



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

City of Homer Agenda

**City Council Regular Meeting
Monday, October 28, 2019 at 6:00 PM
City Hall Cowles Council Chambers**

CALL TO ORDER, PLEDGE OF ALLEGIANCE

Councilmember Lord requests telephonic participation.

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. Memorandum 19-139 from Deputy City Clerk Re: Liquor License Renewal for Grog Shop East End. Recommend Approval.
- b. Ordinance 19-51, An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds. City Manager. Recommended dates Introduction October 28, 2019, Public Hearing November 25 and December 9, 2019 and Second Reading December 9, 2019.
- c. Resolution 19-076, A Resolution of the City Council of Homer, Alaska Supporting Full Funding (\$12,145,312) for the State of Alaska Municipal Harbor Facility Grant Program in the FY 2021 State Capital Budget. City Manager/Port Director. Recommend adoption.
- d. Resolution 19-077, A Resolution of the City Council of Homer Alaska Authorizing the City of Homer to Join the Alaska Remote Seller Sales Tax Commission for the Purpose of Developing, Implementing, and Enforcing a Room Seller Sales Tax Code and Designation the Commission Representative. City Manager. Recommend adoption.

- e. Resolution 19-078, A Resolution of the City of Homer Supporting the Inclusion of Climate Adaptation and Mitigation Measures in the Kenai Peninsula Borough's 2019 Comprehensive Plan. Lord. Recommend adoption.
- f. Resolution 19-080, A Resolution of the City Council of Homer, Alaska Amending the Homer Tariff No. 1 Under Rule 9-Anchoring, Rule 12-Vehicle Parking, Rule 13-Wharfage, Demurrage and Free Time, Rule 26-Fish Dock Rates, and Rule 27-Small Boat Harbor Rules and Regulations. City Manager/Port Director. Follows Ordinance 19-51.
- g. Resolution 19-081, A Resolution of the City Council of Homer, Alaska Amending the City Fee Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees. City Clerk. Follows Ordinance 19-52.

VISITORS

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

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

PUBLIC HEARING(S)

- a. Ordinance 19-44, An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY2017 State Homeland Security Program Reallocation Award for an Amount no to Exceed \$53,324.58 to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents. City Manager. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

Memorandum 19-131 from Fire Chief as backup

- b. Ordinance 19-45, An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY2019 State Homeland Security Program Grant in the Amount of \$255,005 for a Back Generator at the Fire Hall and a Dispatch Console for the Police

Department and Appropriating \$24,704 from the Police Station Reserve Account to Purchase a Computer Hardware Integrated Workstation to House the Dispatch Console. City Manager. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

Memorandum 19-132 from Police Chief as backup

- [c.](#) Ordinance 19-46, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.60, Parks, Art, Recreation, and Culture Advisory Commission, Section 2.60.010(A) Created-Membership, to Reduce the Number of Members from Nine to Seven. Aderhold. Introduction October 14, 2019, Public Hearing and Second Reading October 28, 2019.

ORDINANCE(S)

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

Memorandum 19-140 from City Planner as backup

CITY MANAGER'S REPORT

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

PENDING BUSINESS

- [a.](#) Ordinance 19-48, An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents. Smith/Stroozas. Introduction October 14, 2019, Postponed to October 28, 2019.

NEW BUSINESS

- [a.](#) Memorandum 19-141 from City Clerk Re: Selection of Mayor-Pro Tempore
- [b.](#) Memorandum 19-142 from City Clerk Re: Memorandum to Kenai Peninsula Borough Mayor Pierce and the Borough Assembly regarding KPB Ordinance 2019-24

- c. Memorandum 19-143 from City Clerk Re: Purple Heart Trail/Highway Letter of Support

RESOLUTIONS

- a. Resolution 19-075, A Resolution of the City Council of Homer, Alaska Designating Signatories of City Accounts and Superseding any Previous Resolutions so Designating City Manager
- b. Resolution 19-079, A Resolution of the City Council of Homer, Alaska Considering Unacceptable the Reductions to Funding for the Alaska Marine Highway System in FY20 and Changes to the Winter Ferry Schedule, Opposing any Further Reductions to the System's Budget, and Supporting Reform that is Sustainable and Responsive to the Needs of Coastal Communities. Aderhold.

COMMENTS OF THE AUDIENCE

COMMENTS OF THE CITY ATTORNEY

COMMENTS OF THE CITY CLERK

COMMENTS OF THE CITY MANAGER

COMMENTS OF THE MAYOR

COMMENTS OF THE CITY COUNCIL

ADJOURNMENT

Next Regular Meeting is Monday, November 25, 2019 at 6:00 p.m., Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-139

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RACHEL TUSSEY, DEPUTY CITY CLERK

DATE: OCTOBER 23, 2019

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR GROG SHOP EAST END

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

License Type: Package Store
License #: 2301
DBA Name: Grog Shop East End
Service Location: 3125 E End Road, Homer, AK 99603
Licensee: MSA, Inc.
Contact Person: Melvyn Strydom (907) 235-5101

RECOMMENDATION

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

Fiscal Note: Revenues



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: MELISSA JACOBSEN, MMC, CITY CLERK

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

FROM: LIEUTENANT RYAN BROWNING

DATE: OCTOBER 22, 2019

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR GROG SHOP EAST END

The Homer Police Department has no objection to the renewal of license #2301.

License Type: Package Store
License #: 2301
DBA Name: Grog Shop East End
Service Location: 3125 E End Road, Homer, AK 99603
Licensee: MSA, Inc.
Contact Person: Melvyn Strydom (907) 235-5101



October 17, 2019

City of Homer & Kenai Peninsula Borough

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

Re: Notice of 2020/2021 Liquor License Renewal Application

License Type:	Package Store	License Number:	2301
Licensee:	MSA, Inc.		
Doing Business As:	Grog Shop East End		

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

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

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

Sincerely,

Erika McConnell, Director
amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Grog Shop East End	License Number:	2301
License Type:	Package Store		
Examiner:	JOHN	Transaction #:	1153271

Document	Received	Completed	Notes
AB-17: Renewal Application	10/8	10/8	
App and License Fees	10/8	10/8	

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

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

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

LGB 1 Response:

Waive Protest Lapsed

LGB 2 Response:

Waive Protest Lapsed



Alaska Alcoholic Beverage Control Board

Package Store License

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

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

What is this form?

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

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

Section 1 - Establishment and Contact Information

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

Table with 4 columns: Field Name, Value, License #, ZIP. Rows include Licensee (MSA, Inc.), License Type (Package Store), Doing Business As (Grog Shop East End), Premises Address (3125 E End Rd.), Local Governing Body (City of Homer), and Community Council (None).

Table with 4 columns: Field Name, City, State, ZIP. Row includes Mailing Address (309 E. Pioneer Avenue), City (Homer), State (Alaska), and ZIP (99603).

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

Table with 4 columns: Field Name, Contact Licensee, Contact Phone, Contact Email. Row includes Contact Licensee (Meluyn Strydom), Contact Phone (907.235.5101), and Contact Email (alaskamsa@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.

Table with 4 columns: Field Name, Name of Contact, Contact Phone, Contact Email. Row includes Name of Contact (Heidi Stage), Contact Phone (907.235.5101), and Contact Email (alaskamsa@gmail.com).



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

Section 2 – Entity or Community Ownership Information

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

Alaska CBPL Entity #:	874220
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You must ensure that you are able to certify the following statement before signing your initials in the box to the right: Initials

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

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

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

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

Name of Official:	Melvyn Strydom				
Title(s):	President/Secretary	Phone:	907.235.5101	% Owned:	100
Mailing Address:	201447 E. Skyline Drive				
City:	Homer	State:	Alaska	ZIP:	99603

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

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



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

Section 3 – Sole Proprietor Ownership Information

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

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

This individual is an: applicant affiliate

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

This individual is an: applicant affiliate

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

Section 4 – Alcohol Server Education

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

Initials

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

Section 5 – License Operation

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

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-17b: 2020/2021 Package Store Renewal License Application

Section 6 – Written Orders

Written orders in calendar years 2020 and 2021: Yes No

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

Section 7 – Violations and Convictions

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

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

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

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

Section 8 – Certifications

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

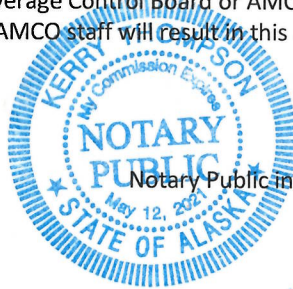
I certify that all current licensees (as defined in AS 04.11.260) and affiliates have been listed on this application, and that in accordance with AS 04.11.450, no one other than the licensee(s) has a direct or indirect financial interest in the licensed business.

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

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

As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, is true, correct, and complete. I agree to provide all information required by the Alcoholic Beverage Control 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.

Melvyn Stridom
Signature of licensee



[Signature]
Signature of Notary Public

MELVYN STRIDOM
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 5/12/2021

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

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

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

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

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

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	MSA, INC.

Entity Type: Business Corporation

Entity #: 87422D

Status: Good Standing

AK Formed Date: 6/22/2004

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2022

Entity Mailing Address: 369 E PIONEER AVE, HOMER, AK 99603

Entity Physical Address: 61477 SKYLINE DR., 369 E. PIONEER AVE., C/O THE GROG
SHOP, HOMER, AK 99603

Registered Agent

Agent Name: Melvyn Strydom

Registered Mailing Address: 369 E PIONEER AVE, HOMER, AK 99603

Registered Physical Address: 369 E PIONEER AVE, HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	MELVYN STRYDOM	Director, President, Shareholder, Treasurer, Secretary	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
6/22/2004	Creation Filing	Click to View	
11/10/2006	Biennial Report	Click to View	
3/15/2009	Biennial Report	Click to View	
1/04/2010	Biennial Report	Click to View	
12/26/2011	Biennial Report	Click to View	
10/04/2013	Biennial Report	Click to View	
6/29/2015	Change of Officials	Click to View	
11/28/2015	Biennial Report	Click to View	
10/08/2017	Biennial Report	Click to View	
12/19/2017	Change of Officials	Click to View	
10/04/2019	Biennial Report	Click to View	

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ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-50

An Ordinance of the Homer City Council Appropriating Funds for the Calendar Years 2020 and 2021 for the General Fund, the Water Fund, the Sewer Fund, the Port/Harbor Fund, and Internal Service Funds.

Sponsor: City Manager

1. City Council Regular Meeting October 28, 2019 Introduction

Memorandum 19-140 from City Planner as backup

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

City Manager

3
4 **ORDINANCE 19-51**

5 AN ORDINANCE OF THE HOMER CITY COUNCIL APPROPRIATING
6 FUNDS FOR THE CALENDAR YEARS 2020 and 2021 FOR THE
7 GENERAL FUND, THE WATER FUND, THE SEWER FUND, THE
8 PORT/HARBOR FUND, CAPITAL PROJECTS, AND INTERNAL
9 SERVICE FUNDS.
10

11
12 THE CITY OF HOMER ORDAINS:

13
14 Section 1. Pursuant to the authority of Alaska Statutes Title 29, the following
15 appropriations are made for the calendar year ending December 2020:
16

17	General Fund	\$12,475,341
18	Water Fund	\$ 2,118,081
19	Sewer Fund	\$ 1,642,256
20	Port/Harbor Fund	\$ 4,723,175
21	Capital Projects	<u>\$ 879,298</u>
22		
23	Total Expenditures	\$21,838,151
24		
25	Internal Service Funds	\$2,094,556
26		

27 Section 2. Pursuant to the authority of Alaska Statutes Title 29, the following
28 appropriations are made for the calendar year ending December 2021:
29

30	General Fund	\$12,891,790
31	Water Fund	\$ 2,320,278
32	Sewer Fund	\$ 1,788,617
33	Port/Harbor Fund	\$ 4,841,250
34	Capital Projects	<u>\$ 64,000</u>
35		
36	Total Expenditures	\$21,905,935
37		
38	Internal Service Funds	\$2,244,938
39		

40
41 Section 3. The amounts appropriated by this ordinance are appropriated to the objects
42 and purposes stated in the adopted budget.

43 Section 4. Grant funds. (a) If grant funds that are received during the fiscal year exceed
44 the amounts of such funds appropriated by this ordinance by not more than \$25,000, the
45 affected appropriation is increased by the amount of the increase in receipts.

46 (b) If grant funds that are received during the fiscal year exceed the amounts
47 appropriated by this ordinance by not more than \$25,000, the appropriation from city funds
48 for the affected program may be reduced by the excess if the reduction is consistent with
49 applicable federal and state statutes.

50 (c) If grant funds that are received during the fiscal year fall short of the amounts
51 appropriated by this ordinance, the affected appropriation is reduced by the amount of the
52 shortfall in receipts.

53
54 Section 5. Donations or charitable contributions. If donations or contributions are
55 received during the fiscal year that exceed the amounts of such funds appropriated by this
56 ordinance by not more than \$5,000, the affected appropriation is increased by the amount of
57 the increase in receipts.

58
59 Section 6. A copy of the adopted budget shall be certified by the City Clerk and filed in
60 the office of the City Clerk.

61
62 Section 7. The supporting Line Item Budget detail as presented by the Administration
63 and reviewed by the City Council is incorporated as part of this Budget Ordinance.

64
65 Section 8. The property tax mill levy is set at 4.5 mills for 2020.

66
67 Section 9. This Ordinance is limited to approval of the Budget and appropriations for
68 Calendar Year 2020 and 2021, is a non-code Ordinance and shall become effective January 1,
69 2020.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of December, 2019.

72
73 CITY OF HOMER

74
75
76 _____
77 KEN CASTNER, MAYOR

78 ATTEST:

79
80
81 _____
82 MELISSA JACOBSEN, MMC, CITY CLERK

83
84

85 YES:

86 NO:

87 ABSTAIN:

88 ABSENT:

89

90 First Reading:

91 Public Hearing:

92 Second Reading:

93 Effective Date:

94

95

96 Reviewed and approved as to form:

97

98

99 _____
Katie Koester, City Manager

Michael Gatti, City Attorney

100

101 Date: _____

Date: _____

2020 Proposed Budget Amendment Form

Fund Name: _____

Project Name: _____

Account #	Account name	Page #	Increase	Decrease	Balance

Rationale:

Requested By: _____

Prepared By: _____

2021 Proposed Budget Amendment Form

Fund Name: _____

Project Name: _____

Account #	Account name	Page #	Increase	Decrease	Balance

Rationale:

Requested By: _____

Prepared By: _____

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

3 City Manager/Port Director

4 **RESOLUTION 19-076**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 SUPPORTING FULL FUNDING (\$12,145,312) FOR THE STATE OF
8 ALASKA MUNICIPAL HARBOR FACILITY GRANT PROGRAM IN THE
9 FY 2021 STATE CAPITAL BUDGET.

10
11 WHEREAS, The majority of the public boat harbors in Alaska where constructed by the
12 State during the 1960s and 1970s; and

13
14 WHEREAS, These harbor facilities represent critical transportation links and are the
15 transportation hubs for waterfront commerce and economic development in Alaskan coastal
16 communities; and

17
18 WHEREAS, These harbor facilities are ports of refuge and areas of protection for ocean-
19 going vessels and fishermen throughout the State of Alaska, especially in coastal Alaskan
20 communities; and

21
22 WHEREAS, The State of Alaska over the past nearly 30 years has transferred ownership
23 of most of these State-owned harbors, many of which had infrastructure at or near the end of
24 their service life at the time of transfer, to local municipalities; and

25
26 WHEREAS, The municipalities took over this important responsibility even though they
27 knew that these same harbor facilities were in poor condition at the time of transfer due to the
28 state's failure to keep up with deferred maintenance; and

29
30 WHEREAS, Consequently, when local municipal harbormasters formulated their annual
31 harbor facility budgets, they inherited a major financial burden that their local municipal
32 governments could not afford; and

33
34 WHEREAS, In response to this financial burden, the Governor and the Alaska Legislature
35 passed legislation in 2006, supported by the Alaska Association of Harbormasters and Port
36 Administrators, to create the Municipal Harbor Facility Grant program, AS 29.60.800; and

37
38 WHEREAS, For each harbor facility grant application, these municipalities have
39 committed to invest 100% of the design and permitting costs and 50% of the construction cost;
40 and

41
42 WHEREAS, The municipalities of the City of Cordova, City and Borough of Sitka, City of
43 Ketchikan, City of Homer, City of Edna Bay, City of Kake, City and Borough of Juneau, and the
44 Municipality of Anchorage have offered to contribute \$12,145,312 in local match funding for

45 FY2021 towards seven harbor projects of significant importance locally as required in the
46 Harbor Facility Grant Program; and

47

48 WHEREAS, Completion of these harbor facility projects is all dependent on the 50%
49 match from the State of Alaska's Municipal Harbor Facility Grant Program; and

50

51 WHEREAS, During the last ten years the Municipal Harbor Facility Grant Program has
52 only been fully funded twice; and

53

54 WHEREAS, During the last ten years the backlog of projects necessary to repair and
55 replace these former State-owned harbors has increased to over \$100,000,000.

56

57 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, urges full
58 funding in the amount of \$12,145,312 by the Governor and the Alaska Legislature for the State
59 of Alaska's Municipal Harbor Facility Grant Program in the FY 2021 State Capital budget in order
60 to ensure enhanced safety and economic prosperity among Alaskan coastal communities.

61

62 PASSED AND ADOPTED by the Homer City Council this 28th day of October, 2019.

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65

CITY OF HOMER

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68

KEN CASTNER, MAYOR

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70 ATTEST:

71

72

73

MELISSA JACOBSEN, MMC, CITY CLERK

74

75 Fiscal note: N/A

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

3 City Manager

4 **RESOLUTION 19-077**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AUTHORIZING THE CITY OF HOMER TO JOIN THE ALASKA REMOTE
8 SELLER SALES TAX COMMISSION FOR THE PURPOSE OF
9 DEVELOPING, IMPLEMENTING, AND ENFORCING A REMOTE
10 SELLER SALES TAX CODE AND DESIGNATING THE COMMISSION
11 REPRESENTATIVE
12

13 WHEREAS, The inability to effectively collect sales tax on sales of personal property,
14 products or services transferred or delivered into Alaska by a remote seller in response to
15 orders placed electronically by local consumers is eroding the sales tax base of Alaska
16 communities and resulting in revenue losses that is causing imminent harm to residents
17 through the loss of critical funding for local education; and
18

19 WHEREAS, The harm from the loss of revenue is especially problematic in Alaska
20 because the state has no broad-based tax, and sales tax revenues are essential in funding the
21 provision of services by local governments; and
22

23 WHEREAS, The failure to collect tax on remote sales creates artificial market distortions
24 and competitive advantages for remote sellers by perpetuating tax shelters for businesses that
25 limit their physical presence in the state or its municipalities but still sell goods and services to
26 local consumers, something that becomes easier and more prevalent as technology continues
27 to advance; and
28

29 WHEREAS, The structural advantages for remote sellers, including the absence of point-
30 of-sale tax collection, combined with the general growth of online retail, means that the
31 erosion of the sales tax base is a growing problem that will only worsen in the near future if the
32 borough is not able to legally collect remote seller sales tax within the framework of current
33 United States Supreme Court case law; and
34

35 WHEREAS, The recent decision by the United States Supreme Court in *South Dakota v.*
36 *Wayfair* allows for the amendment of the sales tax code to account for remote sellers who do
37 not have a physical presence in either the State of Alaska or within the Kenai Peninsula
38 Borough, but do have a taxable connection with those jurisdictions; and
39

40 WHEREAS, The decision in *South Dakota v. Wayfair* provided guidance that included the
41 defensibility of a single-level statewide administration of remote sales tax collection and
42 remittance; and
43

44 WHEREAS, Remote sellers who make a substantial number of deliveries into or have
45 large gross revenues from Alaska benefit extensively from the Alaska market, affecting the
46 economy generally, as well as local infrastructure; and

47
48 WHEREAS, Modern computing and software options ensure that it is neither unusually
49 difficult nor a substantial burden for remote sellers to collect and remit sales taxes associated
50 with sales into Alaska taxing jurisdictions; and

51
52 WHEREAS, In order to implement a single-level statewide sales tax administration, it is
53 the intent of numerous local taxing jurisdictions within Alaska to establish an
54 intergovernmental entity known as the Alaska Remote Seller Sales Tax Commission (the
55 “Commission”); and

56
57 WHEREAS, The function and powers of the Commission will be set forth in the Alaska
58 Intergovernmental Remote Seller Sales Tax Agreement (the “Agreement”), a cooperative
59 agreement between Commission members; and

60
61 WHEREAS, Under the terms of the Agreement, in order to maintain membership in the
62 Commission, the borough will be required to adopt certain uniform code provisions for the
63 collection and remittance of municipal sales tax applicable to sales made by remote sellers;
64 and

65
66 WHEREAS, The uniform remote sales tax code will be presented to the assembly for
67 consideration once adopted by the Commission to comply with guidance found in the *Wayfair*
68 decision; and

69
70 WHEREAS, If adopted, the administration of remote sales tax collection and remittance
71 will be delegated to the Commission; and

72
73 WHEREAS, The intent of the Agreement is to enable Alaska’s taxing jurisdictions to levy
74 their municipal sales tax to the maximum limit of federal and state constitutional doctrines;
75 and

76
77 WHEREAS, Article X, Section 13 of the Alaska Constitution authorizes local government
78 to enter into agreements for the cooperative or joint administration of any function or power,
79 unless otherwise prohibited by law or charter;

80
81 WHEREAS, In addition AS 29.35.010(13) provides authority for the borough to enter into
82 intergovernmental cooperative agreements for the joint administration of a borough function
83 or power;

84
85 WHEREAS, The purpose of being an early member of the Commission is to have a voice
86 during the formation process while not committing to any future obligation or action; and

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WHEREAS, A member will be able to withdraw from the Commission if the adopted bylaws, uniform code, or fees are not acceptable to the member municipality.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, that the City Manager or their designee is authorized to negotiate, execute, and submit all necessary documents to obtain and maintain membership in the Alaska Remote Seller Sales Tax Commission, including the Alaska Intergovernmental Remote Seller Sales Tax Agreement included as Attachment A.

BE IT FURTHER RESOLVED the City Manager or designee is designated as the city's representative on the Commission.

PASSED AND ADOPTED by the Homer City Council this 28th day of October, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

Alaska Intergovernmental Remote Seller Sales Tax Agreement

FINAL

October 11, 2019

Alaska Intergovernmental Remote Seller Sales Tax Agreement

This Agreement is made and entered into by the signatories representing Alaska's cities and boroughs to enable them to implement single-level, statewide administration of remote sales tax collection and remittance. The provisions of the Agreement do not apply to administration and collection of sales taxes for the sales of goods and services originating from within the boundaries of a member municipality nor does this Agreement restrict how a member municipality administers and collects sales tax on such sales, nor on sales made by those retailers with a physical presence in the municipality. The authority to set rates and exemptions is maintained by the member municipality.

Article I. Background Principles.

1. The signatories wish to enable local governments to benefit from opportunities for collection of existing sales tax on sales made by remote sellers. Remote sellers are sellers who sell, often through the internet, products or services in a taxing jurisdiction without having a physical presence in the taxing jurisdiction.
2. The collection of remote sales tax provides a level playing field for local businesses and strengthens the ability of local governments to provide public services and infrastructure.
3. The signatories are particularly mindful of the specific holding in, and implications of, the Supreme Court's *South Dakota v. Wayfair* decision, which provides guidance relative to nexus and the legal defensibility of a single-level statewide administration that reduces or removes potential burdens to interstate commerce.
4. Alaska's local governments have the authority to enter into intergovernmental agreements and applicable taxing authority has been delegated to organized boroughs and cities.
5. The signatories desire to establish an intergovernmental entity to enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers.

Article II. Purpose.

The purpose of this Agreement is to:

1. Enable cooperative centralized administration of sales tax collection, remittance, and enforcement on sales made by remote sellers using a single statewide intergovernmental entity;
2. Provide for and promote reasonable uniformity and compatibility in significant components of local sales tax levy and collection on sales made by remote sellers and marketplace facilitators in order to facilitate streamlined joint administration; and
3. Facilitate taxpayer and tax collector convenience and compliance in the filing of tax returns, the payment of tax, and in other phases of tax administration of sales made and services provided by remote sellers and marketplace facilitators.

Article III. Definitions.

