



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

City Council Regular Meeting

Monday, March 22, 2021 at 6:00 PM

City Hall Cowles Council Chambers via Zoom Webinar

Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

Webinar ID: 205 093 973 Password: 610853

CALL TO ORDER, PLEDGE OF ALLEGIANCE

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

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council unapproved Special Meeting Minutes of February 11 and March 9, 2021 and unapproved Regular Meeting Minutes for March 8, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21 044 from Mayor Castner Re: Reappointment of Emilie Springer to the Library Advisory Board and Nicole Arevalo to the Economic Development Advisory Commission. Recommend approval.
- c. Memorandum 21 045 from Deputy City Clerk Re: Liquor License Renewals for Best Western Bidarka/Otter Room, Beluga Lake Lodge, Alice's Champagne Palace, Don Jose's Mexican Restaurant and Liquor License Premise Change for Odin Mead. Recommend approval.
- d. Ordinance 21 15, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$49,000 from the Sewer CARMA fund and \$49,000 from the Water CARMA fund to pay for Betterments to the City's Utilities Located in East Hill Road as part of the Alaska Department of Transportation and Public Facilities Repaving Project. City Manager/Public Works Director. Recommended dates Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21 046 from Public Works Director as backup

- e. Ordinance 21 16, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$50,000 from the HART Road fund and \$50,000 from the Water CARMA fund to pay for Ground Water Research in the City Limits and Bridge Creek Reservoir Watershed. City Manager/Public Works Director. Recommended dates Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21 047 from Public Works Director as backup

- f. Ordinance 21 17, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of Additional Pass Through Funds for the Alaska Department of Transportation and Public Facilities Lake Street Project. City Manager/Public Works Director. Recommended dates Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021.

Memorandum 21 048 from Public Works Superintendent as backup

- g. Ordinance 21 18, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing an Additional Expenditure of \$33,185 from the Water CARMA Fund for a Total Expenditure of \$247,585 for the Raw Water Transmission Line Project Design. City Manager/Public Works Director. Recommended dates Introduction March 22, 2021 Public Hearing and Second Reading April 12, 2021

Memorandum 21 049 from Public Works Director as backup

- h. Resolution 21 021, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Dispose of Used and Surplus Equipment from the derelict Vessel North Pacific Pursuant to HCC 18.30.010 020 and HCC 18.30.040(b). City Manager. Recommend adoption.
- i. Resolution 21 022, A Resolution of the City Council of Homer, Alaska Approving the Updated Regulations Concerning Public Records Inspection. City Manager/City Clerk. Recommend adoption.

Memorandum 21 051 from City Clerk as backup

- j. Resolution 21 023, A Resolution of the City Council of Homer, Alaska Declaring the City's Intended Distribution of a Federal Capitalization Grant in the amount of \$500,000 from Alaska Department of Environmental Conservation for Principal Forgiveness of Water Main Extensions. City Manager/Public Works Director. Recommend adoption.

Memorandum 21 052 from Public Works Director as backup

- k. Resolution 21 024, A Resolution of the City Council of Homer, Alaska Provisionally Awarding a Contract for Internet Service at the Homer Public Library to GCI Corporation

and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Library Director.

Memorandum 21 053 from Library Director as backup

VISITORS

- a. Homer Drawdown Katie Gavenus and Dale Banks (10 minutes)
- b. Unified Command Report (20 minutes)

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

- a. Committee of the Whole Report
- b. Mayor's Report
- c. Borough Report
- d. Planning Commission
- e. Economic Development Advisory Commission
- f. Parks Art Recreation and Culture Advisory Commission
- g. Public Works Campus Task Force

PUBLIC HEARING(S)

ORDINANCE(S)

CITY MANAGER'S REPORT

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

PENDING BUSINESS

- [a.](#) Resolution 21 020, A Resolution of the City Council Exempting Kachemak Moose Habitat, Inc. from City Property Tax; Declaring that the Organization Satisfies the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax Exemptions Community Purposes Property Conditions, for Lot 4, Hodnik Subdivision, Kenai Peninsula Borough Parcel Number 17936032, Retroactive to January 1, 2021 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Aderhold. (Postponed from March 8th)

Memorandum 21 050 from City Clerk as backup

NEW BUSINESS

RESOLUTIONS

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

Next Regular Meeting is Monday, April 12, 2021 at 6:00 p.m., Committee of the Whole at 5:00 p.m. and Worksessions March 31, 2021 at 4:00 p.m. and April 5, 2021 at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 21 05 a Special Meeting of the Homer City Council sitting as Board of Adjustment was called to order on February 11, 2021 by Mayor Ken Castner at 4:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBER ADERHOLD, EVENSEN, HANSEN CAVASOS, LORD, SMITH, VENUTI

STAFF: CITY CLERK JACOBSEN
ATTORNEY BRANDT ERICHSEN

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

APPROVED without discussion.

NEW BUSINESS

- a. Appeal to the Board of Adjustment of the Homer Advisory Planning Commission Decision of October 7, 2020 for Approval of Conditional Use Permit 20 15 Conditional Use Permit 2020 15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1 A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2, at 106 W. Bunnell Avenue, Homer, Alaska.

City Clerk Jacobsen identified the following people were in attendance:

- Frank Griswold Appellant
- Attorney Max Holmquist representing City as Appellee
- City Planner Rick Abboud
- Larry Slone

Mayor Castner opened the floor to address preliminary issues and asked if there were any conflict of interest to be disclosed.

Councilmember Venuti stated she has a conflict of interest.

LORD/ADERHOLD MOVED THAT COUNCILMEMBER VENUTI HAS A CONFLICT OF INTEREST.

Councilmember Venuti explained her husband has a working relationship with the applicant that meets the conditions of a substantial financial interest as outlined in city code.

VOTE: YES: ADERHOLD, EVENSEN, LORD, SMITH, HANSEN CAVASOS

Motion carried.

Councilmember Venuti left the meeting.

Mayor Castner asked if there were any ex parte communications to be disclosed.

No Councilmember had and ex parte communications to disclose.

Mayor Castner asked if there were any other preliminary issues to be taken up.

Frank Griswold commented in addition to disclosures for conflict of interest, bias is also an issue so it's possible someone believes they are either partial or their ability to render an impartial decision is impaired that would be grounds for disqualification also.

Mayor Castner noted the comment and asked if anyone on the Board of Adjustment who feels they cannot fairly sit and provide an equitable passage of the arguments presented in the appeal. There were no responses.

Mr. Griswold raised issue regarding potential conflict of interest of the Homer City Attorneys Gatti and Holmquist. He thinks their representation role is ambiguous at best, prejudicial, and they're representing in this appeal is contrary to their prescribed duties which creates the conflict of interest.

Mayor Castner responded with the assurance that's why Attorney Brandt Erichsen is sitting as separate counsel for the Board of Adjustment. It was recognized going into this that there's a duality of duty here and we wanted only to receive legal advice from someone who didn't have an advocacy position. He asked if Attorney Brandt Erichsen had anything to add.

Attorney Brandt Erichsen commented for the purposes of the Board of Adjustment hearing he's acting in the role of City Attorney as advisor to the Board of Adjustment and he has no connection with the law firm representing the City in this matter.

Mr. Griswold referenced the reply brief where the City Attorney state "the City is represented by Counsel in this appeal." They also state "the Commission has legal existence apart from the City so the City is the appropriate appellee in this case." Instead of representing the Commission, he thinks the City Attorney is representing the City Planner and Planning Department on the grounds Mr. Abboud actively and substantively participated in the Commissions consideration of Conditional Use Permit (CUP) 20 15. The City administration are not appropriate appellees because they aren't members of the Commission, they aren't aggrieved, and did not file an appeal or cross appeal. He explained how he sees the City Planner and City Administration constitute one entity, the Planning Commission is another entity, and the Homer City Council/Board of Adjustment is another entity as well. He cited Homer City Code regarding the establishment of the Planning Commission, noted they are a separate entity, and would have been a more appropriate appellee. He reviewed how the Borough, City,

and Planning Commission derive their planning powers and reiterated the separate entities of the City in relation to this appeal.

Mayor Castner noted Mr. Griswold requested his appeal be heard by the Board of Adjustment and their legal opinions will come from an outside attorney and if it's an appealable event that the law firm has some conflict, that's something he can pursue, but not something for them to take up here.

Mr. Griswold raised an issue regarding notice to surrounding property owners being misleading and deficient. He believes this hearing needs to continue until the neighboring property owners are provided with a proper public notice. The January 26, 2021 notice to surrounding property owners doesn't include information regarding the specific issues under appeal and a complete statement that the complete proposal is available to review at an identified location. This is required by HCC 21.94.020 (b)(4).

There were brief comments from Mayor Castner and Attorney Brandt Ericshen who noted Mr. Griswold had access to the information and there are no other parties involved so he doesn't see the connection.

Mr. Griswold clarified his argument that the surrounding property owners weren't provided proper notice.

City Clerk Jacobsen noted under 21.93.100 general appeals procedure there is a requirement to notify neighboring property owners of the time and place of the appeal hearing and that it's to be done in accordance with 21.94.030, not 21.94.020. She stated she did meet the requirements of 21.94.030.

Attorney Brandt Erichsen concurred with the Clerk regarding notice. The notice 21.94.020 is for public hearings, and this is not a public hearing matter.

No further preliminary matters were raised and Mayor Castner moved on to oral arguments.

Mayor Castner reminded parties this is not a time to offer new evidence, per HCC 21.93.510 cases must be based on evidence in the record from the Planning Commission. He explained each side has 30 minutes and the appellant can split and reserve time for rebuttal.

Mr. Griswold argued he received notice 48 hours ago that he gets first notice of a 30 minute time limit. It also suggests it's debatable. It would have been helpful to know 15 days ago, this is prejudicial to him. He pointed out recently in one of his court hearings, the Homer Superior Court allocated 1 hour to each party for oral arguments involving a similar and complex zoning appeal. He feels one hour for each side is an appropriate amount of time for presenting oral argument and rebuttal here.

Attorney Holmquist commented he doesn't believe it will take 30 minutes from their perspective, but he's available as long as needed and defers to Board for the appropriate length of oral argument.

Mayor Castner asked how much time Mr. Griswold has received when doing this before the Board or a Hearing officer, because it's his understanding that 30 minutes is customary at this level.

Mr. Griswold responded to arbitrarily set a specific time, regardless of the complexity of the matter is irresponsible and it's been a long time since he's presented oral argument and thinks it has varied in the past. He could probably do it in 45 minutes if he cuts out rebuttal but shouldn't have to.

Mayor Castner explained he had looked to the Supreme Court and that's a 15 minute oral argument, so he thought they were doing well expanding to 30 minutes. Mayor Castner conceded to 45 minutes total, and opened the floor to Mr. Griswold to present his arguments and advised he could reserve time for rebuttal at the end.

