asked to provide input to the Borough by January 30, 2020 for review by the Borough Planning Commission on February 10th and the Borough Assembly on February 25th.

Review

The ordinance would allow private, gated subdivisions. The road to each individual lot would not be a public dedication as is required now. Instead, the Home Owners Association (HOA) would bear all responsibility for the road, and the road would be its own separate parcel, owned collectively by the HOA. There are provisions for blocking public access by gating the private road, if desired.

Subdivision construction requirements remain unaffected by this ordinance and through street connections can still be required based on Homer's adopted plans. The proposals general standard addresses:

- All provision of borough subdivision code apply excluding requirements for rights-of-way dedication and justification currently used for exceptions
- Must use borough code for naming street and addressing
- Must create a turnaround for those denied entry
- Private streets are considered a separate lot and must be marked as 'private'
- No Borough maintenance – **check with legal to see if the City needs such a statement**
- Private construction and maintenance of streets
- Road standards must be met if converted back to public ROW in the future
- Local emergency services approval of proposed gate access
- Approach and departure areas must be constructed by an engineer and allow proper emergency access
- Owners must maintain and service gate
- Gate may not be in ROW

Converting public streets to private streets

- Vacation of ROW requirements are applicable as found in code
- The proposal shall not cause a discontinuity of the current or proposed street system
- Must accept road "as-is"
- Must indemnify government regarding the proposal
- Cannot convert CIP or RIAD financed roads w/ ten years – **Check with legal to see if the City needs a similar provision. LOOKING FOR COMMISSION INPUT HERE!**

Converting private streets to ROW

- Must comply with current design requirements at expense of the owner(s)

Analysis

The ordinance provides for guidance to create a gated subdivision out of undeveloped parcels, conversion of existing streets/ROW's, and conversion of private streets back to public.

In an instance of consideration for an undeveloped parcel, there is nothing specifically prohibiting a gated subdivision from being proposed until the parcel needs to be subdivided. Now they would be required to provide legal access by dedicating ROW. Of course, our development requirements would still apply.

A planned development of an undeveloped parcel seems to be more acceptable than the conversion of roads that may have been taxpayer funded. It is quite possible that you may feel that this sort of thing is not in Homers best interest whether or not existing city streets are involved. One thing that gets my support is the policy of accepting only ROW that meet current road standards in the event that a conversion from private to public is necessary.

Amendments

Willy Dunne, Memorandum dated November 21, 2019

- *All public streets may not be converted if it provide access to any form of public easement*
 - o I am fine with this concept. Perhaps it could use language to state ***unless equal or superior access is provided***
- *A cost to convert*
 - o I would think that it is up to us to put a price on conversion or Homer roads with additional Homer code. I do believe that some ROW is valued quite differently than others. Perhaps we are more than glad to freely turnover or at least reduce the cost of the nonconforming street.
- *All previously public ROW's must be returned when converting back to public from private*
 - o There could be many differing situation that might warrant this, but I am not sure that is it best for all circumstances. Concerns include:
 - the ability of land owners to bring all substandard roads to current spec
 - the desired reconfiguration of poorly designed subdivisions
 - previous dedications might be reconfigured to provide better service or design and it would not be desirable to revert back to a poor design.

- Previous public ROW could be put into different uses if it is decided to abandon for a superior design

Kelly Cooper (first amendment)

- *All must be part of HOA unless they did not sign petition and those will not have to participate in HOA or pay dues.*
 - I do not have a strong opinion about this and am looking for Commissioner perspectives. This is most likely more of an issue for the conversion of existing development. Now you would have a land owner that has no say in how the HOA is managed and has no input, seems really messy.
 - Should 70% of the landowners force the other 30% to refuse city services and be subject to an HOA in which they have no interest?
 - Again it feels like this is a measure most likely associated with the previously developed lands.