As used in this Agreement:

1. “Commission” means the Alaska Remote Seller Sales Tax Commission established pursuant to this Agreement.
2. “Local Government” means any home rule, first class, or second class borough, or any home rule, first class, or second class city, or unified municipality in Alaska.
3. “Member” means a Local Government signatory to this Agreement.
4. “Remote seller” means any corporation, partnership, firm, association, governmental unit or agency, or person acting as a business entity that sells property or products or performs services in the State of Alaska or a taxing municipality in the state, using the internet, mail order, or telephone, without having a physical presence in the state or taxing municipality.
5. “Sales tax” means a tax imposed with respect to the transfer for a consideration of ownership, possession, or custody of property or the rendering of services measured by the price of the property transferred or services provided.
6. “Marketplace facilitator” means a person that provides for sellers a platform to facilitate for consideration, regardless of whether deducted as fees from the transaction, the sale of the seller’s products or services (excluding lodging and rentals) through a physical or electronic marketplace operated by the person, and engages:
 - a. Directly or indirectly, through one or more affiliated persons in any of the following:
 - i. Transmitting or otherwise communicating the offer or acceptance between the buyer and seller;
 - ii. Owning or operating the infrastructure, electronic or physical, or technology that brings buyers and sellers together;
 - iii. Providing a virtual currency that buyers are allowed or required to use to purchase products from the seller; or
 - iv. Software development or research and development activities related to any of the activities described in (b) of this subsection (3), if such activities are directly related to a physical or electronic marketplace operated by the person or an affiliated person;
 - b. In any of the following activities with respect to the seller's products:
 - i. Payment processing services;

- ii. Fulfillment or storage services;
- iii. Listing products for sale;
- iv. Setting prices;
- v. Branding sales as those of the marketplace facilitator;
- vi. Order taking;
- vii. Advertising or promotion; or
- viii. Providing customer service or accepting or assisting with returns or exchanges.

Article IV. The Commission.

1. Organization and Management.

- a. The Alaska Remote Seller Sales Tax Commission (the “Commission”) is hereby established as an intergovernmental entity in the state of Alaska. It will be comprised of one designated representative from each Member, who shall have the authority to act on the Member’s behalf.
- b. Each Member will be entitled to one vote.
- c. To assist conducting business when the full Commission is not meeting, the Commission will annually elect a Board of Directors of seven members, including officers. The Board of Directors will act subject to the provisions of this Agreement and as provided in the bylaws of the Commission, as ratified by the members.
- d. No action will be binding unless approved by a majority of the Directors present at a meeting.
- e. The Commission will adopt an official logo.
- f. The Commission will hold an annual meeting rotating the location of the meeting each year, with telephonic participation provided for, in addition to scheduled regular meetings and special meetings as provided by its bylaws. Notices of special meetings must include the reasons for the meeting and the items to be considered.
- g. The Commission will elect annually, from among its members, a Chairman, a Vice Chairman, and a Secretary/Treasurer. The bylaws of the Commission shall provide for nomination and election of officers.
- h. The Commission will contract at formation for support and administrative

functions with the Alaska Municipal League (AML). The Executive Director of the AML will serve as a liaison between the Commission and AML and may appoint necessary staff support. This provision will be revisited within three years of legal formation of the Commission.

- i. The Commission may contract for supplies and professional services, and delegates to AML the same ability on its behalf.
- j. To carry out any purpose or function, the Commission may accept and utilize donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any Member or governmental entity.
- k. The Commission may establish one or more offices for the transacting of its business. Upon formation, its registered office and place of business will be the Alaska Municipal League at One Sealaska Plaza, Suite 200, Juneau, AK 99801.
- l. The Members will adopt the initial bylaws of the Commission. The Commission will make its bylaws easily accessible for Members and prospective members. The power to adopt, alter, amend or repeal bylaws is vested in the Board of Directors unless it is reserved to the Members per the bylaws. The bylaws shall contain provisions for the regulation and management of the affairs of the Commission not inconsistent with this Agreement.
- m. The Commission will provide annual reports to its members covering its activities for the preceding fiscal year. The Commission may make additional reports.

2. Committees.

- a. In furtherance of its activities, the Commission may establish advisory and technical committees by a majority vote of the membership body. Membership on a technical committee, may include private persons and public officials. Committees may consider any matter of concern to the Commission, including issues of special interest to any member and issues pertaining to collection of sales tax on behalf of members.
- b. The Commission may establish additional committees by a majority vote of the membership or Board of Directors as its bylaws may provide.
- c. Committees may not take any action but may recommend action to the Board of Directors for consideration.

3. Powers.

In addition to powers conferred elsewhere in this Agreement and in the bylaws, the Commission may:

- a. Study federal, state and local sales tax systems, and particular types of state and local taxes.

- b. Develop and recommend proposals to promote uniformity and compatibility of local sales tax laws with a view toward encouraging the simplification and improvement of local tax law and administration.
 - c. Compile and publish information to support and assist members in implementing the Agreement or assist taxpayers in complying with local government sales tax laws.
 - d. Do all things necessary and incidental to the administration of its functions pursuant to this Agreement, including:
 - i. Sue and be sued.
 - ii. Administer provisions of uniform sales tax ordinances pursuant to authority delegated by Members
 - f. The Commission may create and adopt policies and procedures for any phase of the administration of sales tax collection and remittance in accordance with this Agreement and the Commission's bylaws, including delegated authority to administer taxation or prescribing uniform tax forms. Prior to the adoption of any policy, the Commission will:
 - 1. As provided in its bylaws, hold at least one meeting after due notice to all affected members and to all taxpayers and other persons who have made timely requests to the Commission for advance notice of its policy-making proceedings.
 - 2. Afford all affected members and interested persons an opportunity to submit relevant written comments, which will be considered fully by the Commission.
 - g. The Commission will submit any policy adopted by it to the designated representative of all Members to which they might apply. Each such Member will in turn consider any such policy for adoption in accordance with its own laws and procedures.
 - h. Amend this Agreement by majority vote of the Members.
4. Finance.
- a. At least 90 days prior to the start of a new fiscal year, the Board of Directors will adopt a budget of its estimated expenditures for the upcoming fiscal year and submit to Members.
 - b. The Commission will follow a July 1 to June 30 fiscal year.
 - c. The Commission's budgets must contain specific recommendations for service fees built into statewide administration. Service fees will account for direct staff and software costs, and indirect costs, as justifiable to the Board of Directors.

- d. The Commission will not pledge the credit of any member. The Commission may meet any of its obligations in whole or in part with funds available to it, provided that it takes specific action to set aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it, the Commission may not incur any obligation prior to the allocation and commitment of funds adequate to meet the same.
- e. The Commission must keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission will be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission will be audited annually by a certified public accountant and the report of the audit will be included in and become part of the annual report of the Commission to Members.
- f. The accounts of the Commission will be open at any reasonable time for inspection by duly constituted officers of the Members, the State of Alaska, and by any persons authorized by the Commission.
- g. Nothing contained in this Article may be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

Article V. Membership Requirements; Remote Seller Sales Tax Code.

- 1. To obtain and retain full membership, the Local Government must submit either an Ordinance or Resolution authorizing entry into the Agreement, including to:
 - a. Designate the individual at the municipality that may execute initial binding documents on behalf of the municipality and who will be the Member’s representative on the Commission.
- 2. Once the Commission adopts its bylaws and adopts a uniform Remote Sellers Sales Tax Code, members must submit an Ordinance or Resolution that:
 - a. Delegates remote seller sales tax registration, exemption certification, collection, remittance, and audit authority to the Commission.
 - b. Within one hundred twenty (120) days, adopts, by reference or otherwise, the Remote Seller Sales Tax Code in its entirety as it pertains to collection of sales tax from remote sellers and marketplace facilitators. The Remote Seller Sales Tax Code is provided as “Addendum A”.
- 3. To retain full membership status, changes made to the Agreement or Code should be ratified by the Member within one hundred twenty (120) days of the date the Commission adopts the change.
- 4. The Member must provide notice of tax or boundary changes to the Commission and must

assure the Commission of the accuracy of rates and exemptions. Rate and exemption changes will take effect within thirty (30) days of the date the Commission receives notice of the tax or boundary change.

Article VI. Sales Tax Collection and Administration.

1. Collection; Registration; Remittance.

- a. Every remote seller and marketplace facilitator meeting the Threshold Criteria of one hundred thousand (\$100,000) in annual sales or 100 annual transactions occurring in Alaska during the current or previous calendar year, shall collect sales taxes from the buyer at the time of sale or service and shall transmit the sales taxes collected to the Commission on a monthly or quarterly basis.
- b. The Commission will remit and report to Members by the last business day of the month.
- c. A remote seller or marketplace facilitator meeting the Threshold Criteria shall apply for a certificate of sales tax registration within thirty (30) calendar days of the adoption of this Remote Seller Sales Tax Code and/or within thirty (30) calendar days of meeting the threshold, whichever occurs later. Registration shall be to the Commission on forms prescribed by the Commission as set out in the remote seller sales tax code.
- d. Upon receipt of a properly executed application, the Commission shall issue the applicant a certificate of registration, stating the legal name of the seller, the primary address, and the primary sales tax contact name and corresponding title. A list of registered sellers in good standing shall be distributed to Members, made public and available on the Commission's webpage.

2. Returns; Confidentiality.

- a. The Commission will provide all sales tax return information to the taxing jurisdiction, consistent with local tax codes.
- b. All returns, reports and information required to be filed with the Commission under this Code, and all information contained therein, shall be kept confidential and shall be subject to inspection only by:
 - i. Employees and agents of the Commission and taxing jurisdiction whose job responsibilities are directly related to such returns, reports and information;
 - ii. The person supplying such returns, reports and information; or
 - iii. Persons authorized in writing by the person supplying such returns, reports and information.

3. Title; Penalty and Interest; Overpayment.

- a. Upon collection by the seller, title to the sales tax vests in the Commission and the member on whose behalf the original tax arose. The Commission shall act as a third-party trustee and remit taxes collected on behalf of the member no later than thirty (30) days after each filing deadline.
- b. The Remote Sellers Sales Tax Code shall establish the per annum interest rate and any applicable penalties for late or non-compliant remote sellers.
- c. Upon request from a buyer or remote seller the Commission shall provide a determination of correct tax rate and amount applicable to the transaction. In the case of an overpayment of taxes, the remote seller shall process the refund and amend any returns accordingly.

4. Audit; Compliance and Enforcement.

- a. The Commission shall have sole audit authority and will make final determinations regarding: (1) whether a remote seller or marketplace facilitator meets Threshold criteria; (2) the accuracy of returns filed by a remote seller or marketplace facilitator with the Commission; and (3) whether a remote seller or marketplace facilitator filing returns with the Commission is in compliance with collection and remittance obligations.
- b. The Commission shall have authority to enforce issues relating to the Remote Sellers Sales Tax Code including, but not limited to, the collection of late fees and penalties, and filing of civil suits and injunctions.

Article VII. Entry into Force and Withdrawal.

1. This Agreement will be in force and effective when formally approved by any seven signatories and will terminate if membership falls below seven.
2. Any Member may withdraw from this Agreement through ordinance or resolution rescinding signatory action and giving notice to the Commission of the effective date of the ordinance, with a minimum of 30 days' notice. Withdrawal will not affect any liability already incurred by or chargeable to a Member prior to the effective date of such withdrawal. The obligations of the Commission to remit and report remain until no longer necessary.

Article VIII. Effect on Other Laws and Jurisdiction.

Nothing in this Agreement may be construed to:

1. Affect the power of any local government to fix rates or tax exemptions, except that all members must adopt and implement the Commission's common definitions and tax code

changes or demonstrate parity or non-applicability.

2. Withdraw or limit the authority of local government with respect to any person, corporation, or other entity or subject matter, except to the extent that such authority is expressly conferred by or pursuant to this Agreement upon another agency or body.
3. Supersede or limit the jurisdiction of any court of the State of Alaska.

Article IX. Construction and Severability.

This Agreement shall be liberally construed so as to effectuate its purposes. The provisions of this Agreement shall be severable and if any phrase, clause, sentence, or provision is declared or held invalid by a court of competent jurisdiction, the validity of the remainder of this Agreement and its applicability to any government, agency, person or circumstance will not be affected. If any provision of this Agreement is held contrary to the charter of any member, the Agreement will remain in full force and effect as to the remaining members and in full force and effect as to the Member affected in all other provisions not contrary to charter.

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

Lord

3
4 **RESOLUTION 19-078**

5
6 A RESOLUTION OF THE CITY OF HOMER SUPPORTING THE
7 INCLUSION OF CLIMATE ADAPTATION AND MITIGATION
8 MEASURES IN THE KENAI PENINSULA BOROUGH'S 2019
9 COMPREHENSIVE PLAN

10
11 WHEREAS, annual air temperatures in the Kenai Peninsula Borough have risen by 3.4
12 degrees Fahrenheit since 1969 and July 2019 was the warmest month on record in Alaska; and

13
14 WHEREAS, in August 2019, most of the Kenai Peninsula Borough was in "Severe
15 Drought" status and, for the first time, parts of the northern peninsula reached "Extreme
16 Drought" status; and

17
18 WHEREAS, the Kenai Peninsula Borough issued three disaster declarations throughout
19 summer 2019 in response to multiple fires and droughts caused or exacerbated by increased
20 average temperature and decreased levels of rainfall; and

21
22 WHEREAS, continuation of current climate trends threatens the future of salmon runs
23 on the Kenai Peninsula by depleting water levels and raising temperatures in local watersheds;
24 and

25
26 WHEREAS, continuation of current climate trends may increase the risk and intensity of
27 wildfires resulting from drought and increasing temperatures across the Borough; and

28
29 WHEREAS, the City of Homer stands at risk of significant economic and social harm
30 should the integrity of local fisheries and surrounding natural environment be further
31 compromised; and

32
33 WHEREAS, the Kenai Peninsula Borough's July 2019 draft Comprehensive Plan
34 identifies significant and accelerating impacts caused by climate change in Alaska and
35 recommends preparation of a Regional Climate Change Adaptation Plan as a strategic
36 response to these challenges; and

37
38 WHEREAS, the Kenai Peninsula Borough Planning Commission further amended the
39 Kenai Peninsula Borough's draft Comprehensive Plan to recommend creation of a Kenai
40 Peninsula Borough Commission on Sustainability to explore the feasibility of alternative
41 energy sources on the Kenai Peninsula; and

42
43 WHEREAS, The City of Homer has already formally recognized the importance of
44 climate action by being the first city in the State to adopt a climate action plan.

45 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, supports
46 the inclusion of a Regional Climate Change Adaptation Plan, a Kenai Peninsula Borough
47 Commission on Sustainability, and other climate adaptation and mitigation measures in the
48 Kenai Peninsula Borough's final 2019 Comprehensive Plan,
49

50 BE IT FURTHER RESOLVED that copies of this resolution shall be mailed to Kenai
51 Peninsula Borough Mayor Charlie Pierce, members of the Kenai Peninsula Borough Assembly,
52 and members of the Kenai Peninsula Borough Planning Commission.
53

54 PASSED AND ADOPTED by the Homer City Council this 28th day of October, 2019.
55

56 CITY OF HOMER
57

58
59 _____
60 KEN CASTNER, MAYOR

61 ATTEST:
62

63
64 _____
65 MELISSA JACOBSEN, MMC, CITY CLERK
66

67 Fiscal Note: N/A

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

3 City Manager/
4 Port Director

5 **RESOLUTION 19-080**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE HOMER TARIFF NO. 1 UNDER RULE 9-
9 ANCHORING, RULE 12-VEHICLE PARKING, RULE 13-WHARFAGE,
10 DEMURRAGE AND FREE TIME, RULE 26-FISH DOCK RATES, AND
11 RULE 27-SMALL BOAT HARBOR RULES AND REGULATIONS
12

13 WHEREAS, Homer Tariff No. 1 is reviewed at least annually; and
14

15 WHEREAS, These amendments to to the will correct typographical inaccuracies,
16 provide additional wording for clarification, document 2019 changes, and better represent
17 Homer Port and Harbor's current policies.
18

19 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, amends the
20 Homer Tariff No. 1 and the City Fee Schedule as follows:
21

22 **RULE 9 – ANCHORING**

23 9.01. UNAUTHORIZED ANCHORING – Unauthorized anchoring in open areas in or adjacent to the City
24 of Homer's Port and Harbor facilities (Terminal) is prohibited.
25

26 9.02. ANCHORAGE MANNING REQUIREMENT – ~~All vessels in the City of Homer's Port and Harbor~~
27 ~~facilities (Terminal) including Tidelands outside the harbor~~ **Any vessel anchoring on city property**
28 **(tidelands) outside the city of Homer's Port and Harbor (terminal)** must be manned at all times
29 and the vessel's position monitored on a regular basis to insure that vessel anchors are not dragging
30 and must comply with Coast Guard lighting requirements.
31

32 **RULE 12 – VEHICLE PARKING**

33 12.01. LONG TERM PARKING PERMITS – Vehicles over 20' are not eligible for long term parking permits.

- 34 a. Seasonal permits for day use parking (Ramps 1-4): \$250.00.
35 b. Long Term parking permits required for vehicles 20' or less parked in excess of seven (7)
36 consecutive 24-hour days.
37 c. Long Term parking annual permit fee for vessel owners paying annual moorage in the
38 Homer Harbor: fee \$100.00.
39 d. Long Term parking annual permit (January 1st through December 31st): fee \$200.00.
40 e. Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.
41 f. Monthly parking permit for non-commercial vehicles over 20': fee \$85.00 for 30
42 consecutive days in a portion of Lot 9 only.
43 **g. Weekly parking permit for vehicles less than 20': fee \$25.00 for 7 consecutive days.**

- 44 **h. Weekly parking permit for non-commercial vehicles over 20': fee \$30.00 for 7**
 45 **consecutive days.**
 46 i. Long term parking will be enforced year around.
 47 j. Parking lot restrictions for long term parking, May 1 through October 1, as
 48 depicted on harbor map (Resolution 11-036(A)).
 49 k. Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for
 50 violations apply. Fines, \$25.00 per calendar day, provided that the fine for overtime parking
 51 in long term parking area will be limited to \$250.00 fine per calendar year, with \$200.00 of
 52 the fine credited towards the long term parking annual permit.
 53 l. Failure to pay violations will result in an additional \$25.00 fee per month and any other legal
 54 or collection fee authorized by law.
 55

56 **RULE 13 – WHARFAGE, DEMURRAGE AND FREE TIME**

- 57 f. ~~OVERSIZE~~ **OVERSIDE** WHARFAGE – One-half of wharfage named herein will be charged to
 58 merchandise or cargo discharged or loaded over the side of vessels directly to or from another
 59 vessel or to the water when vessel is berthed at wharf.
 60
 61 k. SCHEDULE OF WHARFAGE RATES – Except as otherwise specifically provided, rates are in U.S.
 62 dollars (USD) per short ton of 2000 lbs. or per 40 cubic foot. **Short ton = 0.907185 metric tons**

COMMODITY	WHARFAGE RATE (\$USD)
Aggregate (Gravel, stone, minerals)	\$1.00 per short ton
Agricultural Products (Grains, corn, legumes, etc.)	\$3.50 per short ton
Containerized Cargo	\$8.00 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) Up to 1 ≥ 100 Short tons	\$7.96 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) Up to 101 ≥ 1,000 Short Tons	\$6.00 per short ton
Freight N.O.S. (Pioneer/Deep Water Docks) In Excess of 1,000 1001 ≥ 10,000 Short Tons	\$5.00 per short ton
In Excess of 10,000 10,000 + Short Tons	\$4.50 per short ton / negotiable
Freight N.O.S. (Barge Ramp and Beach)	\$5.14 per short ton
Freight N.O.S. (Fish Dock)	\$14.50 per short ton
ICE Fish Dock	\$14.50 per short ton
Hazardous materials, as established by Dept. of Transportation materials commodity List. At location designated for loading, unloading or staging by USCG permit	\$8.00 per ton /Min. 1 ton
Livestock (horses, mules, cattle, hogs, sheep, goats, fowl)	\$10.12 per head
Petroleum	\$0.84 per barrel/\$0.02 per gallon
Poles, Logs, cant or cut	\$3.95 per thousand board feet
Seafood/Fish Products (regardless of species) (all docks)	\$4.76 per short ton

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(1) Finished lumber per MBM (Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.

(2) In absence of board feet measure on bill of lading, a loadout rate will be assessed by converting the weight of logs to board foot measure, for the average diameter of logs (small end diameter) in accordance with the following table for white spruce logs:

<u>Scaling Diameter of Logs-Inches</u>	<u>Weight per Board Feet-Pounds</u>
8"	14.5
12"	11.5
16"	9.5
20"	8.5
24"	7.8

Kiln dried lumber: Three pounds will equal one board foot measure.

RULE 26 – FISH DOCK RATES

26.01. GENERAL LIST OF FEES AS SET BY THE HOMER CITY COUNCIL

- a. Annual Access Card (Private License) \$52.00 per year
- b. Card replacement fee \$15.00 per occurrence
- c. Cold Storage Lockers #2-#8 (8 feet X 10 feet) \$334.75/month
- d. Cold Storage Rate (2 consecutive months) \$309.00/month
- e. Cold Storage Rate (3 consecutive months) \$283.25/per month
- f. Cold Storage Rate (9 month season) \$257.50 per month
- g. Cold Storage Locker #9 (10'X22') \$920.90/month
- h. Cold Storage Locker #9 (2 consecutive months) \$849.60/month
- i. Cold Storage Locker #9 (3 consecutive months) \$778.90/month
- j. Cold Storage Locker #9 (9 month season) \$708.20/month
- k. Inspections \$ 50.00 per hour
- l. Bait Storage Fee per bin (4x4x4)
 - 1. Per Day \$5.15
 - 2. Per Week \$25.75
 - 3. Per Month \$77.25
- m. Fish Dock Crane (Minimum 15 minutes) \$90.64/hour
- n. Ice (Accumulated throughout year. Accounts reviewed each Dec. for rate adjustment based on previous year's actual tons of ice purchased.)
 - 1. 0>100 tons \$130.90 per ton
 - 2. 101>300 tons \$128.00 per ton
 - 3. 301>500 tons \$124.00 per ton
 - 4. 501>700 tons \$121.00 per ton
 - 5. 701>1000 tons \$118.00 per ton
 - 6. Over 1001 tons \$115.00 per ton
- o. After hours ice delivery call out fee \$250.00 per call out**
- p. Wharfage for Seafood \$4.76/ton or \$.00238/lb.

- 107 q. Ice Wharfage (not purchased from City) \$14.50/ton
- 108 r. Freight NOS Non-seafood Wharfage at Fish Dock \$14.50/ton

109

110 RULE 27 – SMALL BOAT HARBOR RULES & REGULATIONS

111

112 27.01. LIVE ABOARDS – No live aboard situations longer than three months **in any one year is** ~~are~~
113 permitted in the Homer small boat harbor without the Harbormaster’s approval in writing after an
114 evaluation of the sanitary, service and congestion problems that may be a result of such an
115 arrangement. No long term (more than one year) will be allowed in the Homer small boat harbor.

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118 PASSED AND ADOPTED by the Homer City Council this ____ day of _____, 2019.

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120

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CITY OF HOMER

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KEN CASTNER, MAYOR

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127 ATTEST:

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129

MELISSA JACOBSEN, MMC, CITY CLERK

131

132 Fiscal note: N/A

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

City Clerk

3
4 **RESOLUTION 19-081**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING THE HOMER FEE SCHEDULE UNDER ADMINISTRATIVE
8 FEES, CITY CLERK FEES, AND PORT AND HARBOR FEES.

9
10 WHEREAS, Administrative fees are amended to:

- 11 • remove the \$250 lease assignment fee and have one \$300 fee for a new lease or
12 lease assignment,
- 13 • remove Special Assessment District fees and refers readers to the HART and
14 HAWSP manuals where the assessment methodologies are more clearly
15 defined,
- 16 • remove the fine for smoking in City facilities, vehicles, and watercrafts and
17 identify it HCC 1.16.040 Disposition of Scheduled Offences,
- 18 • remove vending machine space \$30/month as vending machine requests are
19 addressed on a case by case basis; and

20
21 WHEREAS, City Clerk fees are amended to remove the audio cd fee and include a \$25
22 fee for audio to be provided on a flash drive; and

23
24 WHEREAS, Port and Harbor fees are deleted and the schedule refers users to the Port of
25 Homer Tariff No. 1; and

26
27 WHEREAS, Public Works Fees are amended to include a \$5 per fill fee for potable water,
28 and remove fees for Bluelines, Standard Construction Specs, and Job Specific Specifications
29 because Bluelines are obsolete and specifications are available on line.

30
31 NOW, THEREFORE, BE IT RESOLVED that the City Council hereby amends the Homer Fee
32 Schedule under Administrative Fees, City Clerk Fees, and Port and Harbor Fees.