Mr. Griswold's oral argument addressed the following points based on the City's reply brief

1. The proposal does not comply with the applicable provisions of the Community Design Manual (CDM) as stated in Commission finding 11. No provision of Homer City Code provides that the Commission has the authority to waive specific CDM requirement in the course of considering an application for CUP. He cited HCC 21.71.030(j) clearly states the proposal will comply with all applicable provisions of the CDM. There is no evidence in the record that the Commission undertook any review of the CDM. HCC 21.71.050(b) directs the Commission shall within 45 days of the close of the public hearing, approve, approve with conditions, or disapprove the application. The Commission shall promptly issue written findings and reasons supporting its decision. The Commission voted to approve CUP 20 15 on the very day of the public hearing.

2. An additional CUP under HCC 21.18.030(j) is required. The reply brief addresses since the Inlet Trading Post and Wild Honey Bistro are part of a single shared structure, this proposal doesn't include two buildings containing a permitted principal use on the property. This contradicts staff report 20 63 that says it's the site of two buildings and the second building, Wild Honey Bistro consists of three separate structures connected by hallways. He reviewed status of non conformity, city code relevant to the destruction of non conforming structures, requirement to rebuild in conformity, and restrictions of expanding non conforming uses or structures.

3. The Commission had no authority to reduce the number of required parking spaces as suggested in Staff Report 20 63. He reviewed required number of parking spaces and that the applicant said no reduction in parking spaces were being requested. He reviewed code

citations related to parking, fence permits, variance procedures, also special conditions of approval for a CUP, and land uses and structures with potential adverse effects on surroundings.

4. The proposal is not compatible with the purpose of the central business district (CBD). Restaurants are allowed in the central business district (CBD) and don't require a CUP, but not those that involve 15 foot setback reductions or 47% lot coverage. Focusing on the restaurant use, which is permitted, but ignoring the deleterious effects of the 15 foot setback encroachment and 47% lot coverage defeats the purpose of the CUP review criteria. Setback reduction adversely affects traffic safety, aesthetics, rest, recreation, and neighborhood character and appearance.

5. The value of adjoining property would be negatively affected. Setback reduction adversely affects traffic safety, aesthetics, rest, recreation, and neighborhood character and appearance, so too does excessive lot coverage. Comparing any proposed use to non-existent railroad use, as in the appellees reply brief is ridiculous and sets such a low bar as to nullify the review standard.

6. The proposal is not compatible with the existing uses of the surrounding land. The proposed encroachment and lot coverage is not compatible, there are very few historic structures remaining in old town. Many neighboring structures are fairly new and comport with current zoning standards. The fact that the subject site has contained mixed use for decades is irrelevant since the subject site doesn't its own surrounding land. The surrounding properties contain single uses not mixed uses, and the single uses don't cover 40% of their lots or encroach 15 feet into their 20 foot setbacks. Old Town is part of the CBD and property owners are required to comply with CBD zoning regulations. Mr. Griswold cited HCC 21.18.040(b)(1) regarding building setbacks noting it constitutes established law, and noted where allowable exceptions are not guaranteed. He also cited HCC 21.18.040(d) regarding building area in excess of total lot area, also constitutes established law and noted where exceptions are allowable but not guaranteed. The application could have applied for a variance, but chose not to do so. Maintaining and expanding the non-conforming character of the Old Town neighborhood does not justify violating current CBD zoning requirements. Perpetuating and expanding them constitutes poor public policy and contradicts the purpose for creating them in the first place. HCC 21.71.050(b) required the Commission to issue written findings and reasons supporting its decision, not simply adopt the staff report.

7. Public services and facilities are not adequate to serve the proposed uses and structures. Mr. Griswold said he's not required to prove the applicant didn't obtain Fire Marshall Certification, the applicant's required to prove they did and they didn't state the status of it on the application. The applicant did not produce sufficient evidence to enable meaningful review of the application. The side yard setback on the western lot line to meet the requirements of HCC 21.18040(b)(4), condition 1, does nothing to alleviate the potential fire danger of having no separation between the proposed restaurant structure and Inlet Trading Post. Conditions

1,3, and 4 are superfluous and devious because they merely require compliance with existing code while giving the illusion special conditions were imposed, when they were not.

8. The proposal will cause harmful effect on neighborhood character. The CBD describes desirable uses not desirable neighborhood character, and it encourages pedestrian friendly designs and amenities, not setback reduction and rampant overbuilding of lots. Replacing the existing porch and creating ADA access at the rear of the building can be done without encroaching 15 feet into the setback and without exceeding the 30% lot coverage requirement. Rather than address the effects of setback reduction and excessive lot coverage staff report 20 63 readdressed the restaurants alleged compatibility with the CBD purpose and Comprehensive Plan. The restaurants permitted use and its basic design may not cause harmful effect on neighborhood character but its 15 foot encroachment into the setback, 47% lot coverage, and lack of parking will. The record reflects the Planning staff and Commission disregarded harmony, scale, bulk, coverage, density, generation of traffic, parking issues, nature and intensity of the proposed use, and the effects of the setback reduction.

9. The proposal will be unduly detrimental to the health, safety, and welfare of the surrounding area, and to the City as a whole. If all applicable standards were met the proposal would presumably not be. But stating this as a finding does not address the review criteria. Fire Marshall review of the project is irrelevant because it didn't happen. Improving the safety and quality of the Wild Honey Bistro doesn't mean the proposal will not be unduly detrimental to the health, safety, and welfare of the surrounding area, or to the City as a whole. He pointed out to the Commission the reasons for setback and lot density restrictions were enacted to promote unduly detrimental to the health, safety, and general welfare, and that arbitrarily reducing those requirements is therefore detrimental. The Commission did not consider or discuss any of his public comments but simply ignored them. No evidence was presented to show the setback reduction and increased lot coverage would not be detrimental.

10. The mere approval of CUP 20 15 and a zoning permit does not ensure the proposal complies with the zoning code. The Planning departments allegedly expert analysis concluded the proposal would comply with the applicable provisions of the zoning code does not constitute substantial evidence proving that is the cases. HCC 21.71.030(h) does not require the Commission to include an analysis supporting its findings, but HCC 21.71.050(b) does. The Commission illegally waived parking, landscaping, drainage, and myriad CDM requirements. Mr. Griswold noted relevant zoning code related to landscaping requirements and where Planning staff analysis was deficient in recommendations and suggests leaving it up to effected property owners.

11. The proposal is contrary to myriad goals and objectives of the Comprehensive Plan. The fact the plan comports with some goals and objectives doesn't mean it it's not contrary to others. The Commission's analysis states the proposal will promote infill development in all housing districts and encourage affordable housing, but the proposal has nothing to do with housing. It's also located in the CBD where conflicts between residential and non residential

uses are to be resolved in favor of non residential uses. The goals this proposal is contrary to are relevant but none of the areas where the proposal may not comport were not addressed. Planning staff has a pro development bias and never finds evidence is contrary to goals and objectives of the Comprehensive Plan. If one fails to look for evidence one will generally not find it.

With that, Mr. Griswold concluded his oral argument and reserved his remaining time for rebuttal.

City Clerk Jacobsen noted property owner Melody Livingston joined the meeting at 4:41 p.m. and that Larry Slone joined as an audience member.

Mayor Castner acknowledged Mr. Griswold's time remaining 12 minutes of time for rebuttal and opened the floor to Attorney Holmquist.

Attorney Holmquist addressed that the issuance of CUP 20 15 was legal and appropriate in all respects. The Commission appropriately followed City Code 21.18 regarding setbacks and lot coverage in the CBD as long as the applicant obtains a CUP. The Commission followed procedure in HCC 21.71 and made factual findings on each of the CUP application criteria. The Commission's findings are supported by substantial evidence in the record. For those reasons the Commission's decision should be upheld.

Attorney Holmquist reviewed legal issues which have already been decided by the Alaska Superior Court in other appeal, noting Mr. Griswold has recently challenged two other Planning Commission discussions to issue CUP's for properties in the CBD. He explained both of the appeals have been decided by the Superior Court, many of the arguments were the same, the Court denied the appeals and rejected the arguments. Some issues already decided include:

- HCC 21.18.040(b) which allow setback reductions by CUP in the CBD is legal.
- HCC 21.18.040(b)(4) does not violate state statutes related to variances.
- HCC 21.18.040(b)(4) does not conflict with HCC 11.08.110 or 11.08.050 (driveway permitting).

He added Mr. Griswold has been barred from arguing these same issues again in a different case. It's called "collateral estoppel" and the goal is finality and is in place to prevent a party from repeatedly trying to reargue the same issue when it's already been decided. The Alaska Supreme Court has held this applies to administrative proceedings.

Not all of the arguments raised are barred by collateral estoppel but it's worth noting they've already been rejected by the Superior Court and would likely be barred if attempted again. Some of those decisions include:

- The City Planner is allowed to sign the Commission's decision and constitutes issuance of a CUP.

- HCC 21.71.030(a) which requires the applicant to produce sufficient evidence for review. The Commission looks at all the materials submitted with the application, not just the form itself.

Regarding the Equal Protection Clause, Attorney Holmquist explained it's a State and Federal Constitutional issue, and issuing a CUP for setback reduction does not violate the Equal Protection Clause. He cited HCC 21.18.040(b)(4) allowing setback reductions by CUP in the CBD with exception of Lake Street and Sterling Highway. He explained the exception for those two areas and that it does not infringe or restrict what Mr. Griswold's can do on properties because he is not a property owner on Lake Street or Sterling Highway.

It was appropriate for the Planning Commission to consider the City Planning Staff Report 20 63 when reviewing the application. It's standard procedure for considering CUP's. Nothing prevents the Commission from disagreeing with the conclusion of the staff reports. When adopting the staff report findings, it only does so after the public hearing and after first reviewing the applications, written public comments, and testimony at the hearing. The Commission looks at the entire record before making a determination. This is not illegal in any way, as has been suggested.

Regarding the bias allegation against Commission Chair Smith, Attorney Holmquist said the allegation is not supported by the record. It appears to be based off of another hearing, not related to this one, and is not part of the record in this case.

Considering the application and granting CUP 20 15 as a single CUP authorizing multiple conditional uses on the property, setback reduction and lot coverage over 30%, was appropriate. In the argument of either requiring two separate applications and permits, or to separate sets of factual findings, the zoning code calls for a single application for all proposed uses and structures.

Discussion in Mr. Griswold's briefing arguing the Comprehensive Plan's reference to infill is unconstitutionally vague, and his clarifying comment the plan is unconstitutional as applied. In his reply brief he doesn't explain why the reference to infill is unconstitutionally vague as it was used in the Commission's decision specifically and doesn't meeting the burden of proof for a constitutional challenge.

Mr. Griswold argues a third reason for a CUP in this case is that a property would have more than one building containing a permitted principal use on the lot. Attorney Holmquist explain no CUP was required because Wild Honey and Inlet Trading are part of the same shared structure. He reviewed definitions in the zoning code and definitions related to this.

It was appropriate for the Commission to reduce the number of parking spaces for the property in the CUP process. The zoning code allows for the Commission to do this as special design or site requirements.