Kelly's second amendment

- *Final approval shall be subject to approval by the assembly*
 - I do not have any issue with the concept but do have some concerns surrounding the subject matter.
 - There are a few actions that are acted upon separately in order get approval of a gated subdivision.
 - Already dedicated ROW's will need to be vacated first with a final veto given to our Council to deny and apparently again to the Borough after gaining the vacation and completing the rest of the process.
 - Likely these processes done in parallel
 - In any event, both will have there own due process
 - The issue here is that borough code regarding vacations is vague and would be difficult to defend, since code fails to set the expectations for approval or denial well enough (think the 4 standards for a variance or all the criterion for CUP approval), especially the "veto" which has absolutely no standards listed, so it would be up to a judge to determine the appropriate standard(s) that serves a legitimate governmental purpose.
 - Standards should be developed for the veto

I still recognize that upon approval of such an ordinance, the City will have to formulate some code to respond to local concerns, whether that be a prohibition of sorts or any sort of policy regarding developed or undeveloped utilities or any other local concern. Thanks to Commissioner Bentz's amendment, we will have 180 days to work it out after adoption, as that is the effective date of the ordinance.

Staff Recommendation

Consider your support for the ordinance itself and/or any provisions listed above. Remember that regardless of what we may support or not, we will have to formulate or own code to reflect our local concerns outside of the framework provided by the borough.

Attachments

1. Kenai Peninsula Borough Substitute Ordinance 2019-24
2. KPB Assembly Memorandum from Willy Dunne
3. KPB Assembly Memorandum from Assembly President Copper (first)
4. KPB Assembly Memorandum from Assembly President Copper (titled "Second Amendmen[t]")

Introduced by: Mayor
Date: 9/3/19
Hearing: 12/3/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
SUBSTITUTE ORDINANCE 2019-24**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE
STREETS AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Environment, Objective A of the 2019 Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public's privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on November 19, 2019 recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on November 12, 2019 recommended approval by majority vote;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. In accordance with the requirements of this chapter, a subdivision with private streets and gated access may be created either at the time of subdivision by the owner of the parcel being subdivided or by the owners of the parcels along a public street(s).

20.80.020. – Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Chapter 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. All private streets will comply with street naming and street addressing per KPB 14.10 and 14.20.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around, located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must: (1) remain a public right-of-way; (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and (3) be accepted into the borough’s road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.
- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- F. The following notes are required on the subdivision final plat

1. Borough maintenance shall not be provided on any private streets.
 2. Private streets are not public and are subject to private construction and maintenance.
 3. To convert private streets back to a public right of way, the requirements of KPB 14.06 – Road Standards, must be met.
- G. Gated subdivisions and private streets may be approved, provided they meet the following criteria:
1. Emergency services shall be provided access within the private subdivision. Approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.
 2. When located within a city, a final plat of a subdivision with a private street must comply with KPB 20.60.080 – Improvements – Installation agreement required.

20.80.030. – Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

- A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.
- B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.
- C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
- D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition

and have them serviced on a regular basis, as needed, to ensure proper gate operation.

E. No part of the gate system may be placed in a public right-of-way.

20.80.040. – Converting to gated subdivision.

A. A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.

B. Converting public street to private street – standards.

1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.

2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.

3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.

4. Prior to recording, the private tract owner(s) shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.

5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: The private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any and all claims, demands, suits, or liability of any nature, kind or character including costs, expenses, and attorneys’ fees. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) or the private tract owner(s) acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims

alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

- C. A public street constructed or improved with borough funds, either through a Capital Improvement Project (CIP) or Road Improvement Assessment District (RIAD), cannot be converted to a private street within ten (10) years of the CIP or RIAD completion date for that street.

20.80.050. – Converting private streets to public right of way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner’s expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. – Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50.

SECTION 2. That KPB Chapter 20.90, entitled “Definitions is amended as follows:

20.90.010. – Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply.

...

“Gated subdivision” means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...

“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by the private tract owner(s). The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective 180 days after its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
_____ DAY OF _____, 2019.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Kelly Cooper, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Willy Dunne, Assembly Member (W.D.) for W.D.

DATE: November 21, 2019

RE: Amendments to Ordinance 2019-24 Mayor Substitute, Adopting KPB 20.80, Subdivision Private Streets and Gated Communities (Mayor)

In the event the assembly amends ordinance 2019-24 by substitution, following are some proposed amendments to the substitute ordinance 2019-24 for your consideration. The first amendment would prohibit conversion of a public street to a private street if there exists any form of public access easement accessible by any public street being vacated and converted to private property.