33
34 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 9th day of December,
35 2019.

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38 CITY OF HOMER

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41 _____
42 KEN CASTNER, MAYOR

43

44 ATTEST:

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46 _____

47 MELISSA JACOBSEN, MMC, CITY CLERK

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49 Fiscal Note: Revenue amounts not defined in CY2019 budget.



City of Homer Fee Schedule

This Pamphlet compiled by the Office of the Homer City Clerk

Homer City Clerk
491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
Fax: (907) 235-3143

Email: clerk@ci.homer.ak.us

City Clerk's Web Page: www.cityofhomer-ak.gov/cityclerk

City's Home Page - www.cityofhomer-ak.gov

Effective ~~June 10, 2019~~ January 1, 2020

The City of Homer is a First Class General Law Municipality with a Manager form of Government. Incorporated March 31, 1964.

Main Office Phone for the City of Homer 235-8121 (City Hall)

Sales Tax - 4.85% for the City, 3.0% Borough, and total sales tax paid within Homer City limits, 7.85%. Non prepared food items are exempt from Borough and City Sales Tax September 1st through May 31st of each year.

Property Tax - Mill levy
City - 4.5
Borough - 6.50
Hospital - 1.75
KPC - 0.10

HCC - Homer City Code - codification of City ordinances.
AAC - Alaska Administrative Code
AS - Alaska Statutes

Office Hours for City Hall are 8:00 a.m. to 5:00 p.m. unless otherwise specified.

Phone Numbers for main offices:

Administration - 235-8121	Library - 235-3180
City Clerk - 235-3130	Planning - 235-3106
Finance - 235-8121	Police Department - 235-3150
Community Recreation - 235-6090	Port/Harbor - 235-3160
Fire Department - 235-3155	Public Works - 235-3170

BILLING AND PAYMENTS - 235-8121 ext 2221 or 0 for the front desk.
Assessment Bills (City of Homer only) - 235-8121 ext 2228
Port/Harbor Bills - 235-3160
Water/Sewer Bills - 235-8121 ext 2221
Ambulance Bills - 235-8121 ext 0 for the front desk
Emergencies - 911 (Fire, Medical, Police)

ADMINISTRATIVE FEES FOR THE CITY OF HOMER

(The following fees have been set by legislative enactments, Ordinances 05-43(A),04-53(S)(A), 03-36(A), 01-13(S)(A); Resolutions 18-065, 16-109, 15-097(S)(A), 14-114, 11-074(A), 11-036(A)(S),10-90(A), 06-24(S), 05-125(S), 05-49, 05-22, 04-98(S)(A), 04-96, 04-95, 04-94(S)(A), 03-159, 00-14, 99-116, 99-50, 95-1 and 92-10(A), Regulations Concerning Public Record Inspections dated March 2003.)

These fees are administrative fees for all departments of the City of Homer unless otherwise specified under that department. All fees are inclusive of sales tax. Unless otherwise specified: Any item mailed may have an additional fee added for actual postage. Handling fees may be added up to the actual staff time spent preparing the item for shipping.

An application for indigence may be filed with the City Manager for waiving or partially waiving the costs of fees. The City Manager may allow an applicant, who qualifies as an indigent, a reduced fee, a

payment plan or a waiver of the fee where the Manager is able to make a written finding, based on information provided by the applicant, that payment of the fee would be a financial hardship. Based upon the information provided, the fee may be reduced or waived in accordance with the following scale:

Annual Income as a Percent of current Health and Human Services (HHS) Poverty Guidelines for Alaska	Percent of fee reduced
1-100%	100% Waiver
101-149%	75% Waiver
150-174%	50% Waiver
175-199%	25% Waiver
200% plus	No Waiver

Airport Pickup/delivery \$25
 Annual Safety Inspection commercial vehicles \$100
 Annual Taxi Permit \$75

Appeal Fees

Water and Sewer Appeals, under HCC 14.04 and 14.08 – shall be set by Resolution; in the event the appellant is the prevailing party the fee shall be refundable.

Zoning Appeals – fee \$250.00 subject to refund if the appellant is successful on any aspect of appeal.

CD Reproductions: \$20.00

Document copying fees: \$ 0.25/page

Certification Fee: \$10/report

Driver License Records \$10

Fax: w/in Alaska \$1/page, Continental US \$2/1st page, Subsequent pages \$1/page. Other destination \$5/1st page. Subsequent pages \$2/page.

Electronic Transmission: \$0.25/page (Scanned PDF document)

Lease application fee \$30

Lease fee \$300

Lease Assignment Fee \$250

Local Bidder's Preference

Non-local bid is	Local bid is not more than
\$0 - \$500,000.00	5 percent higher than non-local bid
\$0 - \$1,000,000.00	5 percent higher than non-local bid on first \$500,000.00 and 2.5 percent higher than non-local bid on amount in excess of \$500,000.00 to \$1,000,000.00

No additional adjustment for bids above \$1,000,000.00

Photograph Copying: \$10/order (includes shipping and; handling)
 If done commercially – Actual Costs plus 5%

Production Fees -

Per requestor in a calendar month exceeds five-person hours the fee is the City employee's actual salary plus benefit costs. An estimate will be prepared and the requestor must deposit the estimated production and copying fees in advance. If the actual costs are greater than the estimate the records will not be released until the difference is paid and if the actual costs are less the requestor will receive a refund of the difference.

No fee for simple inspection, except when the production of records by one requestor exceeds five person hours in a calendar month.

Special Assessment Districts (SAD's):

Fees associated with SADs are detailed in the HART (Homer Accelerated Roads and Trails Program) and HAWSP (Homer Accelerated Water and Sewer Program) manuals.

~~HART(Homer Accelerated Roads and Trails Program) SAD's~~

~~Assessments are: Road Improvements—25% of the total project cost allocated in equal shares to each participating parcel~~

~~HAWSP (Homer Accelerated Water and Sewer Program) SAD's~~

~~Assessments are: 75% of the total project cost allocated in equal shares to each participating parcel~~

OTHER SAD's if approved by the Council are at 100% property owner participation.

Application Fee	\$100
Bill Fee	\$12.00 per bill
Administrative Fee	
0-500,000	5%
over 500,000	\$25,000 plus 2.5%

Notary \$5.00

~~Smoking prohibited in City Facilities, Vehicles and Watercraft—\$25 fine~~

CD (Police Department) \$25

Subsequent, \$15/CD Includes 1st class postage

DVD (Police Department) \$30/DVD

Vehicle Impound/Storage Fees (actual costs + towing) Storage, \$45.00/per day

AIRPORT TERMINAL FACILITY

Administration - 235-8121 (ext 2222)

(The following fees have been set by legislative enactments, Resolution 10-90(A), 04-98(S)(A), 94-61, 93-107, 08-124).

Advertising only:

- \$ 75/yr. - size 9X4"
- \$ 100/yr. - size 9X7"
- \$125/yr. - size 9X11"

Advertising w/Direct Dial Phone - \$350/year

Long Term Parking - Per day \$5

Annual Pass \$500/year

Vending Machine Space \$30/month

ANIMAL CONTROL FEES

235-3141 Hours are noon to 5 p.m. Tuesday through Saturday.

(The following fees have been set by legislative enactments to HCC 20.32, Resolution 15-097(S)(A), 14-114, 01-85)

Dog License

- Neutered/spayed \$25.00/2 years
- Nonneutered/nonspayed \$100.00/2 years
- Kennel license \$150.00/2 years
- Replacement fee, lost license \$ 6.00
- Rabies Voucher \$ 16.00
- Quarantine at Home \$ 50.00
- Quarantine at Shelter \$ 50.00 plus daily boarding fee
- Boarding fee (when available) \$ 25.00 daily
- Pickup at residence for owner release \$ 35.00
- Turn In \$ 25.00
- Turn In for Euthanasia \$ 30.00

Impound fees:

	Nonspayed/Nonneutered	Spayed or Neutered
1st offense	\$50.00	1st offense \$40.00
2nd offense	\$70.00	2nd offense \$50.00
3rd offense	\$100.00	3rd offense \$70.00
4th offense or greater	\$140.00 same	4th offense or greater \$100.00 same

Live Trap:

- Small trap \$ 70.00 deposit, \$1.00 per day. Seven (7) day rental maximum.
 - Large trap \$150.00 deposit, \$1.00 per day. Seven (7) day rental maximum.
- Deposit is forfeited if the trap is not returned in seven days. A portion of the deposit, up to the entire amount of the deposit, will be forfeited if the trap is damaged.

Adoption Fee \$ 75.00

All impounded animals must be properly licensed and have current rabies vaccinations prior to being released. Owners of impounded animals will be charged a daily boarding fee for every full day that the animal stays in the shelter. Vaccination and license fees shall be the owner's responsibility.

Animals being adopted shall be spayed or neutered, properly licensed and vaccinated. Associated fees shall be the responsibility of the adopting party.

The City shall charge for any additional expense incurred by the City in the actual impoundment, transportation, medical care, housing or feeding of any animal; which expenses shall be paid in full prior to the animal's release.

CAMPING FEES

(The following fees have been set by legislative enactments, Resolutions 19-011, 18-077(A); 16-109, 15-097(S)(A), 05-05, 04-98(S)(A), 99-94, 93-35, 91-34; 91-20(S); and 17-086).

“Campground” means an area owned, controlled, developed and/or maintained by the City, which contains one or more improved campsites or contains adequate area for one or more unimproved campsites.

“Camping Season” means that period of time from April 1 through October 30.

All Camping \$ 20/day

Pavilion Rental \$25/4 Hours

All fees inclusive of sales tax.

CITY CLERK

Administrative - 235-3130

(The following fees have been set by legislative enactments, Resolutions 18-042, 17-056, 15-097(S)(A), 14-114, 03-159, 05-125(S), 06-16 and 06-40(A).)

Cemetery fees amended Resolution 18-042, 17-056, 15-097(S)(A), 98-28.

Cemetery - Internment plot \$1,000
Cremaains plot \$400

Excavation
adult - \$500; \$400 opening, \$100 closing
infant \$375; \$300 opening, \$75 closing

Extraordinary conditions such as weather, heavy snow coverage, ice, frozen ground and etcetera may result in fees charged up to \$200 additional at Public Works discretion.

City Council and Commission Meeting packet fee

Per Packet:

0 – 25 pages - \$5.00

26 – 50 pages - \$10.00

51 – 100 pages - \$20.00
100 – 200 pages - \$25.00

200 – 500 pages - \$30.00
500+ pages - \$35.00

Per Month, Per Council or Advisory Body:

- 1 packet same fees as above.
- 2 packets above fee with 10% reduction.
- 3 packets above fee with 12% reduction.
- 4 or more packets above fee with 15% reduction.

City Hall Facility Use Fee (Resolution 03-159)

Government Agencies, generally, are exempt from fees.

Cowles Council Chambers -Use by non-governmental agency or entity fee is \$30.00 per hour, with a minimum of two hours; maximum fee is \$150.00 per day. Use of electronic equipment is an additional \$30 per day (IT Personnel set-up)

Conference Room – Use by non-governmental agency or entity fee is \$15.00 per hour, with a minimum of two hours; maximum fee is \$75.00 per day.

Cleaning Fee – if the facility is not left as found an additional fee of up to \$60.00 may be applied.

City Pins and Mugs (Resolution 98-28)

Logo Pins	\$1.00
Logo Mugs	\$4.00
Scene Mugs	\$8.00

Digital audio CD of meetings \$25.00/each **(audio files will be provided on a flash drive)**

The following fees have been set by legislative enactments to HCC Title 19.12

Gravel Permit, application fee \$5 (Areas B and; C require no approval of the COE or Div. of Lands, HCC 19.12.040(c).)

Fire Works Permit, HCC 5.24 \$25 (apply 30 days in advance) per exhibit plus bond for \$500 or liability insurance required.

LIBRARY FEES

235-3180

(Amended: Resolution 18-077(A); 16-109, 14-114, 13-076; Ordinance 05-08; Resolution 15-097(S)(A), 12-006, 04-98(S)(A); 03-87; 99-19(A); 98-86; 97-87)

Closed - Sundays. Open - Mon, Wed, Fri and Sat from 10 a.m. to 6 p.m. Tues and Thurs from 10 a.m. - 8 p.m.

Facility Use Fees for after-hours private use (including building supervision):
Conference Room \$50/hour
Reading Lounge \$50/hour
Children's Room \$50/hour
Entire facility, excluding staff work space -- \$300 Facility Use Fee
plus \$50/hour staff supervisor. \$300 damage/cleaning deposit.

Library Cards Replacement cards \$5/issue
Temporary Card \$25

Overdue Items - 14 day circulation (except digital devices) \$0.15/day

7 day and 1 day circulation - \$1.00/day
Digital Devices \$1.00/day
Interlibrary Loans- \$1.00/day
2nd overdue notice - \$1.00/notice

Bill notice - \$2.00/notice
Admin. Fee for Bills Sent to Collection Agency \$25.00
Maximum overdue charge per item charge \$10.00

Photo copy \$.15/ea (letter size) and (legal size) per side
\$.25/ea (11"x17") per side
\$.50/ea color copies (letter size) and (legal size) per side
\$2.00/ea color copies (11"x17") per side

Interlibrary loan fee \$3 standard size books
\$.15 per page for photo copy
\$4.00 for microfilm/videos/CDS/Audios
Additional charges may be assessed.

Replacement/Repair of items Lost or damaged items: Replacement cost plus \$7.00 processing fee
per item
Lost or damaged cases, hang-up bags, etc.: Replacement cost or
\$2.00, whichever is greater

Lost map or inserts - \$10/item

Lost out-of print items - \$50/Alaskana or replacement cost, if higher.

Please Note: To receive a refund on a lost item, patrons must return the item within sixty days of lost status. Refunds of payment for items deemed valuable to the collection and returned after the 60-day period may be made at the discretion of the Director. No refunds will be given for digital devices.

Damaged Item - \$2.00/page
\$3.00/book jacket or cover damaged beyond repair - Full bindery cost or full replacement cost plus \$7.00 processing charge.

Improper Return of Digital Devices- \$25 fee if not returned to Front Desk staff

PLANNING AND ZONING DEPARTMENT

235-3106 or 235-8121 (Coordinates with Public Works)

(The following fees, for Zoning Permits have been set by legislative enactments, Resolution 00-17 as authorized by HCC 21.42.060, Resolution 03-12(A), Resolution 03-159, Resolution 04-35, and Resolution 04-98(S)(A), Resolution 05-27(S) and Resolution 05-35, Resolution 07-14 and Resolution 07-45, Resolution 08-124, 16-109, 17-010, 18-074.

Zoning Permit Fees:

Single Family /Duplex	\$200
Multi-Family/Commercial/Industrial	\$300, plus \$50 per hour when over six hours of administrative time.
Change of Use fee	\$50
Deck	\$50

Employee occupied Recreational vehicle in Marine Commercial and Marine Industrial Zoning Districts \$100 Annually

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

(The following fees have been set by legislative enactments to HCC 14.08.035.)

Publication Fees

Comp Plan large	\$20
Comp Plan small	\$10
Zoning Map sm	\$ 5
Zoning Map lg	\$25
Road Maint. Map	\$ 5
Zoning Ordinance - HCC 21	\$ 15
Sign Permit -	\$ 50
Variance -	\$250
Erosion and Sediment Control Plan (BCWPD):	\$300

Storm Water Protection Plan Fee: \$200

Conditional Use Permit Processing Fee

- Amendment \$200
- Fence \$300
- Single Family/Duplex \$200
- Multi-Family/Commercial/Industrial
 - \$500 for uses less than 8,000 sq. ft.
 - \$1,000 for uses 8,001 sq. ft. to 15,000 sq. ft.
 - \$2,500 for uses 15,001 sq. ft. to 25,000 sq. ft.
 - \$5,000 for uses 25,001 sq. ft. to 40,000 sq. ft.
 - \$8,000 for uses 40,001 sq. ft. and larger

Recording (as Required) \$50

Fees for commencing activities, without a permit, shall be assessed at the regular rate multiplied by one and one half (1.5) for Residential and two (2) for Commercial.

Traffic Impact Analysis and Community Impact Assessment – when required, applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study. (Resolution 03-159 and 96-13 HCC 12.12.03)

Rezone - \$500 (HCC 21.63 repealed Contract Rezone via Ordinance 03-21.)

Flood Hazard Development Permit \$200

Preliminary Plat Processing Fee \$300, or \$100 per lot, whichever is greater. (Resolution 07-14, 03-159 and 96-13)

Elimination of a common interior lot line. \$200.00

Right of Way and Section Line \$300

Easement Vacation Application Fee: (In addition to applicable preliminary plat fees).

Utility easement vacation: no fee

Bridge Creek Watershed Permit - zoning permits are required for the Bridge Creek Watershed Area. Although no fees will be charged for the zoning permits outside of City Limits, the evaluation process is still in effect.

Technical Review of Communication Tower Application: When required, the applicant will be charged for the actual cost of the study, plus a 10% administrative fee. The City will be responsible for hiring and managing the study.

Street Renaming Fees

(A) For name changes or naming of public dedicated streets other than those named during the subdivision process:

(1) Street Naming Petition and hearing advertising fee \$150

(2) Installation of each new City sign, post, etc. Per sign: \$150

(3) Replacement of existing City sign due to change where no post is needed. Per sign: \$ 80

The minimum fee shall be either a combination of 1 and 2 OR 1 and 3, above; however, all signs that need to be changed and/or maintained by the City must be paid for prior to installation.

(B) For Private Road Naming:

- (1) Street Naming Petition and hearing advertising fee \$150
- (2) Installation of each new City sign, post, etc. Per sign: \$150
- (3) If no public hearing or public notice is necessary, i.e., 100% petition and no partial dedicated street involved No fee
- (4) If no signs are required No fee

PORT AND HARBOR DEPARTMENT

Harbor Office - 235-3160 Fish Dock - 235-3162

(The following fees have been set by legislative enactments to HCC 10, Ord. 95-18(A) and Resolutions 18-041(S), 14-114, 12-037(S), 12-023, 10-89, 06-52, 06-04, 05-123, 04-96, 03-154(S), 03-104, 03-88, 00-39, 99-118(A), 99-101, 99-78(S), 99-30(A), 95-69 (Port/Harbor Tariff No. 600), Resolution 95-19, Resolution 01-84(S)(A), Resolution 02-81(A), Resolution 07-121, Resolution 08-123, Resolution 15-073, Resolution 15-091, Resolution 16-061)

Port and Harbor fees can be found in the Homer Tariff No. 1 available on the City of Homer Port & Harbor webpage and the Harbormasters Office.

~~All rates except load and launch ramp fees and parking fees for Ramps 1-4, which are inclusive of sales tax, will have sales tax applied.~~

~~Administrative cost for changing boat in Reserved Stall—\$25.00
Stall Wait List Application and renewal fee for subsequent years \$30.00 per year. Disposal of more than twenty five (25) gallons of used oil or antifreeze or any amount of oily water in one calendar day may be done by appointment with Port Maintenance.~~

~~_____ Fees:~~

_____ Used Oil _____	_____ \$3.35/gallon
_____ Used Antifreeze _____	_____ \$8.00/gallon
_____ Oily Water/ Bilge Slop _____	_____ \$5.00/gal delivered in drums

PARKING FEES

~~Parking fees to be collected at Ramp 1, Ramp 2, Ramp 3 and Ramp 4 seasonally (Memorial Day through Labor Day). Parking fee is \$5 per calendar day. Posted parking time limits will be established and enforced as per Homer City Code 10.04.100.~~

~~Seasonal permits for day use parking in paved parking lots at (Ramps 1-4): \$250.00.~~

Long Term parking permits required for Vehicles 20' or less parked in excess of seven (7) consecutive 24-hour days:

Long Term Parking annual permit (January 1st through December 31st): fee \$200.00.

Long Term Parking annual permit fee for vessel owners paying annual moorage in the Homer Harbor: fee \$100.00.

Vehicles over 20' are not eligible for Long Term annual parking permits.

Monthly parking permit for vehicles less than 20': fee \$70.00 for 30 consecutive days.

Monthly parking permit for vehicles over 20': fee \$85.00 for 30 consecutive days in a portion of Lot 9 only.

Long term parking will be enforced year around.

Parking lot restrictions for long term parking of no parking near ramps are in effect May 1 through October 1.

Existing code definitions for restricted parking, vehicles, junk vehicles, and fines for violations apply.

Fines, \$25.00 per calendar day, limited to \$250.00 fine per calendar year, with \$200.00 of the fine credited towards the long term parking annual permit. If fail to pay, additional fee of \$25/month.

Annual Moorage fee—\$44.88 per lineal foot, plus \$50.00 administrative charge.

Reserved Stall—length of the float stall assigned, or overall length of vessel whichever is greater, plus \$50.00 administrative charge.

Float Plane Fee—daily moorage rate of (2) 24' vessels shall be assessed on a daily basis for float planes or a monthly rate equal to the monthly rate for (2) 24' vessels.

Dockage charges will be assessed based on lineal foot per calendar day or portion thereof as follows:

0' to 100'	\$338.00	451' to 475'	\$1,604.00	651' to 675'	\$3,917.00
101' to 200'	\$506.00	476' to 500'	\$1,762.00	676' to 700'	\$4,420.00
201' to 300'	\$788.00	501' to 525'	\$1,996.00	701' to 725'	\$5,119.00
301' to 350'	\$1,005.00	526' to 550'	\$2,154.00	726' to 750'	\$5,858.00
351' to 375'	\$1,098.00	551' to 575'	\$2,334.00	751' to 775'	\$6,644.00
376' to 400'	\$1,206.00	576' to 600'	\$2,582.00	776' to 800'	\$7,459.00
401' to 425'	\$1,337.00	601' to 625'	\$2,957.00		
426' to 450'	\$1,490.00	626' to 650'	\$3,443.00		

A service charge of \$52 will be assessed to each vessel.

A service charge of \$481.53 will be assessed for cruise ships.

Wharfage:

Minimum wharfage on any shipment will be ten dollars (\$10). Except as otherwise specifically provided, rates are in dollars per short ton of 2,000 lbs. or per 40 cu. ft.

COMMODITY	WHARFAGE RATE
Pioneer and Deep Water Docks	
Aggregate (gravel, stone, minerals)	\$1.00 per short ton
Agricultural Products (grains, etc.)	\$3.50 per short ton
Containerized Cargo	\$8.00 per short ton
Freight N.O.S. up to 100 short tons (Not Otherwise Specified)	\$7.96 per short ton
Freight N.O.S. up to 1,000 short tons	\$6.00 per short ton
Freight N.O.S. in excess of 1,000 short tons	\$5.00 per short ton
Freight N.O.S. in excess of 10,000 short tons	\$4.50 per short ton/ negotiable
Poles, logs, cants or cut	\$3.95/thousand board ft.
Finished lumber per M.M.	

(Note: Industry standard conversion formulas shall be used in converting pounds to board feet measure.)

Logs that are unloaded at Port of Homer barge beaching site will be charged 50% of the wharfage rate applicable to outbound (export) shipment. However if these cargoes are not exported over Deep Water Dock with full payment of outbound wharfage within 60 days of unloading at the barge beaching site, then the additional 50% of wharfage will be owed and paid for inbound products.

Petroleum products (inbound and outbound)	\$0.84/barrel \$0.02 per gallon
Hazardous Materials	\$8.00 per ton
Livestock: Horses, mules, cattle, hogs, sheep, goats, all other livestock	\$10.12 per head
Fowl: Any kind, crated	\$10.12 per crate

Barge Ramp Wharfage \$5.14 per short ton

Fish Dock

Ice Fish Dock	\$14.50 per short ton
Freight N.O.S. Fish Dock	\$14.50 per short ton

Fishing gear is free from wharfage, except as otherwise provided under a lease agreement, contract or operating agreement with the City of Homer, ice brought onto Fish Dock to be loaded into totes or transferred to boats at the dock, shall be charged wharfage at the Freight NOS rate, unless this is ice that was purchased from the City Ice Plant.

Seafood/fish Product	Setting a tariff of \$4.76 per ton of seafood/fish product across the dock, regardless of species. Regardless of species bait in quantities greater than one ton that is loaded onto a vessel at docks, shall be charged seafood wharfage.
Demurrage	0.09/sq. ft.

Uplands Storage:

Land for Gear Storage-

First come first served basis; approved by Harbormaster; primarily for fishing related gear.