Regarding the Commissions factual findings, Attorney Holmquist noted in zoning code appeals the Board of Adjustment is supposed to defer to the Commission's findings on disputed factual issues. Factual findings are considered true if they're supported by substantial evidence. Substantial evidence is enough evidence for a reasonable person to accept as adequate to support a conclusion. He reviewed evaluation criteria, several of the Commission's findings, and information in the record that constitute substantial evidence to support those findings.

In closing, Attorney Holmquist commented the record reveals the Commission properly granted CUP 20 15, they properly followed the Zoning Code in considering the application, and their decision and factual findings are supported by substantial evidence of record. Most of Mr. Griswold's legal arguments are barred or have already been rejected by the Superior Court, and the others have no merit as is established in their briefing. The City respectfully requests the Board of Adjustment uphold the Commission's grant of CUP 20 15.

Mayor Castner opened the floor to Mr. Griswold for rebuttal.

Mr. Griswold expressed Attorney Holmquist's explanation of code compliance and that it relieves the Commission of doing any analysis. In addressing how this proposal meets goals for a renovated restaurant, which is a fully permitted use. There was no discussion tonight or in the staff report and Commission hearing about the setback reduction or 47% lot coverage. It was only mentioned on one line in the staff report as an approximation. All they did was analyze the restaurant expansion, which is a permitted use and it wouldn't have mattered because it would need a CUP if that's all it was. It ignored what was really being applied for. He questioned if it's inconceivable that Bunnell Street area will someday be reconstructed and drainage put in.

His main concern is the comments that all his arguments are barred. He thinks collateral estoppel applies in Superior Court proceedings, and he doesn't think its applicable at this level. What wasn't addressed is that one of his appeals that set the precedence for collateral estoppel is long overdue for a decision by the Alaska Supreme Court. Once it's issued it could set the reversal precedent that would allow him to file to have those issues re litigated. It's not a done deal.

Everyone's wringing their hands over parking issues and asking how they came about, it came about because developer were allowed to develop irresponsibly and not allow for adequate parking. It's easier to address these issues before they happen.

The staff report was prepared before any public testimony was received. It's always that way and it's wrong. It violates due process and unduly influences the Commission.

He addressed references in the staff report to two separate buildings, multiple CUP's, infill and constitutional challenge of the Comprehensive Plan but as it's applied. He questions what

possible reasonable basis there could be for reducing parking spaces in an already congested area.

He explained the Board has full authority to remand to the Commission and impose additional conditions, he further noted that the criteria for a CUP has to be reviewed and met to be approved.

Mayor Castner announced oral arguments are concluded and opened the floor to question from the Board of Adjustment. No questions were raised.

COMMENTS OF THE AUDIENCE

There were no comments.

Mayor Castner asked for a motion to recess into executive session.

LORD/ADERHOLD MOVED THAT THE BOARD OF ADJUSTMENT RECESS INTO EXECUTIVE SESSION FOR THE PURPOSE OF DELIBERATING THIS APPEAL.

VOTE: YES: ADERHOLD, HANSEN CAVASOS, LORD, SMITH, EVENSEN

Motion carried.

Council recessed into executive session at 6:00 p.m.

Mayor Castner reconvened the meeting at 7:21 p.m.

Councilmember Lord announced the Board of Adjustment met in executive session to deliberate this matter and provide input to the Board's Counsel.

Mayor Castner explained that a written decision will be prepared and issued to the parties at a later date after deliberations are completed. Copies of the written decision of the Board will be mailed to the appellant and all other parties who entered an appearance in the appeal pursuant to Homer City Code 21.93.110(c). Once a final decision has been entered by the Board, an appeal from that decision may be taken directly to the Superior Court by a party who actively and substantively participated in the proceedings before the Board of Adjustment or by the City Manager or City Planner or any governmental official, agency, or unit. That appeal must be filed within 30 days of the date of distribution of the final decision. HCC 21.91.130(a)(b).

ADJOURN

There being no further business to come before Council Mayor Castner adjourned the meeting at 7:23 p.m. The next Regular Meeting is Monday, February 22, 2021, at 6:00 p.m. Committee of

the Whole at 5:00 p.m. All meetings scheduled to be held via Zoom Webinar in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 21 08 a Special Meeting of the Homer City Council sitting as Board of Adjustment was called to order on March 9, 2021 by Mayor Ken Castner at 5:30 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBER ADERHOLD, EVENSEN, HANSEN CAVASOS, LORD, SMITH, VENUTI

ABSENT: VENUTI (excused)

STAFF: CITY CLERK JACOBSEN
ATTORNEY BRANDT ERICHSEN

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

Mayor Castner note the public comment portion at the beginning of the agenda was improperly noticed and will not be accepted before the Board of Adjustment meeting.

The agenda was approved by consensus.

PUBLIC COMMENT

PENDING BUSINESS

- a. Appeal to the Board of Adjustment of the Homer Advisory Planning Commission Decision of October 7, 2020 for Approval of Conditional Use Permit 20 15 Conditional Use Permit 2020 15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1 A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2, at 106 W. Bunnell Avenue, Homer, Alaska.

Mayor Castner announced the Board received a motion from Mr. Griswold that has been opposed by the City's attorney, and Mr. Griswold has responded. The Councilmembers have all seen the information. In light of that information, Mayor Castner asked if any members have any conflict of interest or ex parte communication since the last hearing.

No disclosures were made.

Mayor Castner asked if any Councilmembers want to hear additional oral testimony. There were no requests for addition testimony. He explained they will take up the motion as the first order of business in executive session then move on to any other matters that need to be addressed.

LORD/ADERHOLD MOVED TO ADJOURN TO EXECUTIVE SESSION FOR THE PURPOSE OF CONTINUING DELIBERATION OF THE APPEAL OF CUP 20 15.

There was no discussion.

VOTE: YES: SMITH, ADERHOLD, LORD, EVENSEN, HANSEN CAVASOS

Motion carried.

Council went into executive session at 5:46 p.m.

Mayor Castner called the meeting back to order at 6:24 p.m.

LORD/ADERHOLD MOVED TO ADOPT THE DECISION OF THE BOARD OF ADJUSTMENT AS SET FORTH IN THE DECISION AND ORDER, REMANDING TO THE PLANNING COMMISSION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

Mayor Castner explained copies of the decision will distributed by the City Clerk.

COMMENTS OF THE AUDIENCE

Frank Griswold, city resident, expressed his dissatisfaction at not being able to comment at the beginning of the meeting.

Larry Slone, city resident, also expressed his dissatisfaction at not being able to comment at the beginning of the meeting.

ADJOURNMENT

There being no further business to come before Council Mayor Castner adjourned the meeting at 6:30 p.m. The next Regular Meeting is Monday, March 22, 2021, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings scheduled to be held via Zoom Webinar in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____

Session 21 07 a Regular Meeting of the Homer City Council was called to order on March 8, 2021 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBER ADERHOLD, HANSEN CAVASOS, LORD, SMITH, VENUTI

ABSENT: EVENSEN (excused)

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
SPECIAL PROJECTS & COMMUNICATIONS COORDINATOR CARROLL
CITY ATTORNEY GATTI

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

The following supplemental items were noted: **VISITORS** Kachemak Bay Science Conference, March 15 18, Conference Flyer and Agenda at a Glance **CITY MANAGER'S REPORT** Thank you letter from Friends of the Homer Library for NERG Funding

LORD/ADERHOLD MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

a. Mayor's Recognition of Nora Safra

Mayor Castner recognized Nora Safra for her appointment to the Governor's advisory panel for seniors. She's the first person from the Kenai Peninsula Borough to be appointed to this panel.

b. Mayor's Recognition of Daisy Kettle

Mayor Castner recognized Daisy Kettle who just received the highest honor of the Girl Scouts of America, the Gold Award. It's a distinction that's very difficult to achieve and she received it for her many activities as a young citizen promoting her causes.

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

Larry Slone, city resident, commented regarding Resolution 21 019 to extend the emergency declaration for the City, he generally supports it but with reservation, he feels it empowers the government and feels there's a balance point between the government power and influence of an individual. He opposes Resolution 21 020 exempting the Kachemak Moose Habitat property and questions the community purpose.

RECONSIDERATION

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

- a. Homer City Council Regular Meeting Minutes of February 22, 2021. City Clerk. Recommend adoption.
- b. Memorandum 21 041 from Mayor Castner Re: Re Appointment of Robert Archibald to the Prince William Sound Regional Citizens Advisory Council. Recommend approval.
- c. Resolution 21 019, A Resolution of the City Council of Homer, Alaska Extending the City of Homer Disaster Declaration to June 29, 2021 Due to the Current and Expected Impacts of the COVID 19 Novel Coronavirus Pandemic. Mayor. Recommend adoption.
- d. Resolution 21 020, A Resolution of the City Council Exempting Kachemak Moose Habitat, Inc. from City Property Tax; Declaring that the Organization Satisfies the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax Exemptions Community Purposes Property Conditions, for Lot 4, Hodnik Subdivision, Kenai Peninsula Borough Parcel Number 17936032, Retroactive to January 1, 2021 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Aderhold. Recommend adoption.

Moved to Resolutions item a. Aderhold.

Item d. was moved to Resolutions item a. Aderhold

City Clerk Jacobsen read the consent agenda and its recommendations.

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

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

VISITORS

- a. Kachemak Bay Science Conference, March 15 18 Syverine Bentz and Beth Trowbridge (10 minutes)

Beth Trowbridge and Syverine Bentz shared information regarding the Kachemak Bay Science Conference taking place virtually March 15 through 18 . Conference registration and information can be found at www.kachemakbayscience.org.

- b. Unified Command Report (20 minutes)

Lorne Carroll, Public Health Nurse III, reported regarding COVID vaccinations that to date roughly 23% of the state's population has received one dose and 16% are fully vaccinated. On the Southern Kenai Peninsula roughly 13 16% have been vaccinated. He also reported on updated CDC recommendations regarding effectiveness of vaccines and modified mitigation measures for people who are fully vaccinated.