The second amendment would impose fees on the property owners prior to conversion of a public street to private property. These are based on discussions with local road contractors and the borough road service area director.

The third amendment would require that as a part of converting private streets to public streets in a gated subdivision, all rights of way that were public when the gated subdivision was formed shall also be dedicated to the public.

[Please note the underlined bold language is new and the bold strikeout language in brackets is to be deleted.]

- In Section 1 amend KPB 20.80.020 by inserting a new subparagraph G.3 as follows:

20.80.020 – Requirements

Private streets in subdivisions shall meet the following requirements:

...

G. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

...

3. **A public street may not be converted to a private street under this chapter if it provides public access to any form of a public access easement.**

- In Section 1 amend KPB 20.80.040 by inserting a new subparagraph D as follows:

20.80.040. – Converting to gated subdivision.

...

D. Prior to approval of a gated subdivision in which any public streets are vacated and converted to private property, the subdivision property owners must pay to the borough a fee of:

- a. **\$200 per linear foot for unpaved roads; or**
- b. **\$250 per linear foot for paved roads; and**
- c. **Fair market value of acreage for any undeveloped rights-of-way.**

- In Section 1 amend KPB 20.80.050 by inserting a new subparagraph B as follows and re-lettering the remaining subparagraphs:

20.80.050. – Converting private streets to public streets in gated subdivision.

...

B. To convert a private street back to a public street under this section, all rights of way in the subdivision that were public rights of way immediately before the gated subdivision was formed, whether developed or undeveloped, must also be dedicated to the public.

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly
FROM: Kelly Cooper, Assembly President
DATE: December 2, 2019
RE: Amendment to Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions [Mayor]

This is a proposed amendment to Ordinance 2019-24. The ordinance, as written, requires gated subdivisions to comply with all requirements of KPB 20.60.190, including certification of the final plat by “all parties having an interest of record in land being subdivided.”

This requirement could lead to a single owner in a subdivision stopping the development of a gated subdivision, even if all other owners in the subdivision wish to proceed. It is foreseeable that this issue could arise in a variety of circumstances, such as an out-of-state landowner who may not be available for signature, or who may not recognize and understand the safety concerns that residents actually living in a neighborhood experience on a daily basis.

The amendment proposes an approach similar to both the Utility Special Assessment District (USAD) and Road Improvement Assessment District (RIAD) codes, which require a supermajority of property owners to proceed with those projects. The proposed amendment requirements are measured by the land, not the number of proposed owners. This is similar, for example, to the method used for petitions to vacate rights-of-way. Neither Alaska statutes nor regulations restrict the Assembly’s ability to determine the requirements for final platting with regards to certification by landowners.

Additionally, KPB 20.80 is amended to note that only those property owners who approve the change will be responsible for paying dues, fees or assessments to the homeowners’ association for conversion and maintenance of the private street.

[Please note the underlined bold language is new and the bold strikethrough language in brackets is to be deleted.]

➤ Amend **Section 1** as follows:

SECTION 1 That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

...

20.80.020(D). A homeowners’ association (HOA) is required for approval of private streets within a subdivision. All property owners voting in favor of the conversion to private street(s) [to be served by the private streets] must be members in or part of the HOA, in

accordance with KPB 20.80.050(D) and KPB 20.60.190(1)(b). The HOA shall own and be responsible for the maintenance of the private streets and appurtenances.

...

20.80.050(D). If approved, only those property owners in the subdivision voting in favor of converting to a gated community with private street(s) will be responsible to pay any dues, fees or assessments to the homeowners' association for conversion and maintenance of the private street and any appurtenances. The homeowners' association documents and final replat document shall note the limitation of financial responsibility of those voting no on conversion.

- Add **SECTION 3.** That KPB 20.60.190, entitled “Certificates, statements, and signatures required” is amended as follows:

20.60.190. - Certificates, statements, and signatures required.