Open areas, fishing gear ~~0.12/ sq. ft.~~

Open areas, non fishing gear ~~0.17/ sq. ft.~~

Secure fenced areas ~~0.22/sq. ft.~~

Boat Trailers-

Short term storage, up to 7 days ~~space available basis no fee.~~

~~Long Term storage, no boats ON trailers \$7.00/foot per month~~

TIDAL GRIDS:

The City of Homer operates two tidal grids. The wooden grid is for vessels of less than 60 feet in length. The steel grid is only for use by vessels of 60 feet or greater in length. Vessels that remain on either grid after their scheduled tide may be assessed a 50% surcharge for each unscheduled tide. Use of the steel grid shall be charged at the minimum rate applicable for a 60' boat if a boat of less length is allowed to use this grid.

The rate per foot per tide is \$1.05 for vessels 0' - 59'

The rate per foot per tide is \$2.55 for vessels 60' - 80'

The rate per foot per tide is \$3.25 for vessels 81' - 100'

The rate per foot per tide is \$3.82 for vessels 101' - 120'

The rate per foot per tide is \$4.24 for vessels 121' - 140'

WATER:

Potable water furnished to vessels at the Deep Water Dock and Main Dock:

Quantity charge ~~\$38.81 per one thousand gallons (minimum five thousand gallons).~~

Scheduled deliveries will have a minimum charge of one hundred and two (\$102.00) dollars for combined connection and disconnection.

Unscheduled deliveries will have a minimum charge of one hundred thirty nine dollars and thirty two cents (\$139.32) for combined connection and disconnection.

ELECTRICITY:

Reserved stalls having a meter base at the berth shall be charged a meter availability fee.

The meter availability fee ~~\$23.95 per month~~

Kilowatts are charged using current public utility rate

Connect/disconnect fee ~~\$28.80~~

Winter Power Program runs from 10/16 to 4/15 vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods.

Kilowatts are charged using current public utility rate

Connect/Disconnect fee 28.80.

Unless other arrangements have been made in writing with the Harbormaster, transient vessels shall be charged the following rates (where metered power is unavailable):

	<u>110 volt</u>	<u>220 volt</u>	<u>208 volt & 480v/3 phase</u>
Daily (or part thereof)	\$ 10.20	\$ 20.12	\$45.20
Monthly	\$152.67	\$341.70	available meter only

* Vessels requiring conversion plugs may purchase them from the Harbormaster's office.

110v, 208 volt and 480v/3 phase electrical power are available at System 5 on a first come first served basis, for vessels will be charged the following rates:

1. There will be an electrical usage charge per kilowatt hour as determined by the local public utility;
2. Vessels will be charged a meter availability fee of \$28.80 per month with a one month minimum charge to be applied for shorter connection periods;
3. Vessels plugged in less than 7 consecutive days will be charged the daily rate listed above.

TOWING: Inside small boat harbor: Skiff with operator 1/2 hour \$68.00, Skiff with operator 1 hour \$102.00. Any additional personnel required will be charged at rate of \$102.00 per hour each.

PUMPING VESSEL: \$40.79 per day or portion thereof for electrical pumps.
\$69.97 per hour or portion thereof for gas pumps.

LABOR/PERSONNEL:

All labor provided by City personnel shall be charged at \$102.00 per hour (1/2 hour minimum at \$51.00). Work requiring callouts shall be charged at a minimum of two hours.

SPECIAL SERVICES:

Special services, including waste, bulk oil, or garbage disposal shall be billed at the City's actual cost plus 125% of city costs for services arranged for by the City but provided by others.

REGULATED GARBAGE HANDLING FEE:

Contact the Homer Harbormaster office for a list of contractors certified to handle regulated garbage at the Port of Homer. Fees will be negotiated between the contractor and vessel managers.

SEARCH AND RESCUE FEES:

When the City utilizes city equipment and personnel to provide search and rescue assistance to vessels outside of the Homer Port and Harbor, such as towing and rescue, the Harbormaster will charge users of those services \$102.00 per hour for skiff and operator for the first hour and for additional search and rescue assistance beyond one hour. Additional personnel will be charged at the rate of \$102.00 per man per hour.

PUBLIC LAUNCH RAMPS:

Vessels shall be charged \$13.00 per day plus a \$7.00 per launch levied parking impact fee to launch from the public launch ramps from April 1 through October 15.

(Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

Vessel owners or operators may obtain a seasonal load and launch permit for \$130.00 plus \$70.00 parking impact levy entitling a specific vessel and owner to launch from April 1 through October 15.

(Reserved stall lessees exempt for the boat assigned to and registered to the reserved stall only, not for other boats owned by the same individual.)

Seasonal permit must be displayed on the Port side of Permit Holder's Vessel or ticket verifying payment must be made available upon request.

Unattended Vessels on the Launch Ramp ——— \$20.00 per hour fee

BEACHES AND BARGE RAMP:

The use of beaches and barge ramp under the City ownership or control for commercial barge vessel repair, equipment loading or similar purposes, must be approved by the Harbormaster. A beach use agreement will be filled out and signed by the user and Harbormaster prior to use of the beach.

The Harbormaster shall charge a fee of \$1.50 per foot based on the overall length of the vessel, for vessels landing or parking on the beaches under City ownership or control. This same rate shall apply to vessels using the barge ramp.

Charges for extended beach or barge ramp use may be adjusted by the Harbormaster under appropriate circumstances.

The user of any beach area or the barge ramp must repair any damage to the beach or ramp and remove all debris. Failure to make such repairs and removal will result in repairs and cleanup by the harbor staff. The costs incurred by the harbor staff will be fully charged to the beach user. Labor rate for the harbor staff will be one hundred and two dollars (\$102.00) per hour per person, plus appropriate equipment rental and material costs.

Sandblasting of vessel hull is not permitted on City beaches or barge ramp; water blasting using pressures that result in removal of paint is also prohibited. No paint chips or other paint materials are to be put into the water as a result of any maintenance done on the beach or ramp.

FISH DOCK:

The Fish Dock is to be used primarily for the loading and unloading of fish, fish products and fishing gear.

Cranes located onboard the vessel moored at Fish Dock may be utilized for loading/unloading the vessel only with prior approval granted by the Harbor staff.

Every person using a crane on the Fish Dock shall first meet all the requirements of the City.

Blocking access to cranes ————— \$150.00/hr.

Unattended vessels ————— \$150.00/hr.

ITEM _____	FEE _____
Annual access card _____	\$52.00 per year (annual renewal fee)
Card replacement fee _____	\$15.00 per occurrence
Cold Storage Lockers 8'x10' _____	\$334.75/month
_____	\$309/per month for two (2) consecutive months _____
_____	\$283.25/per month for three (3) consecutive months _____
_____	\$275.50/per month for nine (9) month season

_____ Minimum one month rental

_____ Inspection \$50/per hour

Cold Storage Locker 22'x10' _____	\$920.90/month
_____	\$849.60/per month for two (2) consecutive months
_____	\$778.90/per month for three (3) consecutive months
_____	\$708.20/per month for nine (9) month season
_____	Minimum one month rental
_____	Inspection \$50/per hour

Bait Storage Fee (4x4x4) _____

_____ Per Day _____ \$5.15

_____ Per Week _____ \$25.75

_____ Per Month _____ \$77.25

Fish Dock crane _____ \$90.64/per hour _____

Minimum charge per hour for crane _____ Fifteen minutes

All additional charges will be in one quarter hour (15 minute) increments.

Ice (Accumulated throughout year. Accounts reviewed each December for rate adjustment based on Previous year's actual tons of ice purchased) —

_____ 0>100 tons _____ \$130.90/per ton

_____ 101>300 tons _____ \$128.00/per ton

_____ 301>500 tons _____ \$124.00/per ton

_____ 501>700 tons _____ \$121.00/per ton

_____ 701>1000 tons _____ \$118.00/per ton

_____ Over 1001 tons _____ \$115.00/per ton _____

Fish Waste Disposal Fees/Fish Grinder _____ \$5.00/Tub

\$30.00/Tote

MARINE REPAIR FACILITY:

User fees and vendor fees to be collected for use of the Homer Marine Repair Facility are as follows:

- ~~(1) Upland Dry Dockage use Fee per Month: \$0.17 per square foot/ for vessels paying annual moorage in Homer harbor \$0.20 per square foot for transient daily, monthly, semiannual moorage vessels and \$0.25 per square foot if no moorage paid.~~
- ~~(2) Administration Fee per month of Dry Dockage uplands usage: \$50.00~~
- ~~(3) Beach Landing Fee per calendar day: \$1.50 per foot~~
- ~~(4) Vendor Fee per calendar year: \$150.00~~
- ~~(5) Harbor Labor Fee: \$102.00 per hour/\$51.00 minimum~~

PUBLIC SAFETY

Emergency 911

Administrative Office 235-3150

HPD = Homer Police Department

(The following fees have been set by legislative enactments to HCC 7): Resolution 15-097(S)(A), 10-90(A); 06-45)

Handicap Parking Violation \$100

Noisy Vehicles - enforcement begins April 28, 2004.

Noise greater than 85 decibels (dBA) at a distance of fifty (50) feet is prohibited. Between the hours of 8 p.m. and 8 a.m. not greater than 75 dBA at a distance of fifty (50) feet.

<u>Offense</u>	<u>Penalty/Fine</u>
Muffler not working properly	CORR/\$500
Muffler modified/excessive noise	CORR/\$500
Muffler removed or inoperative	CORR/\$500

Noise exceeds limits:

First conviction	\$100
Second conviction within 6 months of first conviction	\$200
Third conviction within 6 months of any prior conviction	\$300

Sale of vehicle exceeding noise limits:

First conviction	\$100
Second conviction within six (6) months of first conviction	\$200

Third conviction within six (6) months of any prior conviction	\$300
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Engine brake use prohibited:

First conviction	\$100
Second conviction within six (6) months of first conviction	\$200 plus proof of satisfactory HPD commercial vehicle inspection
Third conviction within six (6) months of any prior conviction	\$300 plus proof of satisfactory HPD commercial vehicle inspection

CORR: "CORR" means a correctable/dismissible offense. A citation for one of these offenses may be dismissed (or voided) if proof of correction is presented to a HPD vehicle inspector within thirty (30) days. If the required repair is not made and shown to a vehicle inspector within the specified time, the defendant must pay the fine.

Public Transportation (HCC 8.12.150 and 8.12.200):

Vehicle Permit \$150 Fiscal Year, expires June 30th

Permit \$75 after January 1st, expires June 30th

\$5 Replacement Permit

Chauffeurs License \$100 application fee plus the fees in the amount of \$35.00 (for Fingerprinting to the State of Alaska)(none of these fees are refundable)

Annual Safety Inspection commercial vehicles \$100

(The following fees have been set by legislative enactments AAC 13 (Paid at City Hall).

Parking Tickets -\$25

(The following fees have been set by legislative enactments to HCC 8, Ord. 01-20).

Itinerant Merchant - \$330/for 60 days

Mobile Food Unit - \$390/per yr.

FIRE DEPARTMENT FEES

Emergency 911 Administrative Office - 235-3155

(The following fees have been set by legislative enactments Resolutions 91-97, 92-06, 92-43(S), 03-145, 04-98(S)(A) and 06-64(S)A, 15-097(S)(A), 16-109)

AMBULANCE:

Basic Life Support (BLS), Resident	\$750 plus \$15/ load mile
Basic Life Support, Non-Resident	\$1,000 plus \$15/load mile
Advanced Life Support (ALS)1, Resident	\$950 plus \$15/load mile
Advanced Life Support 1, Non-Resident	\$1,500 plus \$15/load mile
Advanced Life Support 2, Resident	\$1,250 plus \$15/load mile
Advanced Life Support 2, Non-Resident	\$1,750 plus \$15/load mile
Non-Emergency Transport	Billed as Basic Life Support Resident and Non-Resident Mileage - \$15 per mile, one-way from pick up location to destination

Standby, billed per half hour	\$60/hour or \$510/8 hour day, crew of 2
Mileage , one-way load miles	\$15.00 mile
Medivac	Determined by level of call, see BLS, ALS rate

FIRE:

Type 1 Engines (>1,000 gals or 1,500 GPM)	\$240/hr.	\$2,040 day
Type 1 Tenders (<3,000 gals or 1,000 GPM)	\$144/hr.	\$1,224/day
Ladder Truck	\$360/hr.	\$3,060/day
Medic Unit/Ambulance	\$60/hr.	\$510/day
Brush Patrol	\$100/hr.	
Command Vehicle	\$ 50/hr.	
Rescue/Extrication Truck	\$144/hr. (1 hour minimum)	\$1,224/day
Command/Utility Vehicle	\$ 60/hr.	\$510/day
6 x 6 ATV	\$25/hr.	\$200/day

VOLUNTEER PERSONNEL:

Fire Department IC (1) (IC - Incident Command)	\$36/hr.
Safety Officer/Officer	\$36/hr.
Driver/Engineer (1 per vehicle)	\$24/hr.
Firefighters (Minimum 1 per tender, 2 per Engine)	\$18/hr.
EMT (Minimum 2 per Rescue Medical Unit)	\$18/hr.

PUBLIC WORKS DEPARTMENT

Administrative - 235-3170

(The following fees have been set by legislative enactment Resolution 18-077(A), 15-097(S)(A), 04-98(S)(A) and 95-1).

Not obtaining any permit or not complying with any permit conditions described herein will be subject to Homer City Code General Penalties as described under Chapter 1.16.

R.V. Station dumping	\$15 per dumping
Potable Water	\$ 5 per fill

Bluelines, copies minimum	\$10 + \$2/pg.
Standard Construction Specs	\$50F
Job Specific Specifications and plans vary in price.	

SUBDIVISION AGREEMENT FEE SCHEDULE:

Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

A developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting improvements required to be completed under a subdivision agreement. The City’s cost shall include, but is not limited to, administering the agreement, plan checking, surveillance, and administrative overhead. Prior to initiating each phase of the subdivision approval process, a deposit shall be paid. Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by this fee schedule. The deposits are described below:

- 1) Subdivision Agreement Application: Upon submitting an application agreement, the Developer will provide a \$300 deposit.
- 2) Subdivision Improvement Plan Review: Upon submission of plans for review and approval, the Developer will provide a plan review deposit of .5% of the estimated cost of improvements or \$300, whichever is greater.
- 3) Construction Inspection: Prior to the issuance of a notice to proceed with construction to the Developer, the Developer shall pay a deposit toward the City’s costs based upon the estimated cost of the improvements to be constructed under the subdivision agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
\$10,000 or less	\$300
Over \$10,000 up to \$50,000	4% of the estimated costs
Over \$50,000 up to \$150,000	3% of the estimated costs
Over \$150,000 up to \$500,000	2.5% of the estimated costs
Over \$500,000	\$13,000

After the City finds the subdivision improvements meet City specifications, it shall determine its costs to date. If costs (plus any deposit required under subsection 4 below) exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the total deposits exceed the costs, the City shall refund the balance (less any deposit required under subsection 4 below) to the Developer.

- 4) Initiation of Warranty Period: Prior to acceptance of completion by the City of the undertaking by the developer, the Developer shall also pay a deposit toward the City’s cost incurred during the warranty period under the subdivision agreement in the amount determined by the Public Works Director, but not to exceed \$2,000.

If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Developer for those actual incurred costs in excess of the amount of deposit.

WATER/SEWER MAIN EXTENSION AND FILL STATION PERMIT

Installation Agreement Application, Plan Review, Inspection, and Warranty Period Deposits

A developer shall pay the City’s actual cost associated with the reviewing, approving, coordinating and inspecting water or sewer main extension improvements or fill station improvements required to be completed under an installation agreement. The City’s cost shall include, but is not limited to, administering the agreement, plan checking, surveillance, and

administrative overhead. Prior to design review or construction of the improvement, a deposit shall be paid. Deposits shall not bear interest. The deposits shall be held in a separate account and disbursed only as authorized by this fee schedule. The deposits are described below:

1) Installation Agreement Application: Upon submitting an application agreement, the Owner/Developer will provide a \$300 deposit.

2) Improvement Plan Review: Upon submission of plans for review and approval, the Owner/Developer will provide a plan review deposit of .5% of the estimated cost of improvements or \$300, whichever is greater.

3) Construction Inspection: Prior to the issuance of a notice to proceed with construction, the Owner/Developer shall pay a deposit toward the City's costs based upon the estimated cost of the improvements to be constructed under the subdivision agreement as follows:

<u>Estimated Construction Cost</u>	<u>Deposit</u>
<u>\$10,000 or less</u>	<u>\$300</u>
<u>Over \$10,000 up to \$50,000</u>	<u>4% of the estimated costs</u>
<u>Over \$50,000 up to \$150,000</u>	<u>3% of the estimated costs</u>
<u>Over \$150,000 up to \$500,000</u>	<u>2.5% of the estimated costs</u>
<u>Over \$500,000</u>	<u>\$13,000</u>

After the City finds the improvements meet City specifications, it shall determine its costs to date. If costs (plus any deposit required under subsection 4 below) exceed the total deposits received, the Developer shall pay the balance to the City prior to final acceptance of the improvements. If the total deposits exceed the costs, the City shall refund the balance (less any deposit required under subsection 4 below) to the Developer.

4) Initiation of Warranty Period: (applies to water/sewer extension permits only). Prior to acceptance of completion by the City, the Owner/Developer shall also pay a deposit toward the City's cost incurred during the warranty period under the subdivision agreement in the amount determined by the Public Works Director, but not to exceed \$2,000. If at any time the City finds its costs exceed the total deposit received, the City may periodically bill and receive payment from the Owner/Developer for those actual incurred costs in excess of the amount of deposit.

Commercial/Industrial Waste Disposal permit fees shall be determined by the Public Works Director based on type of discharge, location of discharge, timing of discharge, potential impact to the City's collection and treatment systems, reasonableness of alternative methods of disposal.

ROW Permit **Utility Construction Project Permit** - minor \$90 (less than 150 LF of right-of-way affected) major \$225 (more than 150 LF of right-of-way affected)

(The following fees have been set by legislative enactments to HCC 11.08.040).

Driveway Permit Residential \$45
Commercial \$60

Long Driveway (addn) \$105

(Contact ~~Planning~~ **Public Works** Department ~~—at City Hall—~~ at 3575 Heath St. to obtain permit(s), 235-3106 **3170**. ~~Planning issues the permits.~~)

WATER AND SEWER FEES:

Public Works - 235-3170
City Hall - 235-8121
Billing - 235-8121 x 2240

(The following fees have been set by the following legislative enactment HCC Title 14, new fees set forth in Resolution 19-036(S), Ordinance 19-09(S), Resolution 18-077(A), Resolution 16-063(S-2), Resolution 14-060, Ordinance 13-30(A), Resolution 15-074A-2), 13-048 (S-2)(A-3), Ordinance 11-43, Resolution 11-094(S), Resolution 11-062(A), Resolution 09-47(S)(A), Resolution 09-48(S)(A), Resolution 07-119 (A), Resolution 07-120(A), Ordinance 06-62(A), Resolution 06-04, Resolution 05-125, Resolution 05-122, Resolution 05-121(A), Resolution 05-09, Resolution 04-95, Resolution 04-94(S)(A), Resolution 03-159, Resolution 02-80, Resolution 01-80(A), Resolution 00-123, Resolution 00-34, Ordinance 00-02, Ordinance 97-17(A), amending the rates set forth in Ordinance 97-5(S)(A), with amendments by Ordinance 97-7, Ordinance 97-13 and Ordinance 97-14).

A 15% admin. fee will be assessed for replacement parts for water/sewer services, functions, pressure reducing valves, sewer saddles, any Public Works Department stock item for resale to public.

Establishing service includes a one-time disconnect - \$75

Service calls, inspections, repairs not to exceed one hour - \$45 per employee plus equipment and materials.

Service calls, inspections and repairs during normal operating hours in excess of one hour labor: actual labor costs by City plus equipment and materials.

Service calls, inspections and repairs after normal operating hours or on weekends/holidays: \$60 minimum plus equipment and materials or actual cost incurred by City, whichever is greater.

SEWER FEES:

Sewer Connection and Extension Permit Fee

Single Family \$255*

Multi-Family/Commercial \$330*

*** All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits, shall be in addition to the permit fee. A property owner installing a sewer connection which qualifies for a deferred assessment payment or makes a payment in lieu of assessment shall pay the assessment prior to issuance of the connection permit.**

Customer classification definitions for determining sewer connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one

building or several buildings within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

Sewer Rate Schedule

All sewer utility services shall be billed according to the following schedule (Table I, II). This schedule is for monthly sewer services and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

Sewer Rates

Table I

Customer Classification	Monthly Service	Usage Charge/Gallon
Lift-Station Customer		\$0.0224
Non-Lift-Station Customer		\$0.0145
Multi-units (additional per unit)	\$ 5.00	N/A

Sewer ONLY Customers Rates

Table II

	Fees/Rate/Usage	Per Customer Per Month
Lift-Station Customer	\$0.0224/Gal	\$67.20
Non-Lift-Station Customer	\$0.0145/Gal	\$43.50
Monthly Service	\$5.00/customer/mo.	\$5.00 (Kachemak City customers will be exempt from \$5 monthly service fee. Kachemak City will be billed a \$5 monthly service fee to cover all Kachemak City sewer customers.)
Pumping Fee (If Applicable)	\$6.75/customer/mo.	\$6.75
Assumption: Avg. Sewer Usage	3000 Gal/Mo.	

Customer classification definitions for determining sewer rates:

Lift Station Zone Customer: There are eleven sewage lift/pump stations that are used for pumping wastewater or sewage from areas with lower elevation than the treatment plant. Customers who are located in these areas shall be charged additional fees for the cost added to the services (see Table I & II).

Non-Lift Station Zone Customer: Customers who are located in the zone that do not need lift/pump station services.

Sewer System Dischargers (Sewer ONLY customers): Customers who use sewer service only shall be charged a monthly fee of \$5 plus sewer usage fee based on assessed volume of 3,000 gallons per month multiplied by the applicable sewage rate (see Table II). Kachemak City Local Improvement District (LID) members have contributed to the initial cost of the sewer treatment plant and the collection system. For Kachemak City LID dischargers connected within the LID, the City of Homer shall bill Kachemak City in one single bill at the Lift-Station Zone Rate of \$73.95 (\$67.20 +\$6.75) per month per customer. Kachemak City shall be billed a \$5 monthly service charge to cover all Kachemak City sewer customers and shall be responsible for payment to the City of Homer.

Domestic sewer service customers who use large quantities of City water in addition to their domestic use shall be allowed, with the Public Works Director's approval, to install an additional water meter on the domestic water use line for the purpose of metering and charging for domestic sewer system use. Sewer system use will be billed monthly.

The City will allow, upon approval by Public Works and a permit from the Public Works Department, a second water usage meter – called a seasonal sewer meter – for each customer that desires to measure the flow of City water that is not discharged to the sewer system during the summer growing season, June 15 through September 15. Rates noted above do not apply.

Seasonal Sewer Meter Fee is \$251.75.

This second meter will be read monthly during the summer and sewer charges will be credited monthly. The meter may not be subject to read during the fall and winter months. Any charges accrued during that period will be reflected the first billing cycle the meter is read.

WATER FEES:

A 4.85% of total charges charged to every customer outside of city limits in lieu of city sales tax will be applied to those water accounts outside city limits.

Water Connection Fee

Single Family \$30*

Multi-Family/Commercial \$375*

*** All other fees for delayed or deferred services, in lieu of assessments and necessary right-of-way permits, shall be in addition to the permit fee. A property owner installing a water connection which qualifies for a deferred assessment payment or makes a payment in lieu of assessment shall pay the assessment prior to issuance of the connection permit.**

Customer classification definitions for determining water connection and extension permit fees:

Single Family Residential – A unit providing housing for one household; with less than 25% of the building area used for business or commercial purposes.

Multi-Family Residential- A building or lot occupied by more than one household: contained within one building or several building within one complex. Examples of multi-family units includes duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

Commercial - Any user not defined as Residential.

Water Rate Schedule

All water utility services shall be billed according to the following schedule. This schedule is for monthly water service and is in addition to any charges for connecting or disconnecting the service, installation of the service or any assessment of the improvements.

Water Rates

Table III

Customer Classification	Monthly Service	Usage Charge/Gallon
Lift-Station Customer	\$13.00	\$0.0132
Non-Lift-Station Customer	\$13.00	\$0.0132
Multi-units (additional per unit)	\$ 5.00	
Bulk Water	\$13.00	\$0.0172

Customer classification definitions for determining water rates:

Bulk Water Customers: The bulk water customers are the resellers of water or water users who purchase water from the water plant directly and are not in the metered water distribution system.

Non-Bulk Customers: All customers who receive water from the metered water distribution system.