Derotha Ferraro, South Peninsula Hospital (SPH) Public Information Officer, reported on the point of dispensing (POD) vaccine clinics are now being held at the Homer High School Commons and the first event there on March 5 went well. She shared about current Homer High alumni and students who staffed the event, it was fun to have that group as an integral part of the event. To date through Homer Unified Command 1609 people have received both COVID 19 doses and 457 who have gotten their first dose. She provided information on upcoming PODs at the high school and at the SPH Vaccine and Testing site on Bartlett Street. Other updates included:

- **Testing update:** 2.2% positivity rate @ SPH test site (15 positive results of 662 tests in last two weeks)
- **SKP case update:** 16 cases in 14 days; 1.14 average daily incidence; southern peninsula schools in yellow risk level
- **SPH Visitation:** Minor risk level two visitors per stay; LTC two visitors per resident by appointment; Procedure masks and COVID screenings required in all facilities

Jenny Carroll, City of Homer Public Information Officer, reported she learned today that the State Medical Team will start reviewing the State Health Advisories that are currently out for any necessary revisions based on the new CDC information. Many Alaskans will be traveling for spring break so she reminded that the State Division of Health and Social Services still recommends people get a screening test before travel and upon return, and when awaiting results after your return to follow social distancing. It's still a really good tool for the State to be able to prevent the entry and transmission of variants. She followed up on a funding opportunity for local governments she mention last meeting to support and assist COVID 19 testing efforts. She'll be submitting a plan to the State next week that focuses on applying the

City's allotment to support future efforts to distribute the COVID 19 vaccination to residents on the Southern Kenai Peninsula. SPH will be our main partner and she's written to Kachemak City to invite them to partner as well with their allotted funds since the clinics and other things being planned for will serve the greater population in our service area. She reviewed planning for events to reach underserved segments of the community like homeless, seasonal workers, commercial fishing industry, and itinerants coming through and going out to Alaskan waters. There are also plans to be developed for outreach to those populations. If the funds are approved an ordinance and more information will come to Council in early April for consideration.

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

a. Committee of the Whole Report

Councilmember Lord reported Council discussed Resolution 21 020 regarding property tax exemption for Kachemak Moose Habitat, Inc., the City Manager and Finance Director presented on forecasted revenues as we move into the new budget season.

b. Mayor's Report

Mayor Castner commented it almost seems we've gotten lazy compared to last year. We had a lot to deal with last year with long Council meetings, but there was CARES Act money to distribute and a lot was happening. Right now a lot of work going on, mostly at the staff level, on how we're going to emerge from this and where we're going fiscally. A lot of the work he and others have been doing is on reevaluating budget priorities and how to put together the next two year budget.

c. Borough Report

d. Library Advisory Board

Library Advisory Boardmember Gordy Vernon commented regarding upcoming openings on the Board and their work on Planned Giving.

e. Planning Commission

i. Planning Commission Written Report

f. Port and Harbor Advisory Commission

Port and Harbor Advisory Commissioner Steve Zimmerman reported on the Commission's work on funding and how to deal with deferred maintenance. There's \$107 million in infrastructure at the harbor with \$12 million of it in need of replacement. They're discussing ways to increase reserves, ways to address revenues, project prioritization, alternative sources

of funding, and omission of administration fees based on sales tax revenue the harbor brings in to the general fund.

g. Public Works Building Campus Task Force

Councilmember Venuti reported the task force heard a presentation from the authors of the tsunami inundation report and had time for questions and answers. The current Public Works campus is within the inundation zone and the task force made a list of risks to workers, materials, and equipment at the campus. At upcoming meetings they'll be reviewing maps and methodology used in the All Hazard Mitigation Plan. Meeting dates have been updated with the final report presented in August.

PUBLIC HEARING(S)

- a. Ordinance 21 08, An Ordinance of the City Council of Homer, Alaska Amending the 2021 Capital Budget and Authorizing Additional Expenditure of \$113,353.33 from the HART Road Fund for the Woodard Creek Rehabilitation Project. City Manager/Public Works Director. Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Ordinance 21 08(S), An Ordinance of the City Council of Homer, Alaska Amending the 2021 Capital Budget and Authorizing Additional Expenditure of up to ~~\$113,353.33~~ **\$463,353.33** from the HART Road Fund for the Woodard Creek Rehabilitation Project. City Manager/Public Works Director.

Memorandum 21 030 from Public Works Director as backup

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

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21 08 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

LORD/ADERHOLD MOVED TO SUBSTITUTE ORDINANCE 21 08(S) FOR 21 08.

There was no discussion.

VOTE (substitution): NON OBJECTION: UNANIMOUS CONSENT

There was no discussion.

VOTE (main motion): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- b. Ordinance 21 09, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of up to \$65,000 from the Police Fleet CARMA Account to Purchase and Outfit a Patrol Vehicle. City Manager/Police Chief. Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Memorandum 21 031 from Police Chief as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, shared that he generally supports this proposal, but questions the policy for the Police Department to allow off duty officers to take their vehicles. There's a cost associated with that above and beyond what's required for daily patrol. He wonders how effective the program is, it may be time to review it regarding effectiveness and cost benefit.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21 09 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- c. Ordinance 21 10, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of an Additional \$17,148 from the Sewer Reserve Fund to Complete the Retrofit of High Energy Lights Fixtures at the Sewer Treatment Campus. City Manager/Public Works Director. Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Memorandum 21 032 from Public Works Director as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the ordinance, he visited the sewer treatment plant and confirmed the need is there.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21 10 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 21 11, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing an Additional \$88,569 from the HAWSP Fund to pay for a Betterment to the Tasmania Court Water and Sewer Special Assessment District Involving the Design/Construction of a Water Main Extension to Serve a Future Water Storage Tank. City Manager/Public Works Director. Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Memorandum 21 033 from Public Works Director as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, supports this ordinance and presumes this simply provides additional funding to allow the extension and connection of the water main to the tank, when it's time.

There were no further comments and the hearing was closed.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21 11 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

In response to questions Public Works Director Keiser explained a betterment is an improvement to the project that was not conceived as part of the original project development and will cost more than what was in the original scope. The original project scope is for a water extension main that would provide water service to the neighborhood out there, and the water storage tank isn't needed to provide water to the neighborhood, so it's outside the scope. Costs will be split to ensure the Special Assessment District isn't paying for the betterment. Regarding timing of the water storage tank, it's dependent on funding. The tank is needed, the City got a grant to design the entire water tank and get it shovel ready to go. It will cost multiple millions of dollars to build, so it's one more shovel ready project on the list should an infrastructure stimulus package come out. Lastly she confirmed this is not any way connected with the sewer project for this district. That's a typo in the ordinance title.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- e. Ordinance 21 12, An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$ 12,700 from the HART Road Fund for the Design of a Betterment to the Main Street Storm Drain and Sidewalk Pioneer Avenue North Project that will provide for an ADA Access to Bayview Park and

Associated Storm Drain Improvements. City Manager/Public Works Director.
Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Memorandum 21 034 from Public Works Director as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the ordinance and incorporating these improvements into the project.

LORD/VENUTI MOVED TO ADOPT ORDINANCE 21 12 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- f. Ordinance 21 13, An Ordinance of the City Council of Homer, Alaska Appropriating an Amount not to Exceed \$2,512,000 from the Natural Gas Distribution Special Assessment Bond Sinking Fund to Retire the Debt to the Kenai Peninsula Borough that was Utilized for the Construction of the Homer Natural Gas Distribution Line. Mayor/City Manager. Introduction February 22, 2021 Public Hearing and Second Reading March 8, 2021

Memorandum 21 035 from Finance Director as backup

Mayor Castner opened the public hearing.

Larry Slone, city resident, commented in support of the ordinance as these are dedicated funds for the use of paying off the debt.

There were no further comments and the hearing was closed.

LORD/ADERHOLD MOVED TO ADOPT ORDINANCE 21 13 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Councilmember Aderhold expressed her support but noted there are still some who are paying off their assessments and asked what happens to those funds once this balance is paid off.

Mayor Castner explained to pay this off we're using all of the free main allowance, which is a fund that has been available to use for things that affect everyone within the system. Some of the accounting over time has been confusing, partially by the way it was set up by the attorney and partially by the way it was front loaded to pay off the entire debt at the beginning. The Finance Department will rebuild the record to see where we stand, but in the end, any money

the City is out, they'll get back, and any the free main allowance is out will go back to that. After everything is equalized, Council can discuss what they want to do.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

a. City Manager's Report

City Manager Dumouchel referenced an earlier comment that Council meetings seem shorter recently, but he assured everyone their local government is hustling behind the scenes. Council took a lot of action toward the end of last year that put a lot of things in administration's court, so we're working diligently on things like getting the new two year budget together. He also commented regarding tsunami brochures that Councilmember Venuti noted in her report. He has staff reaching out to University of Alaska Fairbanks to work with us on that project so staff won't have to do the work.

Noting his written report, City Manager Dumouchel encouraged everyone to look at the Climate Action Plan progress report prepared by Engineering GIS Technician Aaron Yeaton, he noted the progress update on the derelict vessel North Pacific, and addressed the updates from CDC and continued review of the COVID risk levels for City departments. He and Public Works Director Keiser explained the seawall project is 75% complete and with the recent high tide and winter storm activity the areas of the wall where work is completed did well. He also provided an update on the Council Chambers remodel that's still underway, and the topic of personal watercraft is still working its way through the Commission process before coming to Council.

Councilmember Venuti shared that she's looking forward to the day when we can buy electric police cars. She commended the work done on the Climate Action Plan report.

PENDING BUSINESS

- a. Resolution 20 077(S), A Resolution of the City Council of Homer, Alaska Adopting a Reserve Fund Policy for the Collection and Use of Water and Sewer ~~Depreciation Reserve Funds~~ **Capital Asset Repair And Maintenance Allowance Fund.** Lord/Aderhold. (Postponed from December 14, 2020)

Memorandum 21 042 from Public Works Director as backup
Memorandum 20 205 from Public Works Director as backup
Memorandum 20 165 from Finance Director as backup

Mayor Castner announced there is a motion on the floor to adopt Resolution 20 077(S) that was postponed from December 14, 2020.

LORD/ADERHOLD MOVED TO POSTPONE RESOLUTION 20 077(S) TO APRIL 26, 2021.

Councilmember Lord noted Memorandum 21 042 that requests postponement and includes the scope of work.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

NEW BUSINESS

RESOLUTIONS

- a. Resolution 21 020, A Resolution of the City Council Exempting Kachemak Moose Habitat, Inc. from City Property Tax; Declaring that the Organization Satisfies the Criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax Exemptions Community Purposes Property Conditions, for Lot 4, Hodnik Subdivision, Kenai Peninsula Borough Parcel Number 17936032, Retroactive to January 1, 2021 and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. Aderhold.

LORD/ADERHOLD MOVED TO ADOPT RESOLUTION 21 020 BY READING OF TITLE ONLY.

There was discussion noting this follows past processes but there was question regarding authority to exempt property by the City and by the Borough, and questioning if the resolution is necessary.

It was requested that staff research this further and provide more information at the next meeting.

ADERHOLD/LORD MOVED TO POSTPONE TO MARCH 22, 2021

There was no discussion.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

COMMENTS OF THE AUDIENCE

Lane Chesley apologized for missing the Borough Assembly report earlier in the meeting and provided a quick update on the Assembly's approval of \$180,000 to begin engineering on the first phase of the high school roof replacement. He also noted his interest in working toward advocating for funds from the Borough to the City to offset the cost of public using harbor

dumpsters for their household trash during the season when the transfer station is closed on Sundays.

Larry Slone, city resident, shared his appreciation for the discussion on the Tasmania Court water main extension. He thinks the tsunami informational brochure will be a benefit to the public. He noted this month is Public Works Director Keiser's one year anniversary.

COMMENTS OF THE CITY ATTORNEY

Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen announced openings on the Economic Development Advisory Commission and the Library Advisory Board.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel had no comments.