A final plat submitted for review and approval shall bear the following certificates with signatures of appropriate parties signed with permanent black ink:

1(a). All parties having an interest of record in land being subdivided shall sign a certificate of ownership and dedication printed on the plat, affixed thereto, or by separate affidavit. If such title interest is vested in other than named individuals, including but not limited to corporations, partnerships, limited liability companies, trusts or homeowner's associations, the certificate shall be signed and acknowledged by an individual(s) under written authority granted by its board of directors or shown by official documentation appropriate to the entity. Documentation of such authority shall be submitted with the final plat.

1(b). When the plat or replat is specific to a gated community created under KPB chapter 20.80, the parties having an interest of record in a supermajority (70%) of the land being subdivided shall sign a certificate of ownership and dedication printed on the plat, affixed thereto, or by separate affidavit. If such title interest is vested in other than named individuals, including but not limited to corporations, partnerships, limited liability companies, trusts or homeowner's associations, the certificate shall be signed and acknowledged by an individual(s) under written authority granted by its board of directors or shown by official documentation appropriate to the entity. Documentation of such authority shall be submitted with the final plat.

MEMORANDUM

TO: Members, Kenai Peninsula Borough Assembly
FROM: Kelly Cooper, Assembly President
DATE: December 2, 2019
RE: Second Amendment to Ordinance 2019-24, Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivisions [Mayor]

This is a second proposed amendment to Ordinance 2019-24. The ordinance, as written, requires approval of gated subdivision replats by the planning commission, with appeal to a hearing officer.

An application to convert to a gated subdivision seeks to vacate the public right-of-way and create a private right-of-way. As such, the approval of a gated subdivision should be handled more like a right-of-way vacation than a typical plat or replat approval, which generally involves reconfiguration of lot lines or similar reorganization of land ownership. It is more appropriate for the Assembly to consent to the approval of a gated subdivision than the planning commission.

[Please note the underlined bold language is new and the bold strikethrough language in brackets is to be deleted.]

- Amend Section 1 as follows:

SECTION 1 That KPB Chapter 20.80, entitled “Private Streets and Gated Communities” is enacted as follows:

...

20.80.040(B).

[Upon determination by the planning director that the replat application is complete, the request shall be subject to review and approval by the borough planning commission regarding whether the gated subdivision requirements and procedures have been met, as set out in this chapter. The borough planning commission decision is subject to appeal to the hearing officer pursuant to KPB 21.20.]

Upon approval of the replat by the planning director, the request shall be subject to review and approval by the borough planning commission regarding whether the gated subdivision requirements and procedures have been met, as set out in this chapter. The borough planning commission decision is subject to review and approval by the assembly.

...

City Planner Abboud provided a summary of Staff Report 20-03 for the Commission.

Kate Mitchell, applicant, provided historical information on the business and how it has grown throughout the years.

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.

The Commissioners posed the following questions for clarification:

- An engineer has reviewed the building due to the age and that it was a wood structure and found to be structurally sound and quite capable of sustaining a second story with some modifications. The 1968 design prints showed that it was designed for two stories.
- The proposed four-plex is phase three and will bring that lot into compliance and currently is not planned for more than basic architectural finishes at this time. It will offer affordable housing for employees.

BENTZ/HIGHLAND - MOVE TO ADOPT STAFF REPORT 20-03 AND APPROVE CUP 20-01 TO ALLOW A SECOND STORY ADDITION TO THE NOMAR BUILDING AND A FOUR-PLEX AT 104 E PIONEER AVENUE WITH CONDITIONS 1-3 INCLUDED IN THE STAFF REPORT.

There was a brief discussion on the project regarding the green spaces identified in the drawings.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PLAT CONSIDERATION

PENDING BUSINESS

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

Chair Venuti introduced the item by reading of the title. He stated that the Commission discussed this during the worksession and that he did not believe there was a need for further discussion.

City Planner Abboud noted that the Commission provided directions to staff.