Multi-Units: An additional \$5 monthly charge shall apply to each of the units of a building or lot occupied by more than one household or commercial entity contained within one building or several buildings within one complex. Examples of multi-family units include duplexes, four-plexes and up, apartments, condominiums, co-housing projects, and multiple structures on one lot (where units are normally rented or occupied for longer than one month at a time). Examples of units not considered as multi-family include hotels, motels, and B&B's seasonal rooms/cabins (where units are routinely rented or occupied for less than one month at a time.)

This fee applies to all multi-unit structures defined in the sewer section of this for apartments, rental units or multi-unit buildings where each unit would have one or more restrooms and are intended to be rented on a monthly basis where there is only one meter installed, excluding a rental building restroom used for shared or public use.

Meter Size Deposits

<u>Size (inches)</u>	<u>Residential Users</u>	<u>Nonresidential Users</u>
5/8	\$75.00	\$220.00
3/4	\$80.00	\$230.00
1	\$90.00	\$250.00
1-1/2	\$115.00	\$310.00
2	\$150.00	\$370.00
3	\$220.00	\$525.00
4	\$310.00	\$730.00
6	\$520.00	\$1,225.00

\$750 meter deposit shall apply to metered fire hydrant connections. The deposit will be returned when the meter is returned undamaged. This deposit may be waived upon the recommendation of the Public Works Superintendent.

If a bulk water customer purchases a meter from the City for measuring the quantity of water purchased, it shall be exempt from the monthly meter service charge. It is the responsibility of the bulk water customer to maintain that meter so the City can accurately determine the amount of water being purchased. In the event the meter fails, it is the bulk water customer's responsibility, at its expense, to repair it or purchase a replacement meter from the City. The City may at any time test the meter for accuracy.

RESIDENTIAL HOLDING TANK FEES

(Resolution 02-23)

City of Homer will bill property owner/customer monthly for City service, not pumping contractor charge.

Each property owner/customer will be billed once each month, regardless of number of pumping, 1[one] Customer Charge \$3.98 + 1 [one] General Service Charge \$16.95 + Commodity Charge [\$12.00 per pumping]

Property owner/customer is responsible for payment to pumping contractor.

City of Homer monthly billing examples based on number of pumping per month:

<u>Type of Charge</u>	<u>No Pumping</u>	<u>1 mo. Pumping 3 mo. Pumping</u>	
Customer Charge	\$3.98	\$3.98	\$3.98
Gen. Svs. Charge	\$16.95	\$16.95	\$16.95
Commodity Charge	\$0	\$12.00	\$36.00
Total Monthly Bill	\$20.93	\$32.93	\$56.93

LEGISLATIVE BODY

MAYOR

Ken Castner – 2020
Commission

COUNCILMEMBERS

Shelly Erickson—2019

Tom Stroozas—2019

Rachel Lord —2020

Caroline Venuti—2020

Donna Aderhold—2021

Heath Smith—2021

Storm P. Hansen-Cavasos-2022

Joey Evensen-2022

ADVISORY BODIES

Advisory Planning Commission

Parks Art Recreation & Culture Advisory

Port and Harbor Advisory Commission

Library Advisory Board

Economic Development Advisory Commission

ADA Compliance Committee

DEPARTMENTS

Located At:

City Hall

City Manager's Office
Administration
Personnel
Economic Development & Special Projects

City Clerk's Office
Records & Elections

Planning & Zoning
Finance

Public Works Facility

Public Works
Water & Sewer
Maintenance
City Engineer
Inspector

On the Spit

Port and Harbor

Public Library
Library

Police Department
Public Safety
Jail

Fire Hall

Fire Department
EMS

Homer High School

Community Recreation

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-44

An Ordinance of the City Council of Homer, Alaska, Accepting and Appropriating an FY2017 State Homeland Security Program Reallocation Award for an Amount no to Exceed \$53,324.58 to Replace Mobile Radios in the City's Radio Communication System and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: City Manager

1. City Council Regular Meeting October 14, 2019 Introduction
Memorandum 19-131 from Fire Chief as backup
2. City Council Regular Meeting October 28, 2019 Public Hearing and Second Reading

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 19-44

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA ACCEPTING AND APPROPRIATING AN FY2017 STATE HOMELAND SECURITY PROGRAM REALLOCATION AWARD FOR AN AMOUNT NOT TO EXCEED \$53,324.58 TO REPLACE MOBILE RADIOS IN CITY'S RADIO COMMUNICATION SYSTEM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The City's entire radio communication system is aging and must be replaced soon to keep up with technological advances in order to support the City of Homer's ability to prevent, protect against, respond to and recover from all hazard events ; and

WHEREAS, Radio communication system upgrades is a project in the City of Homer 2020-2025 Capital Improvement Plan; and

WHEREAS, The Alaska Division of Homeland Security & Emergency Management (DSH&EM) recently solicited local jurisdiction grant project managers to apply for FY2017 State Homeland Security Program reallocation funds; and

WHEREAS, the City is pleased to have been awarded \$53,324.58 from the DSH&EM to replace vehicle mounted mobile radios in the two Command Vehicles and several response apparatus in the Homer Volunteer Fire Department (HVFD) fleet;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby accepts and appropriates an FY2017 Reallocation State Homeland Security Program Grant from the DHS&EM in an amount not to exceed \$53,324.58 for the purpose of replacing mobile radio units for the HVFD as follows:

Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	State Homeland Security Grant Program	\$53,324.58

Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
	HVFD Mobile Radio Replacements	\$53,324.58

Section 2. The City Manager is authorized to execute the appropriate documents.

44 Section 3. This is a budget amendment ordinance, is temporary in nature, and shall
45 not be codified.

46
47 Section 4. Sole source procurement from the manufacturer is hereby authorized.

48
49 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2019.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

Introduction:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Michael Gatti, Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Memorandum 19-131

TO: City Council and Mayor Castner

THROUGH: Katie Koester, City Manager

FROM: Mark Kirko, Fire Chief

DATE: October 8, 2019

SUBJECT: HVFD Mobile Radio Replacement Grant Award

We have been awarded an FY2017 reallocation grant award from the Division of Homeland Security and Emergency Management in the amount of \$53,324.58 to continue the upgrade of the City of Homer's emergency communications radio equipment.

This grant will nearly complete an upgrade to the Homer Volunteer Fire Department's vehicle mounted mobile radio system, including mobile radio and repeater units for our two Command Vehicles and nearly all response apparatus. HVFD's mobile units are fifteen years old and are aging out of their expected functional life span. They are subject to the daily wear and tear of constant exposure to temperature fluctuations, a harsh coastal climate, dust, dirt, saltwater and unimproved bumpy roads common in our area. With each passing year, the units experience more frequent break downs that take them out of service for repair. Due to their age, the manufacturer (Motorola) no longer supports the radios with spare parts or software upgrades.

We are very pleased to have been awarded the grant. I recommend Council authorize the City to accept this grant and ask for further authorization to enter into a sole source contract with ProComm Alaska for the equipment. ProComm is the only full service Motorola dealer in the state and the Motorola equipment is the only equipment compatible for use with our system and the State of Alaska's Land Mobile Radio System, commonly referred to as ALMR.

There is no other option for us to pursue when it comes to replacing our radio equipment. ProComm provides us 24/7 response services and is also the only radio service provider that fields public safety certified technicians with Motorola factory training. I understand they have provided superb service to us over the years. For these reasons, I request a sole source contract be awarded to ProComm Alaska.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-45

An Ordinance of the City Council of Homer, Alaska Accepting and Appropriating an FY2019 State Homeland Security Program Grant in the Amount of \$255,005 for a Back Generator at the Fire Hall and a Dispatch Console for the Police Department and Appropriating \$24,704 from the Police Station Reserve Account to Purchase a Computer Hardware Integrated Workstation to House the Dispatch Console.

Sponsor: City Manager

1. City Council Regular Meeting October 14, 2019 Introduction
Memorandum 19-132 from Police Chief as backup
2. City Council Regular Meeting October 28, 2019 Public Hearing and Second Reading

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

3 City Manager

4 **ORDINANCE 19-45**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 ACCEPTING AND APPROPRIATING AN FY 2019 STATE HOMELAND
8 SECURITY PROGRAM GRANT IN THE AMOUNT OF \$255,005 FOR A
9 BACKUP GENERATOR FOR THE FIRE HALL AND A DISPATCH
10 CONSOLE FOR THE POLICE DEPARTMENT AND APPROPRIATING
11 \$24,704 FROM THE POLICE STATION RESERVE ACCOUNT TO
12 PURCHASE A COMPUTER HARDWARE INTEGRATED
13 WORKSTATION TO HOUSE THE DISPATCH CONSOLE.

14
15 WHEREAS, The Alaska Division of Homeland Security and Emergency Management
16 (DHS&EM) makes funds available to strengthen a City's ability to prevent, protect against,
17 respond to and recover from all hazard events; and

18
19 WHEREAS, Backup power is vital to the continuity and effectiveness of communications
20 and response operations during emergency events; and

21
22 WHEREAS, The Homer Volunteer Fire Department will soon be without backup power
23 generation capability when the backup generator they use is moved to the new Homer Police
24 Station; and

25
26 WHEREAS, Effective emergency response operations is equally dependent on the
27 delivery of timely communications; and

28
29 WHEREAS, with only two dispatch stations, Homer Police Department has no backup
30 dispatch capability; and

31
32 WHEREAS, Additional dispatch stations provide immediate backup dispatch capability,
33 making our emergency response system more resilient and readily able to:

- 34 • immediately expand to handle a larger volume of calls during emergency
35 event,
- 36 • recover from a failure in either of the two other position, and
- 37 • maintain compliance with the National Fire Protection Agency's two-position
38 requirement; and

39
40 WHEREAS, The City is pleased to have been awarded \$255,005 from the DHS&EM to
41 purchase a generator for backup power generation at the Fire Hall and one backup dispatch
42 console for the Homer Police Department; and

43 WHEREAS, DHS&EM stated that computer hardware integrated workstations to house
44 dispatch consoles are no longer eligible for grant funding; and

45
46 WHEREAS, One computer hardware integrated workstation is required to house the the
47 backup dispatch console; and

48
49 WHEREAS, Quotes received from the manufacturer indicate the cost (including shipping
50 and installation) for the dispatch workstation is \$24,707;

51
52 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

53
54 Section 1. The Homer City Council hereby accepts and appropriates an FY2019 State
55 Homeland Security Program Grant to the City of Homer in the amount of \$255,005 for the
56 purposes as follows:

57
58 Revenue:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7018	FY19 State Homeland Security Grant Program	\$105,500
151-7019	FY19 State Homeland Security Grant Program	\$149,505

62
63 Expenditure:

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
151-7018	Homer Fire Department Back-Up Generator	\$105,500
151-7019	Homer Police Department Dispatch Console	\$149,505

67
68 Section 2. The FY2019 Capital Budget is hereby amended for the purpose of funding
69 one computer hardware integrated workstation for the dispatch console as follows:

70
71 Account No. Description Amount

156-0394	Police Depreciation Reserve Account Fund	\$24,704
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73
74 Section 3. Homer City Council hereby authorizes The City Manager is authorized to
75 execute the appropriate documents.

76
77 Section 4. This is a budget amendment ordinance, is temporary in nature, and shall
78 not be codified.

79
80 Section 5. Sole source procurement from the manufacturer is hereby authorized.

81
82 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this __ day of _____, 2019.

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CITY OF HOMER

KEN CASTNER, MAYOR

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

Introduction:
Public Hearing:
Second Reading:
Effective Date:

Reviewed and approved as to form:

Katie Koester, City Manager

Michael Gatti, Attorney

Date: _____

Date: _____



CITY OF HOMER

POLICE DEPARTMENT

4060 HEATH STREET HOMER, AK 99603-7609

EMERGENCY 911
TELEPHONE (907) 235-3150
TELECOPIER (907) 235-3151

MEMORANDUM 19-132

DATE: September 24, 2019
TO: Katie Koester, City Manager
FROM: Mark Robl, Chief of Police
SUBJECT: Dispatch Console Grant

We have received a grant award from Homeland Security for an additional dispatch console. This will increase our active consoles from two to three. We have been in need of an additional console for quite some time. We always try to staff two dispatchers 24/7 but are limited in our ability to do so by manning levels. However we are able to staff two dispatchers during our busiest times of the day. Having a third console will give us a fully functional back-up position in case one goes down. It will also allow us to have two dispatchers working when the third position is occupied by a trainee, something that happens frequently. More importantly, the third console will be of great benefit when coordinating an area wide emergency response such as a tsunami evacuation of the spit. I request we obtain council approval to accept this grant and authorize a sole source purchase for this project to ProComm Alaska and for permission to enter into a contract with them and obligate funds.

The amount of the grant is \$149,505. This will fund the cost of the electronic equipment which makes up a console position and the installation and testing of it. It will not pay for the workstation required to mount the equipment on. We tried to obtain grant funding for the workstation but we learned Homeland Security will not provide funding for workstations. The workstations for dispatch consoles are highly specialized. They provide mounting surfaces for 6 computer monitors and the various associated equipment. They are fully ergonomic allowing the dispatcher to electrically adjust the position of the work surfaces, monitors and keyboards. This is very important for dispatchers that are often seated at the station for many hours with no opportunity to get up and move around. The cost of one workstation is \$24,704. I request funding for the purchase of a workstation be approved with the money coming out of police station reserves. I also request that this purchase be approved for a sole source purchase through ProComm Alaska.

ProComm Alaska has been doing our radio maintenance work for approximately 18 years. ProComm is the only full service Motorola dealer in the state and the Motorola consoles are the only ones compatible for use with the State of Alaska's Land Mobile Radio System, commonly referred to as ALMR. The police department utilizes ALMR on a daily basis. There is no other option for us to pursue when it comes to replacing our console system. ProComm provides us 24/7 response services and is also the only radio service provider that fields public safety certified technicians with Motorola factory training. They have

provided superb service to us over the years. For these reasons, I request a sole source purchase to ProComm Alaska be approved.

To help ensure we are receiving the best possible pricing we will correspond with the Motorola factory representative for Alaska and ensure the pricing offered by ProComm is the same as the competitively bid contracts for Motorola Equipment utilized by the GSA and the Department of Defense. We will not issue any purchase orders until this confirmation is obtained.

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-46

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Chapter 2.60, Parks, Art, Recreation, and Culture Advisory Commission, Section 2.60.010(A) Created-Membership, to Reduce the Number of Members from Nine to Seven.

Sponsor: Aderhold

1. City Council Regular Meeting October 14, 2019 Introduction
2. City Council Regular Meeting October 28, 2019 Public Hearing and Second Reading

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

Aderhold

3
4 **ORDINANCE 19-46**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
7 AMENDING HOMER CITY CODE CHAPTER 2.60, PARKS, ART,
8 RECREATION, AND CULTURE ADVISORY COMMISSION, SECTION
9 2.60.010(A) CREATED-MEMBERSHIP, TO REDUCE THE NUMBER OF
10 MEMBERS FROM NINE TO SEVEN.

11
12 WHEREAS, The Parks, Art, Recreation, and Culture Advisory Commission voted
13 unanimously to reduce the membership to seven voting members at their April 18, 2019 regular
14 meeting.

15
16 NOW, THEREFORE, The City of Homer Ordains:

17
18 Section 1. HCC Chapter 2.60 Parks, Art, Recreation, and Culture Advisory Commission
19 Section 2.60.010(a), Created-Membership is hereby amended to read as follows:

20
21 a. There shall be a City of Homer Parks, Art, Recreation and Culture Advisory
22 Commission, hereinafter referred to as the Commission. The Commission will be
23 composed of ~~nine~~ **seven** voting members, who shall be appointed by the Mayor and
24 confirmed by the City Council, plus one nonvoting member who shall be a Homer area
25 high school student selected by his or her student body. Up to three voting members of
26 the Commission may be nonresidents of the City, but City resident applicants shall be
27 preferred for all Commission member appointments.

28
29 b. A Chair and Vice-Chair of the Commission shall be elected annually from and by the
30 voting members of the Commission. The Chair shall preside at meetings of the
31 Commission. In the absence of the Chair, the Vice-Chair shall perform the duties of the
32 Chair. [Ord. 16-22 § 2, 2016].

33
34 Section 2. This ordinance is of a permanent and general character and shall be included
35 in Homer City Code.

36
37 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
38 2019.

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CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date:_____

Date:_____

ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-50

An Ordinance of the City Council of Homer, Alaska Amending Homer City Code 21.30 Marine Industrial Zoning District Section 21.30.020 Permitted Uses and Structures, to add Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Permitted Uses and Section 21.30.050 Conditional Uses and Structures to Remove Boat Sales, Rentals, Service, Repair and Storage, and Boat Manufacturing as Conditional Uses.

Sponsor: Planning Commission

1. City Council Regular Meeting October 28, 2019 Introduction
Memorandum 19-140 from City Planner as backup
2. City Council Regular Meeting November 25, 2019 Public Hearing and Second Reading

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

3 Planning
4 Commission

5 **ORDINANCE 19-50**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING HOMER CITY CODE 21.30 MARINE INDUSTRIAL
9 ZONING DISTRICT SECTION 21.30.020 PERMITTED USES AND
10 STRUCTURES, TO ADD BOAT SALES, RENTALS, SERVICE, REPAIR
11 AND STORAGE, AND BOAT MANUFACTURING AS A PERMITTED
12 USES AND; SECTION 21.30.030 CONDITIONAL USES AND
13 STRUCTURES, TO REMOVE BOAT SALES, RENTALS, SERVICE,
14 REPAIR AND STORAGE, AND BOAT MANUFACTURING AS
15 CONDITIONAL USES.

16
17 WHEREAS, the 2011 Homer Spit Comprehensive Plan encourages development related
18 to the boating industries; and

19
20 WHEREAS, 2018 Homer Comprehensive Plan Economic Vitality Chapter objectives
21 include promoting the marine trades; and

22
23 WHEREAS, marine equipment sales, rentals, service, repair and storage are permitted
24 uses in the Marine Industrial District; and

25
26 WHEREAS, the Marine Industrial Use District has adopted nuisance standards; and

27
28 WHEREAS, the Port and Harbor Commission supports adoption of the proposed
29 ordinance with unanimous consent.

30
31
32 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

33
34 Section 1. Homer City Code 21.30.020, Permitted uses and structures is hereby
35 adopted to read as follows:

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

- 39
40 a. Port and harbor facilities;
41
42 b. Manufacturing, processing and packing of sea products;

- 43
44 c. Cold storage;
45
46 d. Dry docks;
47
48 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
49
50 f. Marine equipment sales, rentals, service, repair and storage;
51
52 g. Boat launching or moorage facilities, marinas, boat charter services;
53
54 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or
55 off-loaded from a marine vessel and awaiting immediate pickup by land-based
56 transportation;
57
58 i. Mobile food services;
59
60 j. Itinerant merchants, provided all activities shall be limited to uses permitted outright under
61 this zoning district;
62
63 k. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54
64 HCC;
65
66 l. Caretaker, business owner or employee housing as an accessory use to a primary use, and
67 limited to no more than 50 percent of the floor area of a building and for use by an occupant
68 for more than 30 consecutive days;
69
70 m. More than one building containing a permitted principal use on a lot;
71
72 n. Restaurant as an accessory use;
73
74 o. Parks;
75
76 p. As an accessory use, one small wind energy system per lot.

77
78 **q. Boat sales, rentals, service, repair and storage, and boat manufacturing;**
79

80 Section 2: Homer City Code 21.30.030, Conditional uses and structures is hereby
81 adopted to read as follows:
82

83 The following uses may be permitted in the Marine Industrial District when authorized by
84 conditional use permit issued in accordance with Chapter 21.71 HCC:

- 85
86 a. Planned unit development, limited to water-dependent or water-related uses and
87 excluding all dwellings;
88
89 ~~b. Boat sales, rentals, service, repair and storage, and boat manufacturing;~~
90
91 eb. Extractive enterprises related to other uses permitted in the district;
92
93 ~~dc.~~ Campgrounds;
94
95 ed. Bulk petroleum storage;
96
97 ~~fe.~~ Helipads;
98
99 gf. Heliports;
100
101 ~~hg.~~ Indoor recreational facilities;
102
103 ih. Outdoor recreational facilities;
104
105 ji. Public utility facilities and structures;
106
107 kj. The location of a building within a setback area required by HCC 21.30.040(b). In addition
108 to meeting the criteria for a conditional use permit under HCC 21.71.030, the building must
109 meet the following standards:
110
111 1. Not have a greater negative effect on the value of the adjoining property than a building
112 located outside the setback area; and
113
114 2. Have a design that is compatible with that of the structures on the adjoining property.
115

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

118
119 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
120 2019.

121
122 CITY OF HOMER
123

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125 _____
126 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: _____



Memorandum 19-140

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
THROUGH: KATIE KOESTER, CITY MANAGER
FROM: RICK ABBODD AICP, CITY PLANNER
DATE: OCTOBER 10, 2019
SUBJECT: BOATS SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING IN THE MARINE INDUSTRIAL (MI) DISTRICT

It has come the attention of the Planning Commission that the current allowance for boating related activities as a conditional use Homer City Code in the MI District unreasonably limits traditional activities. The Commission proposes to allow boating activities in the MI District as a permitted use.

Currently permitted activities (those that do not require a CUP) in the MI District include marine equipment sales, rentals, service, repair and storage, while boats sales, rentals, service, repair and storage, and boat manufacturing are a conditional uses.

The Planning Office and Commission feel that the code is inconsistent as boat uses are a subset of marine equipment yet they are held to an additional level of permitting. In order to facilitate a more assured and less cumbersome permitting process, we are proposing that boating uses in the MI district be moved from conditionally permitted uses to permitted uses.

After being a subject of a meeting of the Planning Commission, the item was referred to the Port and Harbor Commission, who expressed support for the item, and then the Commission held a public hearing at the October 2, 2019 meeting and approved a motion with unanimous consent to recommend to the City Council the adoption of the proposed ordinance.

Attachments:

Planning Department review
Ordinance
Staff reports and corresponding meeting minutes



Planning Department review of proposed amendment to Title 21

The Planning Department shall evaluate each amendment to this title that is initiated in accordance with HCC 21.95.010 and qualified under HCC 21.95.030, and may recommend approval of the amendment only if it finds that the amendment:

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

Response: The proposed amendment is consistent with Homer Comprehensive Plan and furthers goals including promoting marine trades and is consistent with the Homer Spit Plan as it encourages development related to the boating industries.

b. Will be reasonable to implement and enforce.

Response: The proposed ordinance is not complicated and is easy to interpret and enforce.

c. Will promote the present and future public health, safety and welfare.

Response: The proposed ordinance is not expected to have any negative effect on present or future public health, safety, and welfare.

d. Is consistent with the intent and wording of the other provisions of this title.

Response: The proposal is consistent in intent and wording or the other provision in the title.

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

3 Planning

4 **ORDINANCE 19-xx**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
7 HOMER CITY CODE 21.30 MARINE INDUSTRIAL ZONING DISTRICT
8 SECTION 21.30.020 PERMITTED USES AND STRUCTURES, TO ADD BOAT
9 SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT
10 MANUFACTURING AS A PERMITTED USE AND; SECTION 21.30.030
11 CONDITIONAL USES AND STRUCTURES, TO REMOVE BOAT SALES,
12 RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING
13 AS A CONDITIONAL USE.

14
15 WHEREAS, the 2011 Homer Spit Comprehensive Plan encourages development related
16 to the boating industries; and

17
18 WHEREAS, 2018 Homer Comprehensive Plan Economic Vitality Chapter objectives
19 include promoting the marine trades; and

20
21 WHEREAS, marine equipment sales, rentals, service, repair and storage are permitted
22 uses in the Marine Industrial District; and

23
24 WHEREAS, the Marine Industrial Use District has adopted nuisance standards; and

25
26 WHEREAS, the Port and Harbor Commission supports adoption of the proposed
27 ordinance with unanimous consent.

28
29
30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

31
32 Section 1. Homer City Code 21.30.020, Permitted uses and structures is hereby adopted to
33 read as follows:

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

- 37
38 a. Port and harbor facilities;
39
40 b. Manufacturing, processing and packing of sea products;
41
42 c. Cold storage;

- 43
44 d. Dry docks;
45
46 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
47
48 f. Marine equipment sales, rentals, service, repair and storage;
49
50 g. Boat launching or moorage facilities, marinas, boat charter services;
51
52 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or
53 off-loaded from a marine vessel and awaiting immediate pickup by land-based
54 transportation;
55
56 i. Mobile food services;
57
58 j. Itinerant merchants, provided all activities shall be limited to uses permitted outright under
59 this zoning district;
60
61 k. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54
62 HCC;
63
64 l. Caretaker, business owner or employee housing as an accessory use to a primary use, and
65 limited to no more than 50 percent of the floor area of a building and for use by an occupant
66 for more than 30 consecutive days;
67
68 m. More than one building containing a permitted principal use on a lot;
69
70 n. Restaurant as an accessory use;
71
72 o. Parks;
73
74 p. As an accessory use, one small wind energy system per lot.