COMMENTS OF THE MAYOR

Mayor Castner noted Public Works Director Keiser's first year anniversary and invited her to share her accomplishments for the year. Ms. Keiser shared Public Works has accomplished a variety of things related to planning and implementation of upgrades to our wonderful infrastructure. They've provided database planning for our road maintenance system and capital projects for roads, putting in data base systems for planning infrastructure improvements for the water and sewer systems, and planning for upcoming personnel transitions. She's learned her way around town, walked most trails multiple times, and we have a wonderful new City Manager.

COMMENTS OF THE CITY COUNCIL

Councilmember Aderhold encouraged participating in the Kachemak Bay Science Conference, it's a great way to learn what's going on in our bay. It's free to sign up, so do it!

Councilmember Lord shared that there's a history of Homer group on Facebook where people share photos and what's happening, and it's a heartwarming and enjoyable thing to spend time looking at. The Tour of Anchorage ski race was last weekend and congratulations to the Homer folks who went and skied there, and to the Kachemak Nordic Ski Club for keeping the ski trails groomed and beautiful. She encouraged people in eligible tiers to get their COVID vaccines. She noted Council passed a lot of ordinances tonight that passed unanimously without discussion and explained they were introduced at the last meeting where there were questions and conversations at that meeting to clarify and understand the benefit to the

community in spending these public dollars. For her part, and she trusts on the part of other members, they are working hard to understand and make sure they're making good decisions. It takes a long time so there is opportunity to discuss and sometimes when they get to the end they've exhausted all those questions and discussion.

Councilmember Venuti also encourage participating in the Kachemak Bay Science Conference, and noted the Writer Conference is coming up in May, so keep an eye out for that. She commented the Iditarod looks like it will be a good race this year, and she appreciates having the lobbyists on board and receiving their reports.

Councilmember Hansen Cavasos said she's grateful to be in Homer and expressed her appreciation for our Emergency Services in their recent response to an issue with her family member.

Councilmember Smith shared it's his youngest son's birthday and it's great to see the joy in the eyes of a 9 year old getting a present and enjoying themselves. He recognized the Homer Mariner High School teams who traveled for regional tournaments, and will be moving on to State tournaments. He appreciates the school district's work and the way they've handled allowing participation by students and a limited number of attendees to attend and watch.

ADJOURN

There being no further buisenss to come before the Council Mayor Castner adjourned the meeting at 7:59 p.m. The next Regular Meeting is Monday, March 22, 2021 at 6:00 p.m., Committee of the Whole at 5:00 p.m. A Special Meeting is scheduled on March 9, 2021 at 5:30 and a worksession is on March 15, 2021 at 4:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, held via Zoom.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



City of Homer

www.cityofhomer-ak.gov

Office of the Mayor

491 East Pioneer Avenue
Homer, Alaska 99603

mayor@ci.homer.ak.us

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-044

TO: HOMER CITY COUNCIL

FROM: MAYOR CASTNER

DATE: MARCH 16, 2021

SUBJECT: REAPPOINTMENT OF EMILIE SPRINGER TO THE LIBRARY ADVISORY BOARD AND NICOLE AREVALO TO THE ECONOMIC DEVELOPMENT ADVISORY COMMISSION

Emilie Springer is reappointed to the Library Advisory Board. Her term will expire April 1, 2024.

Nicole Arevalo is reappointed to the Economic Development Advisory Commission. Her term will expire April 1, 2024.

Recommendation

Confirm the reappointments of Emilie Springer to the Library Advisory Board and Nicole Arevalo to the Economic Development Advisory Commission.



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

Office of the City Clerk

491 East Pioneer Avenue

Homer, Alaska 99603

Phone: (907) 235-3130

Fax: (907) 235-3143

clerk@cityofhomer-ak.gov

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

Applicant Information

Full Name: Emilie Springer

Physical Address Where you Claim Residency: 67620 Diamond Ridge

Mailing Address: PO BOX 2882

City: Homer State: AK Zip: 99603

Phone Number(s): 907-399-1175

Email: esspringer@alaska.edu

Advisory Body You Are Requesting Reappointment To

Advisory Planning Commission

Parks, Art, Recreation & Culture Advisory Commission

Port & Harbor Advisory Commission

Economic Development Advisory Commission

Library Advisory Board

Other – Please Indicate _____

Please Answer the Following

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

What resident type is your current seat? City Resident Non-City Resident

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? One term (possibly 2).

Background Information

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

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

I regularly use the library for personal/ leisure reading material, composition and research assistance, youth reading material, employment applications and computer, printing and internet technology when it is available. I believe the public facility is critical to the community and I appreciate everything library staff and Board do to ensure that it functions for so many different needs and uses. There are so many partnerships with other public organizations and non-profits with a diversity of interests (Pier One, KBBI) that library is in a position to offer safe, healthy entertainment choices for many individuals in the community.

I like being able to contribute service to some component of the city and would like to remain on the advisory board and help support the facility and organization.



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

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

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

Applicant Information

Full Name: Nicole Arevalo

Physical Address Where you Claim Residency: 3059 Kachemak Dr.

Mailing Address: P.O. Box 2099

City: Homer State: AK Zip: 99603

Phone Number(s): (907) 399-4161

Email: genehackmanwho@yahoo.com

Advisory Body You Are Requesting Reappointment To

- Advisory Planning Commission
- Parks, Art, Recreation & Culture Advisory Commission
- Port & Harbor Advisory Commission
- Economic Development Advisory Commission
- Library Advisory Board
- Other - Please Indicate _____

Please Answer the Following

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

What resident type is your current seat? City Resident Non-City Resident

Has your residency changed since your last appointment? Yes No

How long have you served on this advisory body? 3 years

Background Information

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

Homer Soil & Water Conservation District (my employer)

KBBI AM 890 (Board President)

Alaska Food Hub Advisory Committee

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

The EDC has structured our strategic goals outline for the coming year and a little further beyond. I would like to continue the work we've been doing to assist Homer in remaining an economically diverse, small business-focused community with an eye to the natural resources and systems that make it such a good place to live.

I think the the small survey we did with local business on COVID-related impacts as well as our help in sharing flyers with local businesses and residents to drum up greater participation by folks on the southern Peninsula in KPEDD's CEDS surveys are examples of ways the EDC can be of service to the city and the community at large.



City of Homer

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Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum 21-045

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

DATE: MARCH 16, 2021

SUBJECT: LIQUOR LICENSE RENEWALS FOR BEST WESTERN BIDARKA/OTTER ROOM, BELUGA LAKE LODGE, ALICE'S CHAMPAGNE PALACE, DON JOSE'S MEXICAN RESTAURANT AND LIQUOR LICENSE PREMISES CHANGE APPLICATION FOR ODIN MEAD

The City Clerk's Office has been notified by the AMCO Board of Liquor License Permit Renewals for Beverage Dispensary within the City of Homer, for the following licenses:

License Type: Beverage Dispensary
License #: 1402
DBA Name: Best Western Bidarka Inn/Otter Room
Service Location: 575 Sterling Hwy
Homer, AK 99603
Licensee: Johnson Inn Homer, LLC
Contact Person: Doug Johnson

License Type: Beverage Dispensary
License #: 253
DBA Name: Alice's Champagne Palace
Service Location: 203 W Pioneer Avenue
Homer, AK 99603
Licensee: Pioneer Beverages, Inc.
Contact Person: Michael Todd Boling

License Type: Beverage Dispensary
License #: 4795
DBA Name: Beluga Lake Lodge
Service Location: 204 Ocean Drive Loop
Homer, AK 99603
Licensee: Johnson Inn Homer, LLC
Contact Person: Doug Johnson

License Type: Beverage Dispensary
License #: 2252
DBA Name: Don Jose's Mexican Restaurant
Service Location: 127 W Pioneer Avenue
Homer, AK 99603
Licensee: Don Jose's, LLC
Contact Person: Jose Ramos

The City Clerk's Office has been notified by the AMCO Board of the following Liquor License Premise Change Application for the following license:

License Type: Winery
License #: 5907
DBA Name: Odin Mead
Service Location: 5290 Davis Street Homer, AK 99603
Licensee: Odin, Inc.
Contact Person: Grady Avant

RECOMMENDATION: Voice non objection and approval for the Liquor License Renewals and Premise Change Application. Fiscal Note: Revenues.



March 5, 2021

City of Homer

Kenai Peninsula Borough

Via Email: clerk@cityofhomer-ak.gov ; MJacobsen@ci.homer.ak.us ; MBerg@kpb.us ; MJenkins@kpb.us ; SNess@kpb.us ; BTaylor@kpb.us ; TShassetz@kpb.us ;

Re: Notice of Liquor License Renewal Application

License Numb	DBA	Type	City	Borough	Community Council
1402	Best Western Bidarka Inn/ Otter Room	Beverage Dispensary - Tourism	Homer	Kenai Peninsula Borough	NONE
4795	Beluga Lake Lodge	Beverage Dispensary - Tourism	Homer	Kenai Peninsula Borough	NONE

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

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

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

Sincerely,

Glen Klinkhart, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/26/2021

ABC BOARD

LIQUOR LICENSE
2021 - 2022

1402

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2022 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispensary

LICENSE FEE: \$2,500.00

1106

CITY / BOROUGH: Homer
Kenai Peninsula Borough

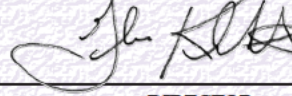
D/B/A: Best Western Bidarka Inn /
575 Sterling Hwy

Mail Address:
Johnson Inn Homer, LLC
575 Sterling Highway
Homer, AK 99603

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 9/09)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/26/2021

ABC BOARD

LIQUOR LICENSE
2021 - 2022

1402

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2022 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispensary

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Best Western Bidarka Inn / Otter Room
575 Sterling Hwy

Mailing Address:
Johnson Inn Homer, LLC
575 Sterling Highway
Homer, AK 99603

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

04-900 (REV 9/09)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Best Western Bidarka Inn / Otter Room	License Number:	1402
License Type:	Beverage Dispensary - Tourism		
Examiner:	Kris S.	Transaction #:	100012143

Document	Received	Completed	Notes
AB-17: Renewal Application	12/14	2-26-21	
App and License Fees	12/14	2-26-21	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement	12/14	2-26-21	
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 checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response: *Homer / Kenai Borough* LGB 2 Response: *N/A*

Waive
 Protest
 Lapsed
 Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2020 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2021 will be expired per AS 04.11.540, 3 AAC 304.160(e).
- All fields of this application must be deemed complete by AMCO staff and must be accompanied by the required fees and all documents required, or the application will be returned without being processed, per AS 04.11.270, 3 AAC 304.105
- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information

Licensee (Owner):	Johnson Jan Homer, LLC	License #:	1402
License Type:	Beverage Dispensary + Tourism		
Doing Business As:	Best Western Bidarka Inn/ Otter Room		
Premises Address:	575 Sterling Hwy		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

If your mailing address has changed, write the NEW address below:

Mailing Address:	575 Sterling Hwy		
City:	Homer	State:	AK
		ZIP:	99603

Section 1 – Licensee Contact Information

Contact Licensee: The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Douglas Johnson	Contact Phone:	907-299-1413
Contact Email:	DJ_Bidarkainn@hotmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

AMCO



Form AB-17: 2021/2022 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10024779
-----------------------	----------

READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.