NEW BUSINESS

- A. Staff Report 20-07, Kenai Peninsula Borough Gated Subdivision Ordinance

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



City Planner Abboud provided a summary of Staff Report 20-07 for the Commission. He commented on the following:

- Private Streets are a separate parcel
- Must provide turnaround for those denied entry/access
- No Borough maintenance – he is checking this out with the City Attorney
- Converting public streets to private streets – this will be an issue to handle locally there is concern with the city's vacation code
- Cannot convert a road improved or created with government funds for 10 years – Will require legal input to see if the city should have a similar requirement.
- Cost to convert will have to be looked at locally
- Converting back to public from private
- Not sure if the proposed amendment of those not voting for the action do not have to pay dues or participate.
- Council can veto but the Borough has no standards on or for a veto when it concerns the vacation of dedicated rights of way

Commissioner Bentz suggested taking the previous memorandum that was sent to the Borough since it contained the general concerns for the city and they could add to that and not have to rehash those points. She then addressed the current amendments proposed by Kelly Cooper and Willy Dunne:

- On the first amendment proposed by Ms. Cooper regarding the HOA, she believed that there was a requirement of 100% participation. She did not believe that they had to address this.
- The second amendment there may be complications and not sure how to address this since the Borough has platting authority.
- Previously public ROW's being returned if they added equal or superior access to address those concerns of previous designs, would be acceptable and a direction to deal with those.
- The city may be able to limit the conversion of existing neighborhoods by not allowing it if there were CIP or RIAD roads/projects involved.

Commissioner Petska-Rubalcava requested clarification that the ordinance included in the packet was an amended ordinance and that the proposed amendments by Cooper and Dunne were to further amend the ordinance.¹

City Planner Abboud responded that he believed that it was originally at 100% but Ms. Cooper is recommending changing to a majority approval.

City Planner Abboud responded to Chair Venuti regarding submitting a recommendation of non-support of the ordinance but since the Borough has platting authority he was not sure how that would be effective. He would have to confer with the City Attorney on the best action and if it would be allowed to prohibit properties that are on the maintenance map from converting to a gated community. The city may be able to use that regulation.

¹ Note for Clarification: KPB Ordinance 2019-24 was referenced as a Substitute. Ms. Cooper and Mr. Dunne proposed amendments, if adopted, would amend the substitute ordinance.

Further comments by the commission and staff included the following:

- Proposed amendment reflected the 70% supermajority who have an interest of record
- Prohibit gated communities in Homer since it did not appear to reflect Homer values
- The Borough has platting authority over everything it would mean that the City would have to take that responsibility over.
- City regulations would be applied if a property was within city limits. The city could implement rules that would be recognized within the Borough subdivision rules.
- The term of snobbery when referencing gated communities was unfair as some of the residents in Homer that winter outside consider it a safer situation for their homes.
- residents can put a gate across there driveway or fence their property
- it would be unfair to disallow a property owner because they were out of state at the time or unavailable to sign a petition
- The 30% would not be required to pay for the services if they do not sign off on the HOA
- Keeping the 100% property owner participation was preferable since allowing even a supermajority as described in the ordinance would not allow the 30% the benefit of city (or borough) services
- Gated communities are very common in the Lower 48 in many states.
- Limiting gated communities to new development
- Lack of success for subdivisions in Homer
- The ability to care and preserve city infrastructure was a big concern
- Too divisive and not suitable for established neighborhoods

City Planner Abboud confirmed that the Commission's role tonight was to offer comment on the proposed ordinance and the City will have six months to create regulations within the city. He did not think the Borough will be concerned with the city infrastructure. He provided some process on the possibility of what would need to be done if someone wanted to create a gated community in the city.

Chair Venuti call for a recess at 8:11 p.m. to allow the Clerk to access and print off the prior memorandum for the Commission. The meeting was called back to order at 8:18 p.m. after the Commission reviewed the previous memorandum that was submitted to the Kenai Peninsula Borough Assembly regarding the proposed regulations in October 2019.

Commissioner Petska-Rubalcava departed the meeting at 8:11 p.m. due to illness.

Chair Venuti requested recommendations from the Commission after review of the memorandum.