75
76 **q. Boat sales, rentals, service, repair and storage, and boat manufacturing;**
77

78
79 Section 2: Homer City Code 21.30.030, Conditional uses and structures is hereby adopted to
80 read as follows:
81

82 The following uses may be permitted in the Marine Industrial District when authorized by
83 conditional use permit issued in accordance with Chapter 21.71 HCC:
84

- 85 a. Planned unit development, limited to water-dependent or water-related uses and
86 excluding all dwellings;
87
88 ~~b. Boat sales, rentals, service, repair and storage, and boat manufacturing;~~
89
90 eb. Extractive enterprises related to other uses permitted in the district;
91
92 ~~dc.~~ Campgrounds;
93
94 ed. Bulk petroleum storage;
95
96 ~~fe.~~ Helipads;
97
98 ~~gf.~~ Heliports;
99
100 ~~hg.~~ Indoor recreational facilities;
101
102 ih. Outdoor recreational facilities;
103
104 ji. Public utility facilities and structures;
105
106 kj. The location of a building within a setback area required by HCC 21.30.040(b). In addition
107 to meeting the criteria for a conditional use permit under HCC 21.71.030, the building must
108 meet the following standards:
109
110 1. Not have a greater negative effect on the value of the adjoining property than a building
111 located outside the setback area; and
112
113 2. Have a design that is compatible with that of the structures on the adjoining property.
114
115

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

118
119 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
120 2019.

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122 CITY OF HOMER
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KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:
NO:
ABSTAIN:
ABSENT:

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

Reviewed and approved as to form:

Mary K. Koester, City Manager

Michael Gatti, City Attorney

Date: _____

Date: _____



City of Homer

www.cityofhomer-ak.gov

Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Staff Report PL 19-71

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: August 7, 2019
SUBJECT: Boat sales, rentals, service, repair and storage, and boat manufacturing in the MI District

Introduction

It has come to my attention that **boat sales, rentals, service, repair and storage, and boat manufacturing** in the Marine Industrial District is a conditional use, while marine equipment sales, rentals, service, repair and storage is a permitted use.

Analysis

We may want to start with the purpose of the district: *The purpose of the Marine Industrial District is primarily to provide adequate space for those water-dependent industrial uses that require direct marine access for their operation, such as fishing, fish processing, marine transportation, off-shore oil development and tourism, giving priority to those water-dependent uses over other industrial, commercial and recreational uses.*

Using traditional definitions, one would consider boats a subset of marine equipment. This would mean that anything used for an activity on/in the water including most items found in/or on a boat are allowed to be sold, rented, serviced, repaired or stored without gaining a CUP.

I am looking for input as to why we would have these items as a CUP and am proposing that we consider making them a permitted use. This fix in code would be as simple as moving the item from HCC 21.30.030 to 21.30.020. My general thought is that these uses are a good fit for the Marine Industrial District and should be allowed as a permitted use until a CUP might be required for >8000 square feet of building area or exceeding 70% of lot building area.

Staff Recommendation

Discuss the item and pass any recommendations to the Port and Harbor Commission for comment.

A. Staff Report 19-71, Draft Ordinance 19-xx Amending HCC 21.30 Marine Industrial District to change “Boat sales, rentals, service, repair and storage, and boat manufacturing” from a conditional use to a permitted use.

Chair Venuti introduced the item by reading of the title.

City Planner Abboud reviewed Staff Report 19-71 for the Commission. He noted that it would be expected to consider boats as a subject of marine equipment but for some reason it has been called out in city code. He would like this to be a permitted use as he could not find a valid reason for a conditional use permit requirement. It still would require a CUP for anything over 8000 square feet, or exceeding 70% of the building lot area.

BENTZ/HIGHLAND - MOVED TO AMEND HOMER CITY CODE TO ALLOW BOAT SALES, RENTALS, SERVICE, REPAIR, STORAGE AND BOAT MANUFACTURING AS A PERMITTED USE IN THE MARINE INDUSTRIAL DISTRICT AND REFER TO THE PORT AND HARBOR ADVISORY COMMISSION FOR COMMENT.

A brief discussion on the idea that boats are not consider marine equipment in current city code was held and that it appeared counter to the

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

INFORMATIONAL MATERIALS

- A. City Manager’s Report for the July 22, 2019 Homer City Council meeting
- B. Kenai Peninsula Borough Notice of Decision for Northern Enterprises No. 3 Preliminary Plat

COMMENTS OF THE AUDIENCE

COMMENTS OF THE STAFF

City Planner Abboud commented on being remiss in not having the Commission elections on this agenda and will make sure it is on the next agenda.

A brief discussion ensued regarding applicants for the vacancy and the Commission expressed a preference to waiting for their appointment and holding elections at the first meeting in September.

Deputy City Clerk Krause expressed her appreciation for the Commission allowing her to assist them in word-smithing their recommendations on Ordinance 19-19(S) and commented that they were able to get a lot done in a short time period.

- C. Boat Related Uses in the Marine Industrial District
 - i. Memo from City Planner Re: Boat Related Uses in the Marine Industrial District
 - ii. Staff Report 19-71 to Planning Commission
 - iii. Draft Ordinance 19-xx Boat Activities in MI
 - iv. Planning Commission Minutes Excerpt from August 7, 2019

Deputy City Clerk Tussey referred the commissioners to City Planner Abboud's memo in the packet describing what the Planning Commission is asking the Port and Harbor Commission to weigh in on.

There was discussion on the details of Mr. Abboud's memo and the proposal to allow boat sales, rentals, service, repair and storage, and boat manufacturing as permitted uses. Commissioners deliberated on current and potential activities on the Spit (such as RV campgrounds and boat sale lots), the conditional use permit process, and what is considered permitted uses at this time under Title 21. They agreed the amendment is more of a housekeeping change than anything.

ULMER/DONICH MOVED TO SUPPORT AMENDING HOMER CITY CODE TO ADD BOAT SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING TO PERMITTED USES IN THE MARINE INDUSTRIAL DISTRICT; AND RECOMMEND TO THE PLANNING COMMISSION AND CITY COUNCIL TO APPROVE THE AMENDMENT.

There was no further discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT

Motion carried.

INFORMATIONAL MATERIALS

- A. North Pacific Fisheries Association Letter Re: Upcoming Management Council
- B. Upcoming AAHPA 2019 Conference Agenda
- C. 2019 Homer Harbor Beach Nourishment Project LERRD Certification
- D. Hilcorp Letter Re: Upcoming Seismic Survey Work
- E. Port & Harbor Monthly Statistical Report for July 2019
- F. Water/Sewer Bills Report for July 2019
- G. Crane & Ice Report
- H. Dock Activity Reports
- I. PHC 2019 Meeting Calendar
- J. Commissioner Attendance at 2019 City Council Meetings

There was discussion on the North Pacific Fisheries Association meeting that's coming up in Homer during the first week of October; the beach nourishment project and what the Corps of Engineers is looking to accomplish on the Spit regarding erosion control; and Hilcorps' upcoming seismic work to be conducted in the Cook Inlet.

COMMENTS OF THE AUDIENCE



City of Homer

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Staff Report PL 19-83

TO: Homer Advisory Planning Commission
FROM: Rick Abboud, City Planner
DATE: October 2, 2019
SUBJECT: Ordinance Amending HCC 21.30.020 to allow boat sales, rentals, service, repair and storage, and boat manufacturing as a permitted use in the Marine Industrial District.

Introduction

Currently, boat sales, rentals, service, repair and storage, and boat manufacturing in the Marine Industrial District is a conditional use, while marine equipment sales, rentals, service, repair and storage is a permitted use.

Analysis

A significant amount of the Marine Industrial District revolves around services for boats. These uses are traditional to the district and they do not constitute a need for special consideration in a CUP.

The Marine Industrial District is a logical location for these activities and the CUP process would have little to offer over allowing the uses outright as a permitted use. Allowing these boat related activities as a permitted use will save applicants, the Planning Commission, and planning staff time and money.

With the concurrence of support of the Planning commission, this item was referred to the Port and Harbor Commission for comments. The item was an agenda item at August 28th meeting of the Port and Harbor Commission where a motion was passed with unanimous consent supporting the draft amended.

Staff Recommendation

Hold a public hearing and make recommendation for adoption to the City Council

Att.

Draft Ordinance

Port and Harbor minutes

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

3 Planning

4 **ORDINANCE 19-xx**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING
7 HOMER CITY CODE 21.30 MARINE INDUSTRIAL ZONING DISTRICT
8 SECTION 21.30.020 PERMITTED USES AND STRUCTURES, TO ADD BOAT
9 SALES, RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT
10 MANUFACTURING AS A PERMITTED USE AND; SECTION 21.30.030
11 CONDITIONAL USES AND STRUCTURES, TO REMOVE BOAT SALES,
12 RENTALS, SERVICE, REPAIR AND STORAGE, AND BOAT MANUFACTURING
13 AS A CONDITIONAL USE.

14
15 WHEREAS, the 2011 Homer Spit Comprehensive Plan encourages development related
16 to the boating industries; and

17
18 WHEREAS, 2018 Homer Comprehensive Plan Economic Vitality Chapter objectives
19 include promoting the marine trades; and

20
21 WHEREAS, marine equipment sales, rentals, service, repair and storage are permitted
22 uses in the Marine Industrial District; and

23
24 WHEREAS, the Marine Industrial Use District has adopted nuisance standards; and

25
26 WHEREAS, the Port and Harbor Commission supports the ordinance with unanimous
27 consent.

28
29
30 NOW THEREFORE, THE CITY OF HOMER ORDAINS:

31
32 Section 1. Homer City Code 21.30.020, Permitted uses and structures is hereby adopted to
33 read as follows:

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

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38 a. Port and harbor facilities;
39
40 b. Manufacturing, processing and packing of sea products;
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42 c. Cold storage;

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44 d. Dry docks;
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46 e. Wharves and docks, marine loading facilities, ferry terminals, marine railways;
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48 f. Marine equipment sales, rentals, service, repair and storage;
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50 g. Boat launching or moorage facilities, marinas, boat charter services;
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52 h. Warehouse and marshaling yards for storing goods awaiting transfer to marine vessels or
53 off-loaded from a marine vessel and awaiting immediate pickup by land-based
54 transportation;
55
56 i. Mobile food services;
57
58 j. Itinerant merchants, provided all activities shall be limited to uses permitted outright under
59 this zoning district;
60
61 k. Recreational vehicle parks, provided they shall conform to the standards in Chapter 21.54
62 HCC;
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64 l. Caretaker, business owner or employee housing as an accessory use to a primary use, and
65 limited to no more than 50 percent of the floor area of a building and for use by an occupant
66 for more than 30 consecutive days;
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68 m. More than one building containing a permitted principal use on a lot;
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70 n. Restaurant as an accessory use;
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72 o. Parks;
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74 p. As an accessory use, one small wind energy system per lot.
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76 **q. Boat sales, rentals, service, repair and storage, and boat manufacturing;**
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78

79 Section 2: Homer City Code 21.30.030, Conditional uses and structures is hereby adopted to
80 read as follows:

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82 The following uses may be permitted in the Marine Industrial District when authorized by
83 conditional use permit issued in accordance with Chapter 21.71 HCC:
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- 85 a. Planned unit development, limited to water-dependent or water-related uses and
86 excluding all dwellings;
87
88 ~~b. Boat sales, rentals, service, repair and storage, and boat manufacturing;~~
89
90 **eb.** Extractive enterprises related to other uses permitted in the district;
91
92 ~~dc.~~ Campgrounds;
93
94 **ed.** Bulk petroleum storage;
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96 ~~fe.~~ Helipads;
97
98 ~~gf.~~ Heliports;
99
100 ~~hg.~~ Indoor recreational facilities;
101
102 ~~ih.~~ Outdoor recreational facilities;
103
104 ~~ji.~~ Public utility facilities and structures;
105
106 **kj.** The location of a building within a setback area required by HCC 21.30.040(b). In addition
107 to meeting the criteria for a conditional use permit under HCC 21.71.030, the building must
108 meet the following standards:
109
110 1. Not have a greater negative effect on the value of the adjoining property than a building
111 located outside the setback area; and
112
113 2. Have a design that is compatible with that of the structures on the adjoining property.
114
115

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

118
119 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER THIS ___ DAY OF _____,
120 2019.

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122 CITY OF HOMER
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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:

Mary K. Koester, City Manager

Holly Wells, City Attorney

Date: _____

Date: _____

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

VISITORS/PRESENTATIONS

REPORTS

A. Staff Report 19-84, City Planner's Report

City Planner Abboud provided a summary of Staff Report 19-84. He provided clarification on the probable appeal on the decision on Appeal for CUP 14-05.

A brief discussion was entertained on Commissioner's attendance at the November Council meeting with the Clerk providing clarification on the date of the meeting.

PUBLIC HEARING(S)

A. Staff Report 19-83, Ordinance Amending HCC 21.30.020 to allow boat sales, rentals, service, repair and storage, and boat manufacturing as a permitted use in the Marine Industrial District Chair Venuti introduced the item by reading of the title.

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

City Planner Abboud reviewed Staff Report 19-83 for the Commission. He reported that the draft Ordinance went before the Port & Harbor Advisory Commission and they were supportive with unanimous consent.

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

Chair Venuti opened the floor to questions from the Commission.

City Planner Abboud provided clarification on the "boats" were not included in the code as marine equipment.

City Planner Abboud responding to a question from Commissioner Rubalcava on storage, was that it is a comparison and already permitted and was used as a reference.

HIGHLAND/SMITH MOVED TO ADOPT STAFF REPORT 19-83 AND FORWARD ORDINANCE AMENDING HCC 21.30.020 TO ALLOW BOAT SALES, RENTALS, SERVICE, REPAIR AND STORAGE AND BOAT MANUFACTURING AS A PERMITTED USE IN THE MARINE INDUSTRIAL DISTRICT.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.



City of Homer

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Office of the City Manager

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(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Katie Koester, City Manager
DATE: October 22, 2019
SUBJECT: City Manager's Report

Travel Report: International City Manager Association Conference

I am writing this report in Nashville at the tail end of an engaging, whirlwind International City Manager Association conference. It has been an exhausting but satisfying week of networking, learning, and reflecting and I am excited to head back and implement everything I am learning. I would like to take the opportunity to share a few highlights with you so you understand the value of sending me to these professional development opportunities.

A theme of the conference was how to be your best self professionally, whether that means self-care, finding your purpose, or cultivating your passion. One speaker discussed micro-resilience strategies (small seconds, long breaks) to refocus your attention; for example, focusing on your pinky toe to bring you back to the present moment. During a breakout session with Keynote speaker Bonnie Saint John, we worked on how to hone in our sense of purpose to bring vision and energy into the work day. I have included her inspirational worksession exercise as I feel many of you will find interest in this material. It is my goal to incorporate a couple of these types of exercises with my leadership team as a way to go beyond the to-do lists and remember why we serve this great community. A keynote speaker from the tech industry spoke on how important it is to fail and learn from your failures – a concept that is hard for risk-adverse city managers to come to terms with.

I sought out opportunities to learn about improving communication with Council, which is a cornerstone of good government. I got great insight on strategic planning and visioning with Council and templates on onboarding new Councilmembers, and how to facilitate Council communication with departments. One theme that came up repeatedly was the importance of all Councilmembers having the same set of information. If one member asks a question, it is likely other members have the same curiosity so it is important to share the answers with everyone so all decision makers get the information they need to make good decisions. I will be working on incorporating these strategies and am excited about the timing with the upcoming Council retreat in January.

Equity and inclusion have been themes of ICMA conferences for some time and breakout sessions worked on ways to not only invite new voices to the table but make sure their voices are heard. Various speakers talked about how all of us possess diversity in multiple ways and how to cultivate diverse perspectives from the team you work with (City Council or staff) to be more effective.

Specific worksession topics I attended included managing chaos; how we are living in an era where technological advancement will change society to the scale of the industrial revolution and how that shapes the perspective of our constituents and the future of our communities; unlocking blockchain; helping your bo

off to a good start; avoiding career killers; how to be family friendly in the workplace; cultivating your purpose; creating value in government budgets by deeply analyzing operations and the front line; bringing the heart and mind together in your work; and non-cash employee benefits. Whew! If Councilmembers have questions on any of these topics, I welcome the opportunity to share and reflect on what I have learned.

Thank you again for this amazing opportunity be inspired and motivated.

Visit with Governor Dunleavy

Mayor Castner, Port and Harbor Advisory Commission Chair Zimmerman, and I met with Governor Dunleavy on Thursday, October 17 when he was visiting Homer. We took our 15 minutes to update the Governor on the Large Vessel Harbor Expansion project and asked him to support the Department of Transportation partnering with the City as a non-federal sponsor in the General Investigation Study with the Army Corps-- a \$250,000 per year, 3 year commitment. The Corps has put a request to fund their share of the General Investigation study in their 2020 and 2021 work plan (which means we could get notice of funding as early as February 2020). The study requires a 50% nonfederal match (\$1.5m over 3 years). In the past, this project and associated costs have been shared by the state – a great and appropriate partner for a regional and statewide transportation project like the Large Vessel Harbor Expansion. The Governor was very receptive to the project and overall was engaged, inquiring about the City’s interest in public private partnerships. We responded that the City is open to partnerships and acknowledged their importance with a project of this scale, keeping in mind that the details matter.

Application to Amend Certificate of Public Convenience Regarding Swell LLC Submitted

The application to the RCA for amending the City’s certificate of public convenience to also service the Swell LLC property water has been submitted. The application is available online here under Docket U-19-092 (you can also use the tracking number TR1905587):

<http://rca.alaska.gov/RCAWeb/Filings/FilingDetails.aspx?id=53ddb93c-783d-41b5-bd67-d4ae811c83dd>

The RCA provided the following information in regards to the application’s timeline:

“Commission’s determination of completeness: 11/8/19

Public Comment period closed: 11/14/19

Notice of intent to compete for service area due: 11/23/19

Competing Applications (if applicable) due: 1/22/19

Please note that these dates have not been finalized and are subject to change based on the publication date of the notice. If the application is found to be complete by 11/8/19, the Commission will issue its decision on the matter no later than 180 days from the date the complete application was filed (see AS 42.05.175(a)(2)). All other timelines regarding Commission actions/decisions will be detailed in subsequent Commission Orders within the docket. Although this proceeding will not likely require the entire statutory timeline permitted, Staff cannot share such details with the applicant while the docket is under deliberation.”

Erosion Control on the Homer Spit – Next step with the Army Corps

The City of Homer has requested that the Army Corps of Engineers (ACOE), the Alaska Department of Transportation (DOT), and the City work in a cooperative effort to develop and implement a long term maintenance plan to mitigate and stabilize erosion conditions on the Homer Spit. In May of 2019, Homer City staff, the AK DOT’s Chief of Planning, the Soldotna M&O Superintendent, USACE Operations Branch Chief and staff from Civil Works, Environmental Resources, Hydraulics and Hydrology departments, and representat

from Alaska Legislative offices all met for a joint worksession to discuss the recent and long term erosion on the Homer Spit. Past research work on Homer Spit erosion was reviewed, and short term items such as survey analysis, grain size analysis, and use of dredged materials were discussed. Long term options in the areas of protection and beach nourishment were also explored and each member of the group discussed their possible authorities and limitations within the scope of these ideas to develop a cohesive long term approach. During this discussion, the Army Corps of Engineers offered that a Sediment Management Plan for the Homer Spit could be prepared under the Planning Assistance to States Authority, which would allow them to cost share 50% of the study and plan's development. A completed comprehensive plan will not only assist with long term management of erosion on the Spit from a planning standpoint, but also provides supporting documentation to validate the need. The members present at the worksession felt this would assist them with acquisition of funds and materials for future maintenance efforts from their agencies.

Moratorium on Clearing in ROW

With the passage of Resolution 19-073(S) at the last Council meeting (placing a moratorium on right-of-way clearing and maintenance for City of Homer Public Works Department), I wanted to take the opportunity to clarify work the City will and will not be doing in case there are any complaints or confusion when members of the Council or public see Public Works equipment in the field. Public works will continue to complete ditch clearing where tree cutting is not required, issue permits to allow property owners/ contractors/ utilities to clear rights-of-way when necessary to complete their projects, perform locates for utilities doing work in the right of way (as required by state law), and clear trees in city parks consistent with the parks master plan and for safety. Public works will suspend tree cutting in any easement, alley or right of way. Any tree cutting during the moratorium period required to respond to public requests for safety reasons including sight distance, falling hazards, or access to fire hydrants will need to be approved on a case by case basis by City Council. In the meantime, staff is working with Mayor Castner to fulfill his request in the accompanying Memorandum to "obtain an opinion from the City Attorney regarding the prevailing Alaska law of the liability of municipal trespass and/or disregard of covenant protection."

HAWSP Review

The Finance Department has been in conversations with Altman & Rogers, the firm Council has hired to consult on the HAWSP fund and governmental accounting. The department will provide the firm with a basic overview of what we are specifically looking for and determining what documents the firm will need to accomplish the task. The next step is to figure out how to schedule one on one meetings with Council members. I think it would be best to schedule these meetings in person given the detailed and complicated subject matter (even though that means an extra trip to Homer, which is \$300 per trip in their proposal). The worksession is scheduled for November 25th, and Finance suggests holding individual meetings at least 2 weeks prior so the firm has time to respond to any specific questions that come up, which would be the week of November 11th. I will work with Council on a day that week that works for the majority of members. I would also like feedback on if the Mayor and Council would like to schedule an extended worksession on the 25th to go over the topic.

Update on Implementing the Bag Ban

Since reporting last month about our plans to reach out to Homer businesses and residents about the upcoming single use plastic bag ban, we have developed a direct mailing and a City website article with FAQs and downloadable informational outreach materials (a flyer, tent card and social media posts). I have attached the informational outreach materials to this report. Staff will also personally visit stores to inform them of the regulation change, offer outreach materials, and field questions/concerns. Working proactively with retailers will help make the transition smooth so that businesses and City shoppers aren't caught off guard about the new carryout bag regulations. As part of the effort to make implementation after January 1 smooth as well, I will be bringing you an ordinance next month clarifying details for implementation of the single use plastic bag ban.

Enc:

Exercise: Tap into the Power of Purpose by Bonnie St. John

Plastic bag graphic/ hand out to stores

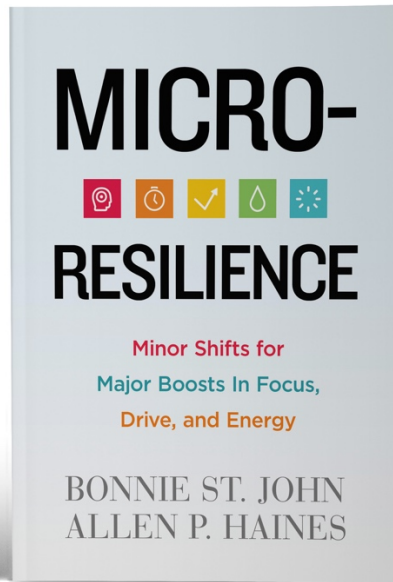
Letter of Interest in Planning Assistance to States Grant to Army Corps

Cook Inlet RCAC report

Two Letters of Support for Kachemak Bay State Park Grants

Letter from Chief Kirko to Governor Dunleavy

State of Alaska Homer Commercial Passenger Vessel Tax Report: Information Request



Exercises: Tap into the Power of Purpose

Values Detective – Renew Your Spirit

In 1926 a young Englishwoman, Joanna Field, began to feel that she was not living a truly authentic life, that she did not know what made her truly happy. To remedy this she kept a secret journal in order to discover what specifically triggered the feeling of delight in her daily life. The journal was published in 1934. It was written, she confided, in the spirit of a detective who searches through the minutiae of the mundane in hope of finding clues.



She discovered that she delighted in red shoes, good food, sudden bursts of laughter, reading in French, answering letters, loitering in a crowd at the fair, and a new idea when it is first grasped.

-- from Sarah Ban Breathnach, Simple Abundance

Exercise:

Our values and priorities are not always what we list on a survey...they are what we do and how we live. Let's investigate!

- Pick a partner at your table.
- Choose who will be the detective first. Make sure the detective has the questions below while their partner gets ready with a blank piece of paper and some colored pens.
- Move your chairs further from other people if you need more space.