- **Corporations of any type including non-profit** must list **ONLY** the following:
 - All shareholders who own 10% or more stock in the corporation
 - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
- **Limited Liability Corporations, of any type** must list **ONLY** the following:
 - All Members with an ownership interest of 10% or more
 - All Managers (of the LLC, not the DBA) regardless of percentage owned
- **Partnerships of any type, including Limited Partnerships** must list **ONLY** the following:
 - Each Partner with an interest of 10% or more
 - All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. **If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.**

Name of Official:	Douglas Johnson			
Title(s):	Member	Phone:	907-299-1413	% Owned: 50
Mailing Address:	575 Sterling Hwy			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Jacky Johnson			
Title(s):	Member	Phone:	907-299-3685	% Owned: 50
Mailing Address:	575 Sterling Hwy			
City:	Homer	State:	AK	ZIP: 99603

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



Form AB-17: 2021/2022 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

Corporations, LLC's and Partnerships of ALL kinds should skip this section.

READ BEFORE PROCEEDING: Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a's, payment of \$48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require.

If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.

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 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

- | | | |
|---|-------------------------------------|-------------------------------------|
| | 2019 | 2020 |
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. 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 calendar years. <i>A complete 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.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2019 or 2020?

Yes No

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.

AMCO

DEC 14 2020



Form AB-17: 2021/2022 License Renewal Application

Section 6 – Certifications

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, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by 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 and potentially expired if I do not comply with statutory or regulatory requirements.
- 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 this entity is in good standing with Corporations, Business and Professional Licensing (CBPL) and that all entity officials and stakeholders are current and accurately listed, and I have provided AMCO with all required changes of Shareholders (10% or more), Managers, Corporate Officers/Board of Directors, Partners, Controlling Interest or Ownership of the business license, and have provided all required documents for any new or changes in officers.
- I certify that all licensees, agents, and employees who sell or serve alcoholic beverages or check identification of patrons 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, if applicable for this license type as set forth in AS 04.21.025 and 3 AAC 304.465.
- 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 from what is currently approved and on file with the Alcoholic Beverage Control Board.

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

Signature of licensee

Douglas Johnson
Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: July 19, 2023

Subscribed and sworn to before me this 9TH day of December, 2020.

Restaurant/Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit

Recreational Site applications must include a completed Recreational Site Statement

Tourism applications must include a completed Tourism Statement

Wholesale applications must include a completed AB-25: Supplier Certification

All renewal and supplemental forms are available online

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

License Fee:	\$ <u>2500.00</u>	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$ <u>2800.00</u>

AMCO

DEC 14 2020



Alaska Alcoholic Beverage Control Board Tourism Statement Form

- A new, transfer, or renewal application for a Tourism Site License must be accompanied by this form which explains how the establishment satisfies the requirements listed under AS 04.11.400 (d), 3 AAC 304.325.
 - You must provide complete responses to all questions or your application will be returned and will not be scheduled for the next ABC board meeting until the application is deemed complete by AMCO staff.
- All questions must be answered on this form. Do not attach other documents, or they will be returned.
- Do not provide documents and/or statements not requested.

Mandatory Points to be Included

1. Explain how issuance of a liquor license at your establishment has/will keep encouraging tourism:

Our business encourages tourism by giving tourists a place to stay, dine and drink all in one establishment. We have close ties with many of the local businesses. To further encourage tourism we have a brochure rack and stock of the Chamber of Commerce visitors guide.

2. Explain how the facility was or will be improved in accordance with this application: (this includes planned renovations, repairs, updates to the facility/grounds)

We completed a full renovation of the Otter Room in the last 3 years. We continue to renovate and repair as needed. We also completed a renovation of the Hotel 3 years ago including our meeting facilities. We also continue to renovate as needed. We repair what is needed and follow a preventive maintenance plan as well to make our guests stay a positive experience.



Alaska Alcoholic Beverage Control Board
Tourism Statement Form

3. Who operates the Liquor License?

Johnson Inn Homer, LLC
DBA Best Western Bidarka Inn / Other Room

4. Do you offer room rentals to the traveling public? Yes No (if no, skip to question 5)

a. if so, how many of these rooms are available?

75

b. Do any of the rental rooms have kitchen facilities (such as: a separate sink for food preparation and refrigeration/cooking appliance devices, including a microwave)? Yes No

i. If yes, how many of the rental rooms have kitchen facilities that meet this definition?

0

c. Do you stock alcoholic beverages in guest rooms? Yes No

5. Is your facility located within an airport terminal? Yes No

6. Does your establishment include a dining facility? Yes No

7. Are additional amenities available to your guests through your establishment? Yes No

a. If Yes, list your available amenities that directly pertain to this license type:

we offer our guests meeting facilities, Fitness Center, Freezing and packaging for fish, freezer space for game and Laundry facilities. We also offer a free breakfast to our hotel guests as well.

AMCO

DEC 14 2020

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	Johnson Inn Homer, LLC

Entity Type: Limited Liability Company

Entity #: 10024779

Status: Good Standing

AK Formed Date: 11/10/2014

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2022

Entity Mailing Address: 575 STERLING HWY, HOMER, AK 99603-7447

Entity Physical Address: 575 STERLING HWY, HOMER, AK 99603-7447

Registered Agent

Agent Name: Douglas Johnson

Registered Mailing Address: 575 STERLING HWY, HOMER, AK 99603-7447

Registered Physical Address: 55156 HILL AVE., HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Douglas Johnson	Member	50.00
	Jacky Johnson	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
11/10/2014	Creation Filing	Click to View	Click to View
11/10/2014	Initial Report	Click to View	
1/06/2016	Biennial Report	Click to View	
11/06/2017	Biennial Report	Click to View	
10/15/2019	Biennial Report	Click to View	

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

State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download /
 Business License / License #1013270

LICENSE DETAILS

License #: 1013270

[Print Business License](#)

Business Name: BW BIDARKA INN

Status: Active

Issue Date: 11/25/2014

Expiration Date: 12/31/2021

Mailing Address: 575 STERLING HWY
 HOMER, AK 99603-7447

Physical Address: 575 STERLING HWY
 HOMER, AK 99603-7447

Owners

JOHNSON INN HOMER, LLC

Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722110 - FULL-SERVICE RESTAURANTS	
72 - Accommodation and Food Services	721110 - HOTELS (EXCEPT CASINO HOTELS) AND MOTELS	

Endorsements

End #	Issue	Renew	Expiration	Action End	Action Note	Address
1	11/6/2017	10/28/2019	12/31/2021			575 STERLING HWY, HOMER, AK 99603

License Lapse(s)

If this business license lapsed within the last four years t 47 used periods will appear below. Lapsed periods are

the unlicensed period between an expiration date and renewal date.

No Lapses on record for the last 4 years.

COPYRIGHT © STATE OF ALASKA · DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT ·

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/26/2021

ABC BOARD

LIQUOR LICENSE

2021 - 2022

4795

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2022 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispensary

LICENSE FEE: \$2,500.00

1106

CITY / BOROUGH: Homer
Kenai Peninsula Borough

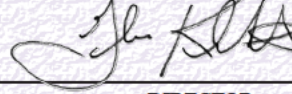
D/B/A: Beluga Lake Lodge
204 Ocean Dr Loop

Mail Address:
Johnson Inn Homer, LLC
575 Sterling Highway
Homer, AK 99603

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD



DIRECTOR

04-900 (REV 9/09)

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED

2/26/2021

ABC BOARD

LIQUOR LICENSE

2021 - 2022

4795

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2022 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2023 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispensary

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Beluga Lake Lodge
204 Ocean Dr Loop

Mailing Address:
Johnson Inn Homer, LLC
575 Sterling Highway
Homer, AK 99603

This license cannot be transferred without permission
of the Alcoholic Beverage Control Board

Special restriction - see reverse side

ISSUED BY ORDER OF THE
ALCOHOLIC BEVERAGE CONTROL BOARD

COPY

DIRECTOR

THIS LICENSE MUST BE POSTED IN A VISIBLE PLACE ON THE PREMISES



Alaska Alcoholic Beverage Control Board

Master Checklist: Renewal Liquor License Application

Doing Business As:	Beluga Lake Lodge	License Number:	4795
License Type:	Beverage Dispensary - Tourism		
Examiner:	Kris S.	Transaction #:	100012138

Document	Received	Completed	Notes
AB-17: Renewal Application	12/14	2-26-21	
App and License Fees	12/14	2-26-21	

Supplemental Document	Received	Completed	Notes
Tourism/Rec Site Statement	12/14	2-26-21	
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 checked="" type="checkbox"/>	<input type="checkbox"/>
In "Good Standing" with CBPL (skip this and next question for sole proprietor)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Officers and stockholders match CBPL and database (if "No", determine if transfer necessary)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

LGB 1 Response: *Homer / Keni Bough* LGB 2 Response: *N/A*

Waive
 Protest
 Lapsed
 Waive
 Protest
 Lapsed



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2020 per AS 04.11.270, 3 AAC 304.160, with all required fees paid in full, or a non-refundable \$500.00 late fee applies.
- Any complete application for renewal or any fees for renewal that have not been postmarked by 02/28/2021 will be expired per AS 04.11.540, 3 AAC 304.160(e).
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- Receipt and/or processing of renewal payments by AMCO staff neither indicates nor guarantees in any way that an application will be deemed complete, renewed, or that it will be scheduled for the next ABC Board meeting.

Establishment Contact Information

Licensee (Owner):	Johnson Inn Homer, LLC	License #:	4795
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Beluga Lake Lodge		
Premises Address:	204 Ocean Dr. Loop		
Local Governing Body:	City of Homer (Kenai Peninsula Borough)		
Community Council:	None		

If your mailing address has changed, write the NEW address below:

Mailing Address:					
City:		State:		ZIP:	

Section 1 - Licensee Contact Information

Contact Licensee: The individual listed below must be listed in Section 2 or 3 as an Official/Owner/Shareholder of your entity and must be listed on CBPL with the same name and title.

This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Doug Johnson	Contact Phone:	907-299-1413
Contact Email:	DJ_Bidarkainn@hotmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee about your license, list them below:

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			

Name of Contact:		Contact Phone:	
Contact Email:			



Form AB-17: 2021/2022 License Renewal Application

Section 2 – Entity or Community Ownership Information

Sole Proprietors should skip this Section.

Use the link from Corporations, Business and Professional Licensing (CBPL) below to assist you in finding the Entity #.