BENTZ/BOS MOVED TO DRAFT A NEW MEMORANDUM TO THE CITY COUNCIL INCLUDE PORTIONS OF THE PREVIOUS MEMORANDUM OUTLINING THE GENERAL CONCERNS OF THE CITY AND INCLUDE LANGUAGE REGARDING THE CONCERNS FOR THE PROPOSED AMENDMENTS.

There was a brief discussion on the necessity to copy the Borough Planning Commission.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

There was a brief discussion by the Commission and staff on the memorandum being drafted and ready for the Planning Commission review at the next meeting and then forwarded to Council in a timely manner to be submitted to the Borough by the deadline.

Commissioner Bentz suggested content for the memorandum as follows:

The Homer Planning Commission has concerns with the ordinance amendments related to:

- Percentage Requirements for owners of record when creating a gated community
 - o It is the recommendation of the Homer Planning Commission that it should be a 100% of record property owners before any vacation of public streets since having a 70/30 supermajority would deprive those owners of records who did not sign the petition, of city or borough services, even if those same record owners did not pay HOA fees.
- Significant issues with converting existing neighborhoods and properties into gated subdivisions and private streets
 - o Homer Planning Commission would pursue methods within municipal policy to reduce the capability of the conversion of public streets into private streets within city limits.
- In the event of a transition from a private, gated community to public
 - o Homer Planning Commission recommends including the reference to city requirements in tandem to KPB 20.80.020

There was no dissent expressed by the Commission on the recommendations as stated by Commissioner Bentz.

INFORMATIONAL MATERIALS

A. City Manager Report for December 9, 2019 City Council Meeting

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

COMMENTS OF THE COMMISSION

Commissioner Bos commented that it was great to be back, thankful for the snow but was not expecting single digits.

**CITY OF HOMER
HOMER, ALASKA**

Lord

RESOLUTION 20-014

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
REQUESTING THE KENAI PENINSULA BOROUGH ASSEMBLY NOT
TO ENACT ORDINANCE 2019-24(S) ADOPTING KPB CHAPTER
20.80, SUBDIVISION PRIVATE STREETS AND GATED
SUBDIVISIONS.

WHEREAS, Kenai Peninsula Borough Ordinance 2019-24 adopting KPB Chapter 20.80, Subdivision Private Streets and Gated Subdivisions was introduced by the Kenai Peninsula Borough Assembly (Assembly) on September 3, 2019; and

WHEREAS, At its meeting on December 3, 2019, the Assembly amended Ordinance 2019-24 by substitute; and

WHEREAS, Ordinance 2019-24(S) establishes standards and requirements for the establishment of private streets in subdivisions in the Kenai Peninsula Borough, both inside and outside of cities, either at the time of subdivision or by the owners of parcels along existing public streets; and

WHEREAS, The Homer Planning Commission reviewed the regulations outlined in the proposed Ordinance 2019-24 at their regular meeting on October 2, 2019 and the substitute Ordinance 2019-24(S) at their regular meeting on January 2, 2020; and

WHEREAS, The City Council of Homer, Alaska, approved the Memorandum from the Homer Planning Commission which outlines concerns and the extensive questions that remain along with work that would be required by the City if the Assembly were to approve Ordinance 2019-24(S).

NOW, THEREFORE, BE IT RESOLVED that the City of Homer, Alaska, respectfully requests the Kenai Peninsula Borough Assembly not to enact Ordinance 2019-24(S), Adopting KPB Chapter 20.80, Subdivision Private Streets and Gated Subdivisions.

PASSED AND ADOPTED by the Homer City Council this 27th day of January, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

44 ATTEST:

45

46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

48

49 Fiscal note: N/A

Introduced by: Mayor
Substitute
Introduced: 12/03/19
O2019-24 (Mayor) See Original Ordinance for Prior History
Hearing: 12/03/19
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2019-24
(MAYOR) SUBSTITUTE**

**AN ORDINANCE ADOPTING KPB 20.80, SUBDIVISION PRIVATE STREETS
AND GATED SUBDIVISIONS**

WHEREAS, privacy, security, and public safety concerns expressed by residents may be addressed by private streets in subdivisions; and