The detective begins by asking a question. Make sure the partner being questioned doesn't just put down answers, but also reflects on what their answer says about their values. When a value is revealed, the partner writes it on the blank paper. It doesn't have to be a list—use the page as a collage space to express your feelings. Make some values bigger or brighter than others. When we reach the time limit, I will ask you to switch places. Have fun uncovering your passions, joys, and beliefs!

Detective's List of Questions:

- What kinds of things irritate you that others do wrong?
What does that mean about what you believe is important?
- Where does your discretionary time go?

Parties, social life, children, family, volunteering, faith-based activities, shopping, decorating, reading, walking, nature, travel, exercise, hobbies, education, relaxing, TV, etc.

- Pick the top 2-3 items.
What does that mean about your values?

- Where does your discretionary money go?
See list above - pick 2-3.
- Whom do you admire at work? Elsewhere?
- What are the things you do in your job where the time flies by—you would probably do these things for no pay!
- What are the things that drain your energy at work?
- What do people say you are good at? Do you agree?
- What do you find yourself teaching to others?
- When you choose someone to mentor, what characteristics do you look for?
- Think of a child you care about—your own or someone else's—what are the most important values to teach that child?
- What are the most important qualities in a leader? Why?

Detective: *Feel free to add some of your own questions. Go to the heart of the person that you are interviewing. What is unique and special about their values?*

Life Goals – Renew Your Spirit

- Make a list of fifteen to twenty things you would like to have, do, or be in the life of your dreams—a life that is rich in meaning and satisfying to you on every level. It's fun and exciting to boldly write down a description of your ideal life.
- Circle the most important thing on the list, the one you would most like to have, do, or be if the others weren't possible.
- Choose the second-most-important thing in the same way. If you could only make one more thing on the list a reality, which one would it be?
- Continue on in this way until you have your top five. What bubbles to the top may pleasantly surprise you.

Tagline - Renew Your Spirit

- Take inventory of the things you have done well, enjoyed doing, and were asked by others to do more of in the past. These experiences could arise from the jobs you've held, your volunteer activities, and even the role you play among family and friends.
- Ask yourself the following three questions:
 - What did you especially love to do when you were a child, before the world told you what you should and shouldn't like?
 - Write about two of your most challenging life experiences. How have they shaped you?
 - What do you enjoy in life that helps you sing your song?
- Draft a purpose statement based on your personal inventory and your answers to the three questions above. Your first attempt may come out full of jargon, platitudes, and convolution. Don't worry: this is just the clay you shape into something more useful and beautiful. Reduce the complexity and use simple words as you do so.
- Choose words that have meaning for you, not necessarily for the people who will hear them. Personalize the language in ways that add inspiration, humor, and personality.
- Check in with others who know you well in various contexts. Your statement should be something that people recognize as you.
- Don't be afraid to change your tagline if it doesn't feel right. As you grow, you will want to reevaluate it from time to time. And you may just want to change it whenever you feel the need to be reinvigorated.

Touchstone - Renew Your Spirit

Creating a personal touchstone—a concrete, visual embodiment of your purpose in life and your most important values—gives depth and meaning to your personal and professional activities. It serves to remind you to get back on track when superficial annoyances threaten to distract you from your ultimate goals and values. It also helps you keep the things that inspire you front and center every day.

- Brainstorm—by yourself or with a group—a list of tangible representations of the abstract feelings and ideas that fuel your purpose
- Choose a specific symbol that can instantly move, touch, and inspire you
- Find ways to use your touchstone to keep you focused:
 - a) Use it as your avatar on social media
 - b) Use it as the wallpaper or screen saver on your computer or phone
 - c) Put it on your bathroom mirror, in your car, or in other places where you look every day
- Discuss the touchstone with people at work to bring them back to a sense of purpose

Flow – Renew Your Spirit

To boost your energy, consider redesigning some of the things you repeatedly do. Flow can be defined as the state in which you are at one with your work—time seems to fly by and you are completely lost in your task. Keep a log of your energy levels while performing specific tasks that you do repeatedly during the course of a single week or month.

- Where your energy is dropping, can you redesign the activity so that it gets you closer to a state of flow?
- Add rituals to onerous tasks like: new music, accepting help, or doing them in a visually pleasing location.

**PLEASE
BRING
YOUR
OWN
BAG**



Homer's Single Use Plastic Bag Ban Goes Into Effect January 1, 2020



What is going to change?

Starting January 1, businesses in the City of Homer, including but not limited to

- grocery stores
- general retail stores
- pharmacies
- restaurants and
- vendors at fairs and markets

will no longer be able to provide customers with single use plastic bags to carry their purchases.

What is a single-use plastic disposable shopping bag?

A bag made of plastic, less than 2.5 mils thick which is neither intended nor suitable for continuous reuse.

Are there penalties for violations?

The City will work with business owners and the public to achieve voluntary compliance; however, any business that violates the new rules after January 1, 2020 is subject to a fine.

Can stores give out paper bags, and can they charge for them?

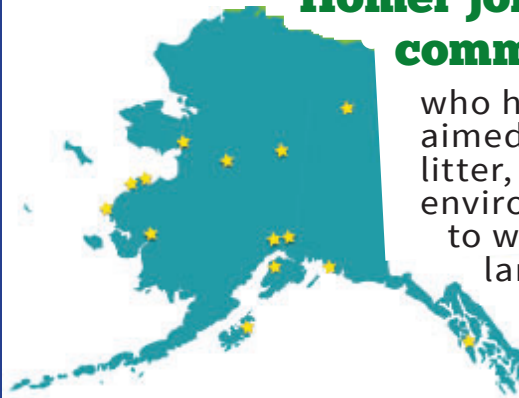
Yes, stores may choose to offer paper bags instead of plastic. The choice to offer a different type of bag or charge customers for bags is up to individual sellers.

Tip for remembering your reusable bags:

Put your reusable bags back in your car, your handbag or on a shelf near the door after you unpack them so you won't forget them.

In the 2019 General Election, Homer voters approved Prop 1, which prohibits single use plastic shopping bags.

Homer joins 14 other Alaskan communities



who have already enacted bans aimed at reducing plastic bag litter, which is harmful to the environment, poses a danger to wildlife, is a burden on the landfill and often clogs storm water drains.

Are ALL plastic bags prohibited?

No. Several types of plastic bags are still allowed:

1 Bags used to contain dampness or leaks from items such as frozen foods, meat, or fish, flowers or potted plants.



2 Bags provided by pharmacists to contain prescription drugs.



4 Bags used to protect prepared foods or bakery goods.

5 Newspaper bags, laundry, or dry cleaning bags.

3 Bags used inside stores to package bulk items like fruit, nuts, grains, vegetables, candy, or nails, screws, nuts and bolts.



6 Garbage bags sold in packages and other similar bags for collection of pet or yard waste.



Learn more at www.cityofhomer-ak.gov

Facebook / Instagram

**PLEASE
BRING
YOUR
OWN
BAG**

HOMER'S SINGLE USE PLASTIC BAG BAN

BEGINS JANUARY 1, 2020

JANUARY 1, 2020

FOR MORE INFO VISIT

WWW.CITYOFHOMER-AK.GOV

PLEASE BRING YOUR OWN BAG

HOMER'S SINGLE USE PLASTIC BAG BAN

BEGINS JANUARY 1, 2020

FOR MORE INFO VISIT
WWW.CITYOFHOMER-AK.GOV

12 Minutes
The average time that a plastic bag is used.

9%
Amount of plastic that is properly recycled.

200+ Years
Number of years for plastic to degrade into microplastics.

PLEASE BRING YOUR OWN BAG

HOMER'S SINGLE USE PLASTIC BAG BAN

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Why the change?
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Homer joins 14 other Alaskan communities who have already enacted bans to reduce the number of plastic bags, which are harmful to the environment, pose a danger to wildlife, are a burden on the landfill and often clog storm water drains.

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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

October 23, 2019

Alaska District, U.S. Army Corps of Engineers
ATTN: CEPOA-PM-C
P.O. Box 6898
Joint Base Elmendorf-Richardson, AK 99506-0898

To Whom It May Concern:

This is in reference to the U. S. Army Corps of Engineers' Planning Assistance to States Program. We understand that the provisions of Section 22 of the Water Resources Development Act of 1974, as amended, provides authority for the Corps to assist in the development, use, and conservation of water and related resources.

The City of Homer requests planning assistance from the Corps - Alaska District to provide data collection, planning, and study services, and to provide recommendations related to the Homer Spit Erosion Mitigation and Management Plan.

This effort would be in support of the State's Hazard Mitigation Plan as listed below:

OPTION 2 (Erosion Hazard):

Goal 5.9.3 Goals, Objectives, and Actions for Erosion:

Goal 1: Identify erosion prone areas

Objective 1.1: Identify erosion prone areas in communities and their erosion rates, including long and short term, maximum and the causes. Incorporate this information into hazard mitigation planning.

Action 1.1.1: Support and fund local community erosion studies and incorporate them into their hazard mitigation planning.

Lead: DNR/DGGS, DCCED, and USACE

Support: NRCS, DHS&EM

The City of Homer's interest in a long term erosion management plan for the Homer Spit is directly tied to protecting the Homer Spit's role in marine commerce, transportation, and the support of the vessels and businesses that provide both. The Homer Spit is a valuable land asset to both the community and the State as a transportation hub. We feel this interest to protect the Spit and mitigate erosion hazards parallels the State's Hazard Mitigation Plan's goal of identifying erosion prone areas in communities and incorporating this information into hazard mitigation planning.

We would like to discuss the availability of information, required schedule, and level of effort required to negotiate a cost-sharing agreement to initiate a Section 22 study. We understand a rough cost estimate for such a study is \$ 100,000. Our staff would work with the Corps to develop the detailed scope, schedule

budget for the study. The budget developed would be the basis for entering into an agreement between the City of Homer and the Corps. The study would be cost shared at 50/50; the non-Federal share of a \$100,000 study would be \$50,000. We further understand the non-Federal share can be provided in cash and/or work-In-kind (WIK) services as long as the WIK services occur after the agreement is signed.

Please contact me at your earliest convenience to arrange a further discussion of this request.

Best,

Bryan Hawkins
Homer Harbormaster/Port Director



Directors Update

From Carla Stanley

Representing the City of Homer

Cook Inlet Regional Citizens Advisory Council

The Cook Inlet Regional Citizens Advisory Council (CIRCAC) meets three times a year—in Kenai in April, Anchorage in November/December and, on a rotating basis, Kodiak, Homer or Seldovia in September. We were looking forward to holding this year's September 6th meeting in Seldovia. Regrettably, the community is facing a severe water shortage. We moved our meeting to Homer so as not to tax their already stressed supply. We wish the community the best as it contends with this emergency and will see our friends in Seldovia next September.

In Homer, we received a warm welcome from Mayor Ken Castner, also a former Chair of CIRCAC's PROPS Committee. On the agenda were presentations from Hilcorp Alaska, the U.S. Coast Guard, and Nuka Research. Hilcorp chose to submit their report in writing. Also joining us were Denise Koch, the Director of the Division of Spill Prevention and Response for the Alaska Department of Environmental Conservation (ADEC), and members of the public.

Denise Koch informed us of the status of ADEC's review of C-Plan regulations. This review will entail a public scoping process beginning in the fall, and CIRCAC is participating in this review. Regarding personnel, ADEC has hired Crystal Smith as the new State On-Scene Coordinator to replace Geoff Merrell.

During the public comment portion of our meeting, Bob Shavelson, Advocacy Director for Cook Inletkeeper and Environmental Representative for Prince William Sound RCAC, and Jim Herbert, who serves on Prince William Sound RCAC's Oil Spill Prevention and Response committee, focused their comments on Hilcorp's seismic testing and acquisition of BP assets. Mr. Shavelson questioned Hilcorp's conclusions that seismic testing was not harmful to wildlife; noting the science and knowledge of seismic impacts are limited but growing. Mr. Herbert stated that Hilcorp's acquisition of BP assets raises many questions for Prince William Sound and the Trans-Alaska Pipeline.

U.S. Coast Guard Alaska Operations

Captain Sean MacKenzie, Commander Sector Anchorage; Captain Patrick Hilbert, District 17 Chief of Prevention (photo below right); and Lt. Edward "Kahi" Kaaua, Supervisor of the Homer Marine Safety Detachment provided a broad but detailed overview of the U.S. Coast Guard's operations in Alaska, including mission, search and rescue, current and future assets, and jurisdictional responsibilities. Congress has approved six USCG national security cutters to increase America's presence in the Polar region, the Bering Sea and the Arctic to 365 days a year. Captain MacKenzie, while speaking about CIRCAC's work and progress within Cook Inlet commended the Cook Inlet Harbor Safety Committee for taking ownership of the Ice Guidelines formerly managed by the USCG. All the Directors appreciated their presentations.



Nuka Research, Pipeline Project Update

Tim Robertson of Nuka Research reported steady progress with the Cook Inlet Pipeline Study, having completed Phases 1 and 2 (regulatory framework and a validated inventory). Phase 3— Panel of Experts review and recommendations—is ongoing. Under the charter, the Expert Panel is to recommend measures to reduce risks of failures that could threaten structural integrity. The Panel has met once in person and multiple times by teleconference. They have developed 230 scenarios associated with the potential loss of integrity and are scoring them by likelihood and consequences—environmental, social, and economic impacts. The Panel will review their differences and then meet September 31/October 1 in Anchorage to develop recommendations. We expect a report to be forthcoming by year's end.

With a grant to CIRCAC from the Pipeline Hazardous Materials Safety Administration (PHMSA), Nuka developed a [website](#) with background information on Cook Inlet pipelines, and conducted a survey, public webinar, and public meeting. Questions from the participants pertained to emergency response, information/data, infrastructure, Inspection/Maintenance, Other/General. Nuka's presentation is posted on CIRCAC's web page, [here](#).

Reports from the Executive Committee and Executive Director

President John Williams reported the organization's finances are sound. The auditor Lambe, Tuter, and Associates found no financial discrepancies during this year's audit.

Executive Director Mike Munger confirmed that the U.S. Coast Guard recertified CIRCAC without qualification for the 28th consecutive year. He spoke in detail about the history of the pipeline assessment, which is nearing completion and noted that Hilcorp was very transparent in sharing pipeline information. Mr. Munger met with Alaska's Congressional Delegation regarding legislation to extend the Oil Spill Liability Trust Fund. We are working very closely with PWSRCAC to garner support throughout Congress to get this bill passed. Mr. Munger also spoke in detail regarding the Chapter 11 Bankruptcy filing by Furie Operating Alaska LLC, one of CIRCAC's funding companies. AVTEC will begin administering the new \$2500 joint CIRCAC/Marathon scholarship immediately.

Hilcorp asked Mr. Munger to point out that Hilcorp has set up a hotline number for subsistence users to share information on seismic activity. He said the company is working diligently to decommission Drift River Oil Terminal and that the facility's pipes and storage containers are now oil-free. The oil in the ground is a long-term ADEC remediation clean-up project. CIRCAC was instrumental in advancing the subsea pipeline and Drift River Oil Terminal removal.



Status of Programs and Projects

Detailed Staff reports are [online](#). Here are some highlights:

Environmental Monitoring Committee (Sue Saupe, Director of Science and Research)

Ms. Saupe is providing training in the Cook Inlet Response Tool and ShoreZone for ADEC and Marathon this month. She is also in discussion with coastal educators about classroom training. NOAA Coastal and Oceans Resources Center is developing a "Human Impressions" exhibit modeled after the Coastal Impressions ShoreZone Exhibits. There are new reports of range extensions for *Macrocyctis kelp* on the other side of Cook Inlet caused by warming temperatures. These beds are very dense and could retain oil during a spill, which could hamper clean-up efforts. The kelp is an essential habitat for forage fish and otters in heavy weather. CIRCAC continues its support of [marine snow research](#) which continued this summer with the addition of sampling on Albatross and Portlock banks off of Kodiak.

Staff worked with contractors and the Protocol Committee to submit reviews for several permits, including the National Marine Fisheries Service (NMFS) Marine Mammal Take Permit for Hilcorp activities over the next five years, as well as the seismic work which will begin in a few days. Staff still has concerns that were not resolved by the NMFS. Chief among them, the permit should contain, but does not, a requirement for additional passive acoustic monitoring in Cook Inlet. The permit also proposes, without discussion, a quarter-mile causeway in Chinitna Bay. CIRCAC's technical review found a shocking lack of information on which to base these decisions. CIRCAC's comments are at www.circac.org/wp-content/uploads/Taking-of-marine-mammals.pdf

CIRCAC is also not satisfied with the APDES General Oil and Gas Permit for Cook Inlet and the Individual Permit for the Osprey Platform which we believe are oversimplified and contain misinformation. The permits would also increase the sources and total contaminant loadings to Cook Inlet. We are awaiting comments to our concerns from ADEC.

PROPS Committee (Steve "Vinnie" Catalano, Director of Operations)

The Harbor Safety Committee workgroup's annual review of the Harbor Safety Plan is complete. The Ice Monitoring System of Cameras is improved with the installation of two new cameras—one on A Platform and one on Granite Point Platform. Another new camera is in the works for the Tyonek Platform. We are testing the GRID program during a drill on October 26 with Marathon. Mr. Catalano is working with Logistics and the Public Outreach Director in the Joint Information Center. Staff is developing new Geographic Response Strategies for stream crossings along the truck route used by tank trucks carrying crude oil from the BlueCrest Cosmopolitan Facility.

Administration (Jerry Rombach, Director of Administration)

Board seats with expiring terms in 2020 are Environmental, Alaska Native, Kodiak Island Borough and Kenai Peninsula Borough. The elections process will begin in mid-November. Special interest groups are elected and the Borough seats are appointed.

Upcoming Meetings and Conferences

September 19, 2019 – Western States Harbor Safety Committee, Long Beach, CA

November 13, 2019 - [Pacific States/BC Task Force](#), Bellingham, WA

November 14, 2019 - [Salish Sea Shared Waters Forum](#), Bellingham, WA

November 21-23 - [Pacific Marine Expo](#), Seattle, WA

December 5 and 6, 2019 – CIRCAC Board of Directors Meeting, Anchorage



Photo by Cindy Sanguinetti



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

Eric Clarke
Alaska State Parks
95 Sterling Hwy Ste. 2
Homer AK 99603

October 23, 2019

Mr. Clark,

The City of Homer is in support of Kachemak Bay State Park's efforts to receive grant funding for improvements along the existing Saddle Trail alignment from the trailhead to the junction of Glacier Lake Trail.

The improvements proposed include reshaping the trail's tread surface, backslope, critical edge and the slope below the tread to ensure proper water drainage with minimal amount of erosion along slopes. With Kachemak Bay being a critical habitat area, any efforts to enhance trail safety while minimizing our footprint in the Park will be of great benefit to the environment and Homer residents and visitors alike.

Best,

Katie Koester
City Manager



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Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

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(f) 907-235-3148

Eric Clarke
Alaska State Parks
95 Sterling Hwy Ste. 2
Homer AK 99603

October 23, 2019

Mr. Clark,

The City of Homer is in support of Kachemak Bay State Park's efforts to receive grant funding for the restoration of neglected trails in the Grewingk Valley and China Poot Lake areas while opening up the other portion of the Lagoon Trail between Halibut creek and Halibut Cove Lagoon.

The trail restoration work will be completed on a portion of the Emerald Lake Trail from Humpy Creek to Emerald Lake via the tram and Grewingk Lake, Blue Ice Trail, Alpine Ridge Trail, the southern end of the Lagoon Trail, Moose Valley Trail from the junction of China Poot Lake Trail to the campsite at Mile 3, and Wosnesenski River trail from China Poot Lake to the river.

According to the 2018 Kachemak Bay State Park and Kachemak Bay State Wilderness Park Management Plan, "in the first 10 months of 2017, more than 270,000 people are estimated to have visited the park" with 81% of park visitors coming during June, July, of August. The primary reason people visited the park was to enjoy the scenery, the second to hike an established trail. It is imperative trails within Kachemak Bay State Park are well maintained and in good "walking" order, especially with such a high demand for trail use occurring in just a few short months each year.

Best,

Katie Koester
City Manager



City of Homer

www.cityofhomer-ak.gov

Volunteer Fire Department

604 East Pioneer Ave
Homer, Alaska 99603

fire@cityofhomer-ak.gov

(p) 907-235-3155

(f) 907-235-3157

Office of the Governor
P.O. Box 110001
Juneau, AK 99811-0001

October 23, 2019

Governor Dunleavy:

The Local Emergency Planning Committee (LEPC) is a local committee based in various boroughs and areas throughout the state. Originally formed based on Community Right to Know legislation regarding hazardous materials, these LEPCs have expanded to address all-hazard preparedness, preparing our communities, and mitigating risks for various hazards experienced by the State.

The emergency management and preparedness community within the State recognizes the difficult fiscal situation that we have been experiencing statewide. The recent vetoes to the state budget included removal of state funding for the LEPC through the Department of Military & Veterans Affairs in the amount of \$300,000. This funding is then distributed to local committees to direct based on the local needs. In many smaller communities, the LEPC may be the only source of preparedness/emergency management projects. The removal of this funding affects all communities, urban and rural, and the preparedness activities that are enabled by the local funds.

As a percentage of the state budget, that \$300,000 amount is a very small percentage of the total but has a great impact on the local jurisdictions that take advantage of this funding to build preparedness and resilience in communities across the state. Public safety and emergency response is an essential function of government, and the funding loss of the LEPC is negatively affecting communities statewide.

Please consider restoring this funding for the current fiscal year and future budget cycles. This investment pays back dividends many times over to our state that has more than its share of hazards demonstrated by wildfires, droughts, and other emergencies this past summer in Southcentral and across Alaska.

Respectfully,

Chief Mark Kirko



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

*Department of Commerce, Community,
and Economic Development*

DIVISION OF COMMUNITY AND REGIONAL AFFAIRS

550 West Seventh Avenue, Suite 1640
Anchorage, AK 99501
Main: 907.269.4501/ 907.269.4581
Programs fax: 907.269.4539

October 21, 2019

Katie Koester, City Manager
City of Homer
491 E. Pioneer Avenue
Homer, AK 99603

Dear Ms. Koester:

The Alaska Department of Commerce, Community, and Economic Development (DCCED) is responsible for preparing a triennial report to the governor, legislature, and public related to the Commercial Passenger Vessel Excise Tax (CPV). Specifically- AS 43.52.260 requires DCCED to prepare a report that

"Addresses the projected needs of communities to safely and efficiently host passengers that pay taxes under AS 43.52.200 - 43.52.295; and summarizes the extent to which appropriations of the proceeds of the tax have been used to defray the cost of meeting the needs described in (1) of this section."

I am writing to ensure you are familiar with the reporting requirement and let you know that the Division of Community and Regional Affairs (DCRA) is collecting data for the next report due in January 2019. DCRA staff will contact each port community during the next few weeks and we request your assistance in gathering the necessary information from the City of Homer 1) the decision-making process for selecting projects funded by CPV tax revenue; 2) projected capital projects and service needs and priorities; and 3) CPV tax revenue expenditures and estimated expenditures through 12/31/2019.

If you have any questions or comments, please feel free to contact Emma Hatcher directly at 907-465-4733, or by email at emma.hatcher@alaska.gov. We look forward to your participation and feedback as DCRA works to meet reporting requirements outlined in AS 43.52.260.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sandra Moller".

Sandra Moller
Director

cc: Finance Director
Bryan Hawkins, Harbormaster

Rachel Friedlander

From: Hatcher, Emma Z (CED) <emma.hatcher@alaska.gov>
Sent: Tuesday, October 22, 2019 1:06 PM
To: Department City Manager
Cc: Department Port and Harbor
Subject: Homer Commercial Passenger Vessel Tax Report: Information Request
Attachments: Notice of CPV Report to Legislature - Homer 10.21.2019.pdf; DRAFT Homer Profile 10 21 2019.docx

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

Hello Katie,

Attached is a letter from Sandra Moller, Director of the Division of Community & Regional Affairs, requesting your assistance with a report on the Commercial Passenger Vessel Excise Tax (CPV) due to the legislature on January 1, 2020. I will be your contact for the report and am available to answer any questions you might have.

In the 2020 report, we will be updating information you provided for the prior CPV report to the legislature (released January 2017). For your convenience, I have included links to those documents below and have attached a draft profile for your community that includes the most recent revenue sharing distributions and cruise passenger numbers. You may edit & return the attached profile directly or provide responses to the prompts in the checklist below.

If you choose to edit the profile directly, the checklist below provides a useful guide for editing the profile directly. For ease of review, please pay particular attention to the information highlighted in yellow. Highlights done in blue indicate information for which we are waiting on the non-city-based authoritative source to provide.