<https://www.commerce.alaska.gov/cbp/main/search/entities>

Alaska CBPL Entity #:	10024779
-----------------------	----------

READ BEFORE PROCEEDING: Any new or changes to Shareholders (10% or more), Managers, Corporate Officers, Board of Directors, Partners, Controlling Interest or Ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI-approved card stock, AB-08a's, payment of \$48.25 for each new officer with a date-stamped copy of the CBPL change per AS 04.11.045, 50 & 55, or a Notice of Violation will be issued to your establishment and your application will be returned.

The only exception to this is a Corporation who can meet the requirements set forth in AS 04.11.050(c).

DO NOT LIST OFFICERS OR TITLES THAT ARE NOT REQUIRED FOR YOUR ENTITY TYPE.

- **Corporations** of any type including non-profit must list ONLY the following:
 - All shareholders who own 10% or more stock in the corporation
 - Each President, Vice-President, Secretary, and Managing Officer regardless of percentage owned
- **Limited Liability Corporations**, of any type must list ONLY the following:
 - All Members with an ownership interest of 10% or more
 - All Managers (of the LLC, not the DBA) regardless of percentage owned
- **Partnerships** of any type, including Limited Partnerships must list ONLY the following:
 - Each Partner with an interest of 10% or more
 - All General Partners regardless of percentage owned

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, all required titles, phone number, percentage of shares owned (if applicable) and a full mailing address for each official of your entity whose information we require. **If more space is needed: attach additional completed copies of this page. Additional information not on this page will be rejected.**

Name of Official:	Douglas Johnson			
Title(s):	Member	Phone:	907-299-1413	% Owned: 50
Mailing Address:	575 Sterling Hwy			
City:	Homer	State:	AK	ZIP: 99603

Name of Official:	Jacky Johnson			
Title(s):	Member	Phone:	907-299-3685	% Owned: 50
Mailing Address:	575 Sterling Hwy			
City:	Homer	State:	AK	ZIP: 99603

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



Form AB-17: 2021/2022 License Renewal Application

Section 3 – Sole Proprietor Ownership Information

Corporations, LLC's and Partnerships of ALL kinds should skip this section.

READ BEFORE PROCEEDING: Any new or changes to the ownership of the business license must be reported to the ABC Board within 10 days of the change and must be accompanied by a full set of fingerprints on FBI approved cardstock, AB-08a's, payment of \$48.25 for each new owner or officer and a date stamped copy of the CBPL change per AS 04.11.045, or a Notice of Violation will be issued to your establishment and your application will be returned.

Important Note: All entries below must match our records, or your application will be returned per AS 04.11.270, 3 AAC 304.105. You must list full legal names, phone number, and mailing address for each owner or partner whose information we require.

If more space is needed, attach additional copies of this page. Additional owners not listed on this page will be rejected.

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 – License Operation

Check ONE BOX for EACH CALENDAR YEAR that best describes how this liquor license was operated:

- | | 2019 | 2020 |
|---|-------------------------------------|-------------------------------------|
| 1. The license was regularly operated continuously throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specific season each year. (Seasonal)
<i>If your operation dates have changed, list them below:</i>
_____ to _____ | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
<i>A complete AB-30: Proof of Minimum Operation Checklist, and all documentation must be provided with this form.</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. 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 calendar years. <i>A complete 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.</i> | <input type="checkbox"/> | <input type="checkbox"/> |

If you have not met the minimum number of hours of operation in 2020, you are not required to pay the fees, however a complete AB-29 is required with Section 2 marked "OTHER" and COVID is listed as the reason.

Section 5 – Violations and Convictions

Have ANY Notices of Violation been issued for this license OR has ANY person or entity in this application been convicted of a violation of Title 04, 3AAC 304 or a local ordinance adopted under AS 04.21.010 in 2019 or 2020?

Yes No

If you checked YES, you MUST attach a list of all Notices of Violation and/or Convictions per AS 04.11.270(a)(2)

If you are unsure if you have received any Notices of Violation, contact the office before submitting this form.



Alaska Alcoholic Beverage Control Board

Form AB-17: 2021/2022 License Renewal Application

Section 6 – Certifications

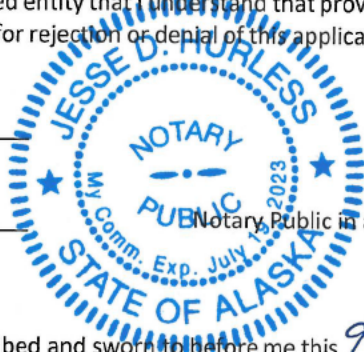
As an applicant for a liquor license renewal, I declare under penalty of perjury that I have read and am familiar with AS 04 and 3 AAC 304, and that this application, including all accompanying schedules and statements, are true, correct, and complete.

- I agree to provide all information required by the Alcoholic Beverage Control Board or requested by AMCO staff in support of this application... I certify that all current licensees... I certify that this entity is in good standing with Corporations, Business and Professional Licensing (CBPL)... I certify that all licensees, agents, and employees who sell or serve alcoholic beverages... I certify that I have not altered the functional floor plan or reduced or expanded the area of the licensed premises...

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.

Signature of licensee

Douglas Johnson
Printed name of licensee



Signature of Notary Public

Notary Public in and for the State of: Alaska

My commission expires: July 19, 2023

Subscribed and sworn to before me this 9th day of December, 2020.

- Restaurant/Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit
Recreational Site applications must include a completed Recreational Site Statement
Tourism applications must include a completed Tourism Statement
Wholesale applications must include a completed AB-25: Supplier Certification

All renewal and supplemental forms are available online

Any application that is not complete or does not include ALL required completed forms and fees will not be processed and will be returned per AS 04.11.270, 3 AAC 304.105.

FOR OFFICE USE ONLY

Table with 4 columns: License Fee (\$2500.00), Application Fee (\$300.00), Misc. Fee (\$), Total Fees Due (\$2800.00)



Alaska Alcoholic Beverage Control Board
Tourism Statement Form

- A new, transfer, or renewal application for a Tourism Site License must be accompanied by this form which explains how the establishment satisfies the requirements listed under AS 04.11.400 (d), 3 AAC 304.325.
 - You must provide complete responses to all questions or your application will be returned and will not be scheduled for the next ABC board meeting until the application is deemed complete by AMCO staff.
- All questions must be answered on this form. Do not attach other documents, or they will be returned.
- Do not provide documents and/or statements not requested.

Mandatory Points to be Included

1. Explain how issuance of a liquor license at your establishment has/will keep encouraging tourism:

Our business encourages tourism by giving tourists a place to stay, dine and drink all in one establishment. By having these services all under one roof the tourists will have more time to spend planning their next Alaskan Adventure. We also have a brochure rack to further encourage spending time and money locally.

2. Explain how the facility was or will be improved in accordance with this application: (this includes planned renovations, repairs, updates to the facility/grounds)

We finished a full renovation of the lounge and restaurant in the last 3 years. We also have had to repair several pieces of equipment during this time. We do preventive maintenance on the facilities and repair/renovate as needed.



Alaska Alcoholic Beverage Control Board
Tourism Statement Form

3. Who operates the Liquor License?

Johnson Ian Homer, LLC
DBA Beluga Lake Lodge

4. Do you offer room rentals to the traveling public? Yes No (if no, skip to question 5)

a. If so, how many of these rooms are available?

35

b. Do any of the rental rooms have kitchen facilities (such as: a separate sink for food preparation and refrigeration/cooking appliance devices, including a microwave)? Yes No

i. If yes, how many of the rental rooms have kitchen facilities that meet this definition?

9

c. Do you stock alcoholic beverages in guest rooms? Yes No

5. Is your facility located within an airport terminal? Yes No

6. Does your establishment include a dining facility? Yes No

7. Are additional amenities available to your guests through your establishment? Yes No

a. If Yes, list your available amenities that directly pertain to this license type:

We supply guest laundry services to our guests and a viewing deck for wildlife and float plane Lake (Beluga Lake).

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	Johnson Inn Homer, LLC

Entity Type: Limited Liability Company

Entity #: 10024779

Status: Good Standing

AK Formed Date: 11/10/2014

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2022

Entity Mailing Address: 575 STERLING HWY, HOMER, AK 99603-7447

Entity Physical Address: 575 STERLING HWY, HOMER, AK 99603-7447

Registered Agent

Agent Name: Douglas Johnson

Registered Mailing Address: 575 STERLING HWY, HOMER, AK 99603-7447

Registered Physical Address: 55156 HILL AVE., HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Douglas Johnson	Member	50.00
	Jacky Johnson	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
11/10/2014	Creation Filing	Click to View	Click to View
11/10/2014	Initial Report	Click to View	
1/06/2016	Biennial Report	Click to View	
11/06/2017	Biennial Report	Click to View	
10/15/2019	Biennial Report	Click to View	

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

[State of Alaska / Commerce / Corporations, Business, and Professional Licensing / Search & Database Download / Business License / License #1013272](#)

LICENSE DETAILS

License #: 1013272

[Print Business License](#)

Business Name: BELUGA LAKE LODGE

Status: Active

Issue Date: 11/25/2014

Expiration Date: 12/31/2021

Mailing Address: 575 STERLING HWY
HOMER, AK 99603

Physical Address: 204 OCEAN DRIVE LOOP
HOMER, AK 99603

Owners

JOHNSON INN HOMER, LLC

Activities

Line of Business	NAICS	Professional License #
72 - Accommodation and Food Services	722110 - FULL-SERVICE RESTAURANTS	
72 - Accommodation and Food Services	721110 - HOTELS (EXCEPT CASINO HOTELS) AND MOTELS	

Endorsements

No Endorsements Found

License Lapse(s)

If this business license lapsed within the last four years the lapsed periods will appear below. Lapsed periods are the unlicensed period between an expiration date and re 59 date.

No Lapses on record for the last 4 years.

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March 12, 2021

City of Homer

Kenai Peninsula Borough

Via Email: clerk@cityofhomer-ak.gov ; MJacobsen@ci.homer.ak.us ; MBerg@kpb.us ; MJenkins@kpb.us ; BTaylor@kpb.us ; TShassetz@kpb.us ;

Re: Notice of Liquor License Renewal Application

License Num	DBA	Type	City	Borough	Community Council
2252	Don Jose's Mexican Restaurant	Beverage Dispensary	Homer	Kenai Peninsula Borough	NONE
253	Alice's Champagne Palace	Beverage Dispensary	Homer	Kenai Peninsula Borough	NONE

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

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

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

Sincerely,

Glen Klinkhart, Director

amco.localgovernmentonly@alaska.gov



Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

What is this form?

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

Your diagram must include dimensions and must show all entrances and boundaries of the premises, walls, bars, fixtures, and areas of storage, service, and consumption. If your proposed premises is located within a building or building complex that contains multiple businesses and/or tenants, please provide an additional page that clearly shows the location of your proposed premises within the building or building complex, along with the addresses and/or suite numbers of the other businesses and/or tenants within the building or building complex.