WHEREAS, Goal 2, Focus Area: Land Use and Changing Environment, Objective A of the 2019 Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, private streets can only be approved through the KPB 20.50 exception process and there are currently no designated standards and requirements, nor established procedures to create subdivisions with private streets and gated access; and

WHEREAS, there is a need for designated standards and requirements and establishment of procedures for creating gated communities; and

WHEREAS, designating standards, requirements and procedures for establishing private streets within subdivisions with gated access will address residents as well as the public's privacy, security, and access concerns; and

WHEREAS, the Kenai Peninsula Borough Road Service Area board at its meeting held on November 19, 2019, recommended unanimous approval of this ordinance; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at its meeting held on November 12, 2019 recommended approval by majority vote;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That KPB Chapter 20.80, entitled "Private Streets and Gated Communities" is enacted as follows:

20.80.010. - Purpose.

This chapter provides standards and requirements for the establishment of private streets in subdivisions in the borough. In accordance with the requirements of this chapter, a subdivision with private streets and gated access may be created either at the time of subdivision by the owner of the parcel being subdivided or by the owners of the parcels along public street(s).

20.80.020. Requirements.

Private streets in subdivisions shall meet the following requirements:

- A. Provisions of KPB Title 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. All private streets shall comply with street naming and street addressing per KPB 14.10 and 14.20.
- C. A public vehicular turn around shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. An unrestricted turn around, located within the private street, shall be provided to allow vehicles that have been denied entry to the private streets the ability to exit. If borough maintenance of a turnaround is requested, then the turnaround must: (1) remain a public right-of-way; (2) be constructed with a minimum radius of 30 feet with a grade of 4 percent or less per KPB 14.06.160(D); and (3) be accepted into the borough's road maintenance program. The owner(s) of an approved gated subdivision shall be responsible for providing maintenance to all private streets and unmaintained turnarounds.
- D. Private streets shall be contained within a separate lot which meets the right of way requirements of Chapter 20. The entrances to all private streets will be marked with a sign stating that it is a private street in compliance with KPB 14.06.200.
- E. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- F. The following notes are required on the subdivision final plat
 - 1. Borough maintenance shall not be provided on any private streets.
 - 2. Private streets are not public and are subject to private construction and maintenance.

3. To convert private streets back to a public right of way, the requirements of KPB 14.06 – Road Standards, must be met.

G. Gated subdivisions and private streets may be approved, provided they meet the following criteria:

1. Emergency services shall be provided access within the private subdivision. Approval by the fire and emergency services provider, with jurisdiction in the area of the gated subdivision, is required. The fire and emergency services provider must be satisfied that fire and emergency services providers will have safe access into and within the gated subdivision.

2. When located within a city, a final plat of a subdivision with a private street must comply with KPB 20.60.080 – Improvements – Installation agreement required.

20.80.030. Gates

If a gate is installed to prevent public access to a subdivision with private streets the gate must conform to the following requirements:

A. The fire and emergency services provider that serves the proposed gated subdivision must approve the fire and emergency services access plan for each gate prior to installation. The fire and emergency services provider should consider access for emergency vehicles into, and within, the private streets and gated subdivision.

B. The approach and departure areas for the gate(s) must be designed by a licensed professional civil engineer.

C. Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

D. After installation, all emergency access systems must be approved by the fire and emergency services providers serving the gated subdivision. The owner(s) of the private street parcel must maintain all components of the gate system in a normal operating condition and have them serviced on a regular basis, as needed, to ensure proper gate operation.

E. No part of the gate system may be placed in a public right-of-way.

20.80.040. Converting to gated subdivision.

A. A platted right of way may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property

is located or by the owner(s) of the majority of land fronting or abutting the right of way to be vacated. The request shall comply with the applicable replat and vacation requirements and procedures in this title, except as provided otherwise in this chapter.