Commercial Passenger Vessel Excise Tax: Community needs, Priorities, Shared Revenue, and Expenditures (Fiscal Years 2007-2016)

<https://www.commerce.alaska.gov/web/Portals/6/pub/TourismResearch/00%20FULL%20CPV%20RPT%2016%202017.pdf?ver=2017-03-23-160339-903>

A Performance Audit of the Department Of Commerce, Community, and Economic Development and Department Of Revenue Commercial Passenger Vessel (CPV) Tax Program

<http://legaudit.akleg.gov/docs/audits/special/dor/30083rpt-2016.pdf>

Please let me know if you have any questions. Thank you very much for your time!

INFORMATION CHECKLIST: DUE DATE: November 15, 2019

- PROFILE
 - Provide highlights from 2017, 2018, 2019 cruise ship seasons or news for the 2020 cruise ship season (major changes in passenger volume, port calls, etc.)
- PROJECTED NEEDS OF COMMUNITY
 - This section should describe the process your city/borough/municipality employs to make decisions regarding expending CPV tax revenue (e.g. planning commission, assembly, public outreach/comment, etc.). Review text and edit text if the method for determining how CPV revenues are spent has changed.

- Update the list of priority projects for current and future CPV expenditures. What are your community's needs to host safely and efficiently host cruise ship passengers?
- LEGISLATIVE GRANTS
 - List legislative grants appropriated to your government entity (if any) during the last legislative session (spring 2019)
- SHARED CPV REVENUE EXPENDITURES
 - Add a description and expenditure amount for CPV expenditures during FY2019 and project expenditures during FY2020. Categories include Port Facilities, Harbor Infrastructure, and Other CPV Services. Only include expenditures from state CPV revenues. Does not include grants or local taxes on cruise ship passengers.
- RELATED INFORMATION
 - Please identify reference documents that provide additional background (research, plans, budget appropriations) to the info in your community's profile. Attach a copy to your response.
- CONTACT
 - Provide a contact for the information in this report.
- PHOTOS
 - Please send project photos you'd like to share that we can use in the report.

Sincerely,
Emma

Emma Z. Hatcher
GIS Analyst II
Division of Community and Regional Affairs
Dept of Commerce, Community & Economic Development
907-465-4733 | emma.hatcher@alaska.gov

[DCRA Data Portal](#)



CITY OF HOMER

First Class City

2018 Population: 5,443

FY2010 to FY2019 CPV Excise Tax Revenue: \$ [redacted]



PROFILE

The City of Homer, located within the Kenai Peninsula Borough, has more than 5,000 residents. Commercial fishing has been the traditional mainstay of the Homer economy; however, the city also has a growing arts community and tourism is becoming increasingly important. Homer is also a gateway to destinations such as Kachemak Bay State Park and Lake Clark National Park and Preserve.

In past years, Homer primarily received small and medium-sized cruise ships, but regular visits from Holland America Line vessels between 2008 and 2012 and during 2015 and 2016 boosted annual passenger numbers to near or more than 10,000 visitors during those years. Throughout the past 10 years, Homer has hosted [redacted] ship calls and nearly [redacted] passengers.

Homer Cruise Ship Visitors 2010 to 2019		
Calendar Year	Ship Calls	Passengers
2010	9	12,828
2011	14	14,990
2012	7	8,833
2013	1	254
2014	5	5,662
2015	10	11,399
2016	9	10,071
2017		
2018		
2019		
Total		

Source: Cruise Line Agencies of Alaska.

PROJECTED NEEDS OF COMMUNITY

To plan for the community’s cruise vessel and passenger needs, the harbor master, city manager, and public works director identify priority projects and propose them to the Ports and Harbor Commission. The commission sends approved projects to the city council to be vetted through the public process.

Priority Projects for CPV Revenue	
Category	Description
Other CPV Services	Cruise ship passenger staging amenities (benches and signage at drop off points)
Port Facilities	Cruise ship staging area/restroom
Port Facilities	Restroom and cruise ship passenger staging area on the Homer Spit at Ramp 2

Source: City of Homer.

CPV REVENUE DISTRIBUTION

When eligible ports of call, such as Homer, are cities located in a borough, the city and the borough each receive \$2.50 of every \$5 passenger fee shared with the port community. To date, the City of Homer’s share of CPV Excise Tax revenue is \$ [redacted].

CPV Revenue Distribution FY2010 to FY2019		
Fiscal Year	City Share	Passengers ¹
2010	\$3,725	1,490
2011	\$31,788	12,715
2012	-	-
2013	\$21,710	8,684
2014 ¹	\$33,542	13,417
2015	\$13,925	5,570
2016	\$27,055	10,822
2017		
2018		
2019		
Total		

Source: Alaska Department of Revenue, Tax Division.

¹ In January 2016, Homer received shared revenue due in FY2012 in January 2014.

The Kenai Peninsula Borough assembly passed an ordinance making the borough’s share of the CPV Excise Tax available to Homer and Seward through a grant process. The ordinance stipulates that the funds must be used for port and harbor improvements that benefit cruise ship passengers for purposes that comply with AS 43.52.200-298, SB 256, and HB 310. Homer and Seward city managers submit letters to the Kenai Peninsula Borough mayor to request funding. The grant request must specify how the

project meets the expenditure requirements established in state law. Homer has received an additional \$134,643 in grants from the Kenai Peninsula Borough that was the borough's share of CPV revenue during the same time period.

LEGISLATIVE GRANTS

In addition to sharing in CPV revenue, the City of Homer has received one legislative grant from the Commercial Vessel Passenger Tax Account for cruise ship dock infrastructure.

CPV-Related Legislative Grants		
Fiscal Year	Project	Amount
2012	Cruise ship dock and passenger facility improvements	\$6,000,000
Total		

Sources: Alaska Division of Community and Regional Affairs and Alaska State Legislature, Division of Legislative Audit, Audit 04-30083-16.

CPV REVENUE EXPENDITURES

Homer used its share of CPV revenue for harbor restrooms and a passenger staging area. Since 2014, the City of Homer has let the state CPV revenue accumulate to apply to larger capital improvement projects. Plans include a restroom and cruise ship

passenger staging area on the Homer Spit at Ramp 2 from which many shore-side excursions launch.

CPV Revenue Expenditures FY2007 to FY2019		
Category	Description	Expenditures
Harbor Infrastructure	Cruise ship passenger staging area	\$31,000
Other CPV Services	Guard house restrooms	\$30,000
Port Facilities	Ramp 3	\$35,000
Total		\$96,000

Sources: City of Homer and Alaska State Legislature, Division of Legislative Audit, Audit 04-30083-16

RELATED INFORMATION

- City of Homer. 2011. *Homer Spit Comprehensive Plan*. (<http://www.cityofhomer-ak.gov/planning/spit-comprehensive-plan-2011>)
- City of Homer. 2011. *Proposed Layout for Staging at Ramp 2 Including New Restrooms*.

CONTACT

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 City Manager
 City of Homer
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ORDINANCE REFERENCE SHEET
2019 ORDINANCE
ORDINANCE 19-48

An Ordinance Of The City Council of Homer, Alaska Amending the FY 2019 Capital Budget by Re-Appropriating \$35,000 from Homer Education and Recreation Center (HERC) Demolishment Study Approved in Ordinance 19-35(A)(S) to Contract with Grow Economy to Write and Apply for a United States Economic Development Administration Planning Grant for the Demolition of The Homer Education and Recreation Complex (HERC) and the Development of a Regional Innovation Plaza at the HERC, Provide Matching Funds to the Grant, and Authorizing the City Manager to Execute the Appropriate Documents.

Sponsor: Smith/Stroozas

1. City Council Regular Meeting October 14, 2019 Introduction

**CITY OF HOMER
HOMER, ALASKA**

Smith/Stroozas

ORDINANCE 19-48

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA AMENDING THE FY 2019 CAPITAL BUDGET BY RE-APPROPRIATING \$35,000 FROM HOMER EDUCATION AND RECREATION CENTER (HERC) DEMOLISHMENT STUDY APPROVED IN ORDINANCE 19-35(A)(S) TO CONTRACT WITH GROW ECONOMY TO WRITE AND APPLY FOR A UNITED STATES ECONOMIC DEVELOPMENT ADMINISTRATION PLANNING GRANT FOR THE DEMOLITION OF THE HOMER EDUCATION AND RECREATION COMPLEX (HERC) AND THE DEVELOPMENT OF A REGIONAL INNOVATION PLAZA AT THE HERC, PROVIDE MATCHING FUNDS TO THE GRANT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, In September 2019, Grow Economy presented a US Economic Development Administration (USEDA) Planning Grant opportunity to the Homer City Council for the restoration of HERC 1; and

WHEREAS, A planning grant will provide a clear path forward and identify the costs and benefits of transforming HERC 1 into an innovation resource; and

WHEREAS, The planning phase will also provide the framework for the city to explore “green” improvements to the existing structure that will make it more energy efficient, cost effective and an attractive community resource; and

WHEREAS, The planning grant will also determine full eligibility of the facility for historic preservation funding which could be used for roof repair, asbestos mitigation, window updating and other necessary improvements; and

Whereas, Ordinance 19-38(A)(S) appropriated \$35,000 to fund a demolition study of the HERC 1 and 2; and

WHEREAS, Re-appropriating the funds currently approved for a demolition study will enable the City of Homer to leverage those funds to help determine the innovation proposal viability or reverting to a demolition of the structure; and

41 WHEREAS, A decision to move forward with the innovation plaza at this location, will
42 leave the character of HERC 1 intact, provide a responsible use for the property, and allow it to
43 remain a public resource that will enhance the community; and

44
45 WHEREAS, A center for business innovation in Homer will achieve two objectives; (1)
46 Recovery and resilience from economic shocks in the fishing industry, energy sector and state
47 fiscal crisis that encourages a stronger private sector that is less dependent upon volatile
48 industries, (2) Workforce Development for providing a business incubation facility to
49 encourage job creation and business expansion in the community; and

50
51 WHEREAS, Should the City of Homer decide to proceed with demolition, this planning
52 grant will provide the necessary information required, through the demolition study, for the
53 RFP process; and

54
55 WHEREAS, The contract with Grow Economy will be for \$10,000 and is therefore exempt
56 from City of Homer bidding requirements under 3.16.060(B), small procurement bellow
57 twenty-five thousand dollars.

58
59 NOW, THEREFORE, The City of Homer Ordains:

60
61 Section 1: The FY 2019 Capital Budget is hereby amended by re-appropriating \$35,000
62 from HERC Demolishment Study approved in Ordinance 19-35(A)(S) to contract with Grow
63 Economy to write a Untied States Economic Development Administration Planning Grant for
64 the demolition of the Homer Education and Recreation Complex (HERC) and the development
65 of a regional Innovation Plaza at the HERC site and provide matching funds to the grant, as
66 follows:

67

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
68 156-0396	69 Contract with Grow Economy to write 70 and apply for a USEDA Planning Grant	\$10,000
71 156-0396	72 Match funds for USEDA Planning Grant	\$25,000

73

74 Section 2. The City Manager is hereby authorized to enter into a contract with Grow
75 Economy to write and apply for an Untied States Economic Development Administration
76 Planning Grant and execute the appropriate documents.

77
78 Section 3. This is a budget amendment ordinance, is not permanent in nature, and shall
79 not be codified.

80
81 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____,
82 2019.

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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

Date:_____

CITY OF HOMER

KEN CASTNER, MAYOR

Michael Gatti, City Attorney

Date:_____



City of Homer

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Memorandum 19-141

TO: MAYOR CASTNER AND CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 23, 2019

SUBJECT: SELECTION/APPOINTMENT OF MAYOR PRO TEMPORE 2019/2020

Per Homer City Code 2.08.080, Mayor's absence: At the first meeting of the Council following certification of the municipal election each year, there shall be appointed a Mayor Pro Tempore, by majority vote of the Council, to act as Mayor during the Mayor's temporary absence or disability.

Pursuant to Council's Operating Manual: A Mayor Pro Tem shall be elected by the majority of the Homer City Council. The term of the Mayor Pro Tem shall be until the call for election by the Homer City Council of a New Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor, act as Mayor of the City of Homer as though they themselves had taken the Oath of Office of Mayor with all duties, responsibilities and powers of the office of the Mayor of the City of Homer. The Mayor Pro Tem, when acting in that capacity, does not lose the privilege or duty to vote as a Councilmember.

Secret Ballots are provided for your convenience and to be used as you deem necessary.

Pursuant to Council's Operating Manual: Council Seat- Customarily the selection is by seniority. Senior members may choose a different seat prior to the junior members being seated. The Mayor Pro Tempore shall have first seating choice and then the Senior Councilmembers and so on and so forth. (Resolution 04-89)

RECOMMENDATION:

Councilmember _____ is selected/appointed as Mayor Pro Tempore for the City of Homer for 2019/2020.

After Council selects the Mayor Pro Tempore they may have first seat choice, including remaining where they are currently seated.



City of Homer

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Memorandum 19-142

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 23, 2019

SUBJECT: MEMORANDUM TO KENAI PENINSULA BOROUGH MAYOR PIERCE AND THE
BOROUGH ASSEMBLY REGARDING KPB ORDINANCE 2019-24

A memorandum has been drafted providing comments regarding KPB Ordinance 2019-24 Adopting KPB 20.80, Subdivision Private Streets and Gated Subdivision.

RECOMMENDATION:

Approve the memorandum from Mayor and City Council to Mayor Pierce and the Borough Assembly regarding KPB Ordinance 2019-24



Memorandum

TO: Mayor Pierce and Kenai Peninsula Borough Assembly Members

THROUGH: Homer Planning Commission

FROM: Mayor Castner and Homer City Council

DATE: October 28, 2019

SUBJECT: Kenai Peninsula Borough Ordinance 2019-24 to Amend KPB Code 20.80, Subdivision Private Streets and Gated Subdivisions

After a presentation from the borough Planning Director and Platting Manager, the Homer Planning Commission forwarded the attached memo to the borough and made a list of concerns they had about the subject. The City Planner along the Commission concluded that if the borough were to adopt a policy regarding gated subdivision, the City of Homer, regardless of support or opposition, will have to respond to local concerns with an ordinance.

Since this concept was never envisioned in any city policy or document, it will take a robust process to give proper attention to the subject. Any process to formulate a regulatory response to the proposal will have to begin after the ordinance is in final draft and adopted. Due to schedule and process restraints, it would be best to extend the effective date of the ordinance to allow the formulation and adoption of Homer's response.

In order to have time to create a well-reasoned policy regarding the possible provision or prohibition of the policy, the effective date for the City of Homer should be delayed for a 120 days from adoption. The delay in the effective date will allow time for the city to address concerns with concept. Without a delay of the effective date, a proposal could be submitted and the city may not have enough time to respond to the application in the statutory timeframe of 49 days.

The Homer City Council respectfully requests a delay in the effective date applicable to the City of Homer for 120 days after adoption and encourages the Kenai Peninsula Borough Assembly to review the materials attached to this memo for additional information.

Attachments

1. Homer PC memo to KPB
2. Staff report PI19-81
3. PC minutes 10.2.19
4. Kenai Peninsula Borough Planning Commission Desk Packet Excerpt 9/23/2019
5. KPB PC Regular meeting packet excerpt 9/23/2019
6. KPB PC Memorandum from 8/26/19 meeting



City of Homer

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Memorandum

TO: KENAI PENINSULA BOROUGH PLANNING COMMISSION
KEANI PENINSULA BOROUGH LANDS COMMITTEE

CC: MAX BEST, KENAI PENINSULA BOROUGH PLANNING DIRECTOR
DIL UHLIN, KENAI PENINSULA BOROUGH ROADS DIRECTOR

FROM: HOMER PLANNING COMMISSION

THRU: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: OCTOBER 8, 2019

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

The Planning Commission reviewed the proposed ordinance from the Kenai Peninsula Borough to Adopt KPB 20.80, Subdivision Private Streets and Gated Subdivisions at a worksession and regular meeting on October 2, 2019. Following is a statement and ensuing recommendations from the Homer Planning Commission and related minutes of that meeting.

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 a 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

The Commission also heard public comment at the worksession that was conducted prior to the regular meeting 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

Excerpt from the Unapproved October 2, 2019 Meeting Minutes

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 containing the recommendations.



City of Homer

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Planning

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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 *sth*
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

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 November 12, 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. Provisions of KPB Chapter 20, excluding 20.30.210 and 20.50, apply and must be met.
- B. When constructed, private streets shall generally conform to the same standards regulating the design and construction of streets per KPB 14.06.
- C. All private streets will comply to street naming and street addressing per KPB 14.10 and 14.20.
- D. 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. The turnaround requirements shall be reviewed and approved by the Road Service Area Board. KPB Maintenance of the turnaround is not required but can be provided at the discretion of the Roads Director.
- E. Private streets shall be contained within a separate lot which meets 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.
- F. The borough shall not pay for or contribute to any cost to construct, improve, or maintain a private street.
- G. 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.

H. 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;

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. Gates, approach and departure areas shall 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 will 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 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.

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 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.

, Assembly President

ATTEST:

Johni Blankenship, Borough Clerk



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 19-143

TO: HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 23, 2019

SUBJECT: PURPLE HEART TRAIL/HIGHWAY LETTER OF SUPPORT

Mayor Castner requests Council approval to submit a letter to the Military Order of the Purple Heart to support their efforts in the designation of a Purple Heart Highway from Fairbanks to Homer.

RECOMMENDATION:

Approve the submission of a letter by Mayor Castner to the Military Order of the Purple Heart in support of their efforts in designating a Purple Heart Highway from Fairbanks to Homer.

From: [Ken Castner](#)
To: [Melissa Jacobsen](#)
Subject: FW: Homer - Purple Heart Trial/Highway Letter of Support
Date: Tuesday, October 22, 2019 10:40:58 AM
Attachments: [SB 216.png](#)

Melissa:

Please put this under new business. I'll just ask for a simple motion to have me send a letter in support.

Thanks.

Ken Castner, Mayor
City of Homer

From: Knott, John Delbert III CIV USARMY MEDCOM BSAC (USA) [john.d.knott.civ@mail.mil]
Sent: Monday, October 21, 2019 11:51 AM
To: Ken Castner
Cc: Heath Smith; James E. Mchale
Subject: RE: Homer - Purple Heart Trial/Highway Letter of Support

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

Mayor Castner,

This would be a PH Trail Designation ONLY; No name change. With the help from Rep. Shaw and others he will propose a NEW bill to the Senate in order to legitimize the signage along the Highways. I have included the SB 216 as an example of what I hope to accomplish with this new proposal.

Thank you for your support,

John

-----Original Message-----

From: Ken Castner [<mailto:kencastner@ci.homer.ak.us>]
Sent: Monday, October 21, 2019 11:40 AM
To: Knott, John Delbert III CIV USARMY MEDCOM BSAC (USA) <john.d.knott.civ@mail.mil>
Cc: Heath Smith <HeathSmith@cityofhomer-ak.gov>; James E. Mchale <jemchale@yahoo.com>
Subject: [Non-DoD Source] RE: Homer - Purple Heart Trial/Highway Letter of Support

Dear Mr. Knott:

Thank you for your email.

Does this effort mean that the Sterling Highway would be renamed?

Or does this mean the highway has a Purple Heart Trail designation?

Thank you.

Ken Castner, Mayor
City of Homer

From: Knott, John Delbert III CIV USARMY MEDCOM BSAC (USA) [john.d.knott.civ@mail.mil]
Sent: Monday, October 21, 2019 10:10 AM

To: Ken Castner
Cc: Heath Smith; James E. Mchale
Subject: Homer - Purple Heart Trail/Highway Letter of Support

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

Dear Mayor Castner and Assembly,

Hello again Mayor Castner this John Knott; State of Alaska
Commander for the Military Order of the Purple Heart.

I humbly request your support in our efforts to designate the Highway from Fairbanks; the Parks Hwy, the Seward Hwy then Sterling Highway ending at your wonderful community of Homer as the next Purple Heart Trail or otherwise known as a Purple Heart Highway. As you may already know a portion of the Alaskan Highway from the Canada /US Border connecting to the Richardson Highway in Delta Junction then on to Fairbanks was designated in 2009. This will unit our Purple Heart Trail to ultimately be the longest single state Purple Heart Trail in the Nation.

I have included a formal request letter and an example from Wasilla for you. I am asking nothing more than a letter of support as this will go through your perspective community. I will be submitting a complete package to Representative Laddie Shaw who is assisting me in this endeavor.

If you have further questions feel free to call me or email me.

Thank you!

Respectfully,

Mr. John D. Knott III

Commander
Department of Alaska
Military Order of the Purple Heart
Fairbanks, ALASKA
Mophchapter675ak@gmail.com

Ft Wainwright, AK
907 353-6250 Office
907 687 0236 Cell

Proud Supporter of America's Combat Wounded Soldiers & Veterans

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 19-075

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
DESIGNATING SIGNATORIES OF CITY ACCOUNTS AND
SUPERSEDING ANY PREVIOUS RESOLUTIONS SO DESIGNATING.

WHEREAS, Councilmember _____ was appointed as Mayor Pro Tempore for
2019/2020, effective October 28, 2019; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska, that the
designated signatories, effective October 28, 2019 are as follows with the number of
signatories defined:

On the regular Wells Fargo Bank Alaska checking account #016030109 that the following are
the designated signatories for this account, with dual signatures required for checks over
\$5,000; on the investment accounts with Alaska Municipal League, First National Bank,
Raymond James Investments, Wells Fargo Bank Alaska, and other institutions, and for
Department of Administration Grants and other grants, one of the following authorized
signatories or the dual electronic authorization system is required for all transactions:

KEN CASTNER, MAYOR
MARY K. KOESTER, CITY MANAGER
_____, MAYOR PRO-TEMPORE
RICK ABBOUD, ACTING CITY MANAGER
MELISSA JACOBSEN, CITY CLERK
ELIZABETH WALTON, FINANCE DIRECTOR/TREASURER

PASSED AND ADOPTED by the City Council of Homer, Alaska, this 28th day of October,
2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: N/A

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 19-079

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
CONSIDERING UNACCEPTABLE THE REDUCTIONS TO FUNDING
FOR THE ALASKA MARINE HIGHWAY SYSTEM IN FY20 AND
CHANGES TO THE WINTER FERRY SCHEDULE, OPPOSING ANY
FURTHER REDUCTIONS TO THE SYSTEM'S BUDGET, AND
SUPPORTING REFORM THAT IS SUSTAINABLE AND RESPONSIVE
TO THE NEEDS OF COASTAL COMMUNITIES

WHEREAS, The Alaska Marine Highway System (AMHS) is a fundamental and critical
method of transportation for Alaska's coastal communities; and

WHEREAS, State investment in the AMHS produces a return on State funding almost
two to one, facilitating both economic and community development; and

WHEREAS, State government does not experience that return without a broad-based
tax, but local tax bases rely on an active and fully functioning ferry system; and

WHEREAS, The reductions in FY20 revenue and the corresponding winter schedule,
which eliminated service in some communities (including those served from Homer) for as
much as six to eight months, creates a health, safety, and economic crisis in those
communities; and

WHEREAS, Local governments such as Homer have little say in the structure of the ferry
system, and are not in a position to act in the State's stead; and

WHEREAS, It remains the fact that local governments such as Homer feel incredible
responsibility for the lives and livelihoods of residents, for whom the winter schedule is
untenable; and

WHEREAS, While the State works toward long-term solutions, local governments,
including Homer, have demanded that funds be appropriated such that communities see
continued service; and

WHEREAS, Until the State has finalized a negotiated, long-term solution that includes
local governments, further reductions to the system are clearly detrimental to the well-being
of Alaskans; and

43 WHEREAS, Local governments such as Homer recognize the challenges facing the ferry
44 system, but dismantling it further will not result in a viable future; and

45
46 WHEREAS, There is not a scenario in the future economy and communities of coastal
47 Alaska that the ferry system does not play an integral part.

48
49 NOW, THEREFORE BE IT RESOLVED that the City Council of Homer, Alaska considers
50 unacceptable the reductions to funding for the AMHS in FY20 and the changes to the winter
51 schedule for many ferry-dependent communities; and

52
53 BE IT FURTHER RESOLVED that the City Council of Homer, Alaska opposes any further
54 reduction to the System's budget and supports reform that is sustainable and responsive to
55 the needs of coastal communities.

56
57 PASSED AND ADOPTED by the Homer City Council this 28th day of October, 2019.

58
59 CITY OF HOMER

60
61
62
63 _____
KEN CASTNER, MAYOR

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

69
70 Fiscal Note: N/A