B. Converting public street to private street – standards.

1. Vacation of the public right-of-way shall be in accordance with the criteria set forth in KPB 20.70.
2. The proposed gated subdivision shall not cause discontinuity in the existing or proposed public street system for adjoining lands.
3. The proposed gated subdivision must not cause discontinuity in the existing or proposed road system to any property owner within the proposed gated subdivision that fronts on the public right-of-way that is to be vacated.
4. Prior to recording, the private tract owner(s) shall accept the road “as-is” in its present condition and shall agree to indemnify, hold harmless, and defend the borough against any claims arising from the private ownership, maintenance and control of the converted street.
5. The private tract owner(s) shall execute a defense and indemnification agreement in favor of the borough in the following form: Except to the extent limited by law, the private tract owner(s) shall indemnify, defend, and hold and save the borough, its elected and appointed officers, officials, agents and employees, hereinafter collectively referred to as “agents”, harmless from any claim of, or liability for, the independent negligent acts, errors, and omissions or willful misconduct, including costs, expenses, and attorneys’ fees, in connection with or relating to the private tract owner(s) construction, improvement, maintenance, regulation, or use of any gates or private streets. The private tract owner(s) shall be responsible under this clause for any and all legal actions or claims of any character arising from the private tract owner(s) acts or omissions related to its private streets and gates in any way whatsoever. This defense and indemnification responsibility includes claims alleging acts or omissions of the borough or its agents, which are said to have contributed to the losses, failure, violations, or damages, except for acts or omissions solely attributable to the borough.

C. A public street constructed or improved with borough funds, either through a Capital Improvement Project (CIP) or Road Improvement Assessment District (RIAD), cannot be converted to a private street within ten (10) years of the CIP or RIAD completion date for that street.

20.80.050. – Converting private streets to public right-of-way in gated subdivision.

- A. The owner(s) of a private street may petition to dedicate the private street through the platting process. The plat must comply with KPB Chapter 20.
- B. The private street to be dedicated to a public right of way must meet the design criteria set forth in KPB 20.30 and KPB 14.06.
- C. At the expense of the private street tract owner(s), a civil engineer will determine whether the private streets meet KPB Title 14 and Title 20 standards for street design and construction. If the streets do not meet borough standards the dedication shall be denied.
- D. The borough may also require, at the private street tract owner’s expense, the removal of any improvements, access control devices, gates, landscaping or other aesthetic amenities associated with the private street.

20.80.060. Enforcement.

Violations of this chapter shall be in accordance with KPB 20.10.030 and KPB 21.50,

SECTION 2. That KPB Chapter 20.90, entitled “Definitions is amended as follows:

20.90.010. Definitions generally.

In this title, unless otherwise provided, or the context otherwise requires, the following definitions shall apply:

...

“Gated subdivision” means a residential subdivision consisting of multiple parcels of land where vehicular and/or pedestrian access by the general public from a public street and street(s) within the gated community and/or public right-of-way(s) is restricted as a result of a barrier that may include, but is not limited to gates, security personnel, fences or walls.

...

“Private street” is defined as a vehicular access way shared by and serving two or more lots, which is not publicly maintained, but maintained by the private tract owner(s). The term “private street” shall be inclusive of alleys. The term “street” also includes the term “street” as used in KPB title 14.

SECTION 3. That this ordinance shall become effective 180 days after its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF *, 2019.**

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent:

**CITY OF HOMER
HOMER, ALASKA**

City Clerk

RESOLUTION 20-015

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AWARDING THE CONTRACT FOR THE HOMER AIRPORT TERMINAL
ROOF REPLACEMENT PROJECT TO A FIRM TO BE ANNOUNCED IN
AN AMOUNT TO BE DISCLOSED AND AUTHORIZING THE CITY
MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In accordance with the Procurement Policy the Invitation to Bid was
advertised the Homer News on December 26 and January 2 and in the Peninsula Clarion on
December 28, sent to two in-state plans rooms, and posted on the City of Homer website; and

WHEREAS, Bids were due January 23, 2020 and ___ bids were received; and

WHEREAS, _____ of _____, was found to be the lowest responsive bidder;
and

WHEREAS, This award is not final until written notification is received by the firm from
the City of Homer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards the
Contract for the Homer Airport Terminal Roof Replacement Project to a firm to be announced
in an amount to be disclosed, and authorizes the City Manager to execute the appropriate
documents.

PASSED AND ADOPTED by the Homer City Council this 27th day of January, 2020.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: 156-0388