If approved, this form will replace the existing licensed premises diagram on file. All sections of the currently licensed area that you wish to remain licensed must be included in the outlined area, as described on Page 2 of this form. Blueprints, CAD drawings, or other clearly drawn and marked diagrams may be submitted in lieu of the second page of this form, as long as it meets the requirements listed on this form. The first and third pages must still be completed, attached to, and submitted with any supplemental diagrams. An AMCO employee may require you to complete the second page of this form if additional documentation for your premises diagram is needed.

This form must be completed and submitted to AMCO's main office prior to altering the existing floor plan. The licensed premises may not be altered unless and until the AMCO director has given written approval on this form. Please note that licensees seeking to change licensed premises diagrams for multiple licenses must submit a separate completed copy of this form and pay a separate fee for each license.

Section 1 - Establishment Information

Enter information for the licensed establishment.

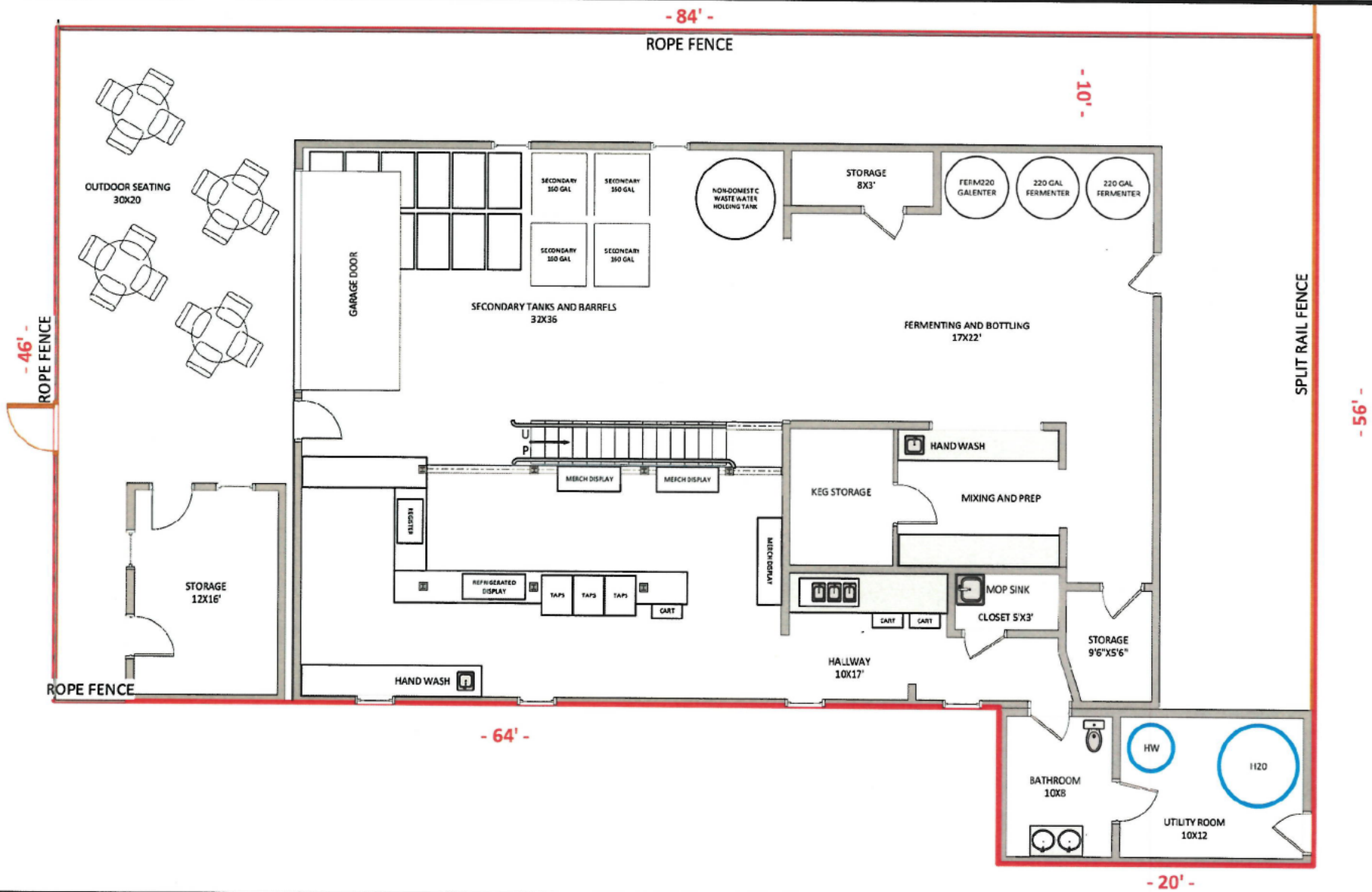
Licensee:	Odin, Inc.	License Number:	5907		
License Type:	Winery				
Doing Business As:	Odin Mead				
Premises Address:	5290 Davis Street				
City:	Homer	State:	AK	ZIP:	99603

Section 2 - Summary of Changes

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

We have taken over the lease the for entire building and intend to use the increased space for additional storage and production. To do so we will remove a temporary partition wall in an existing pass-through. No construction is required. Because of recent excavation and storm water remediation we have re-located the main outdoor seating area to the west side of the building.

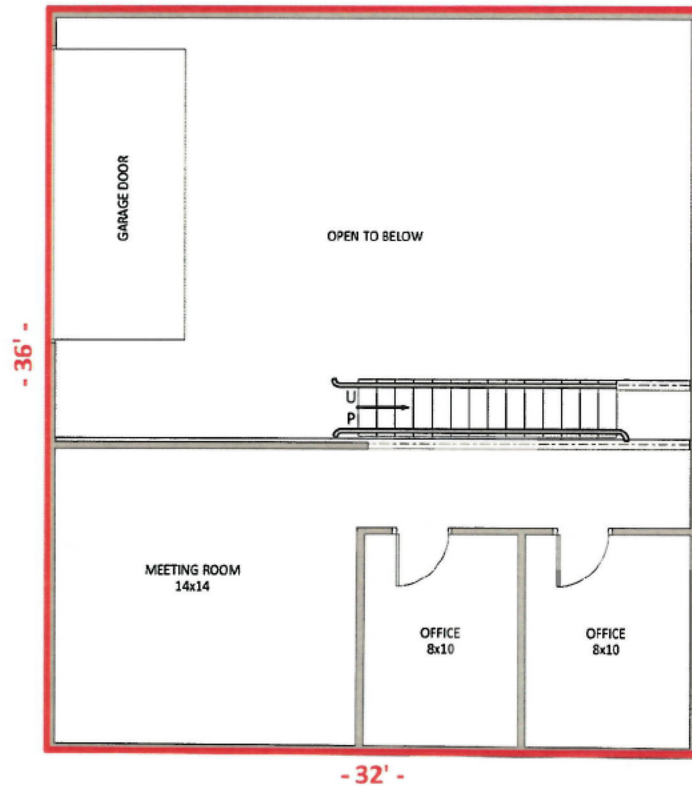
AMCO
JAN - 4 2021



ODIN INC
 ODIN MEAD
 LICENSE # 5907

AMENDED LICENSED PREMISES

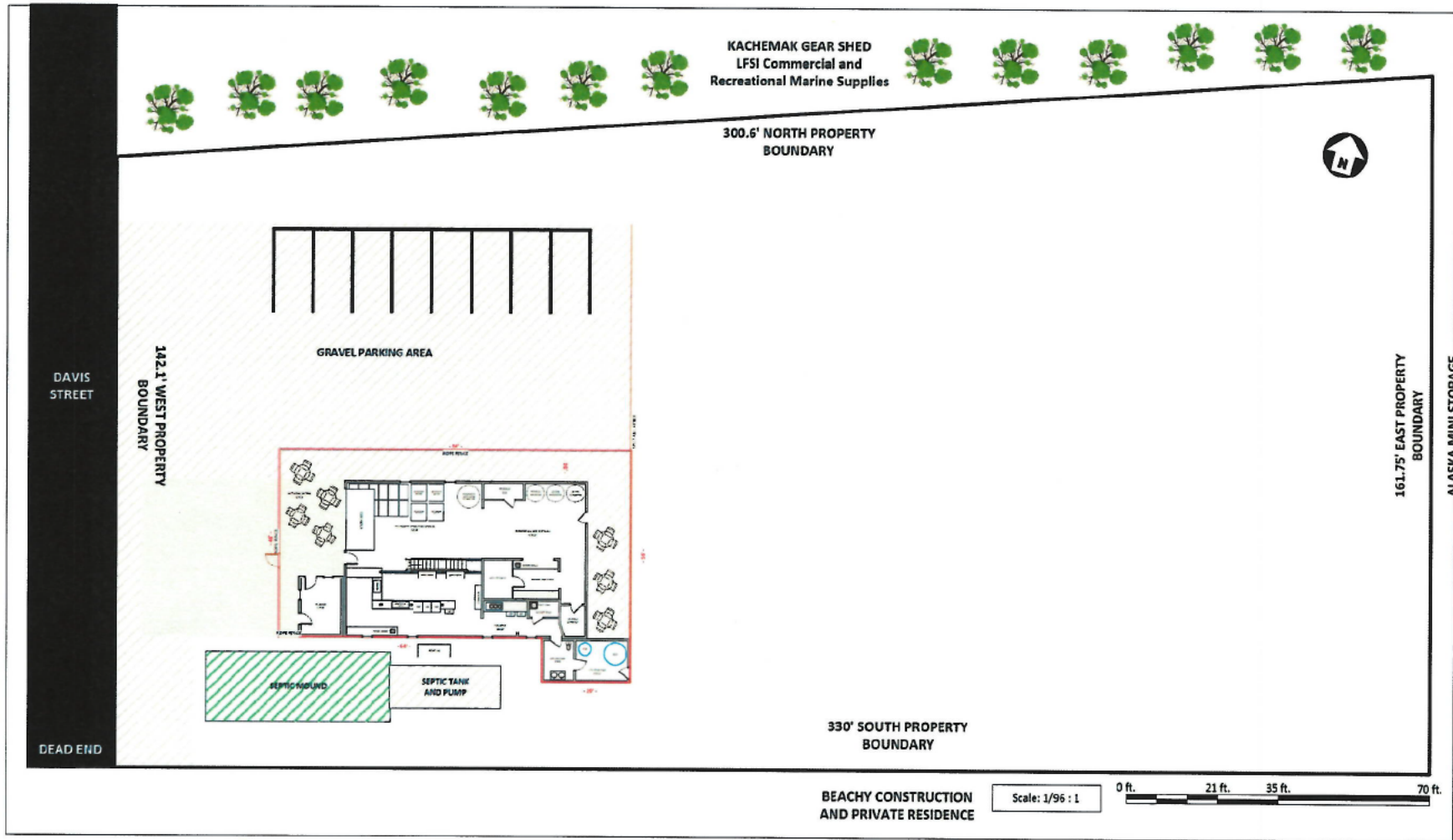
Diagram showing loft detail.



ODIN INC
ODIN MEAD
LICENSE # 5907

AMENDED LICENSED PREMISES

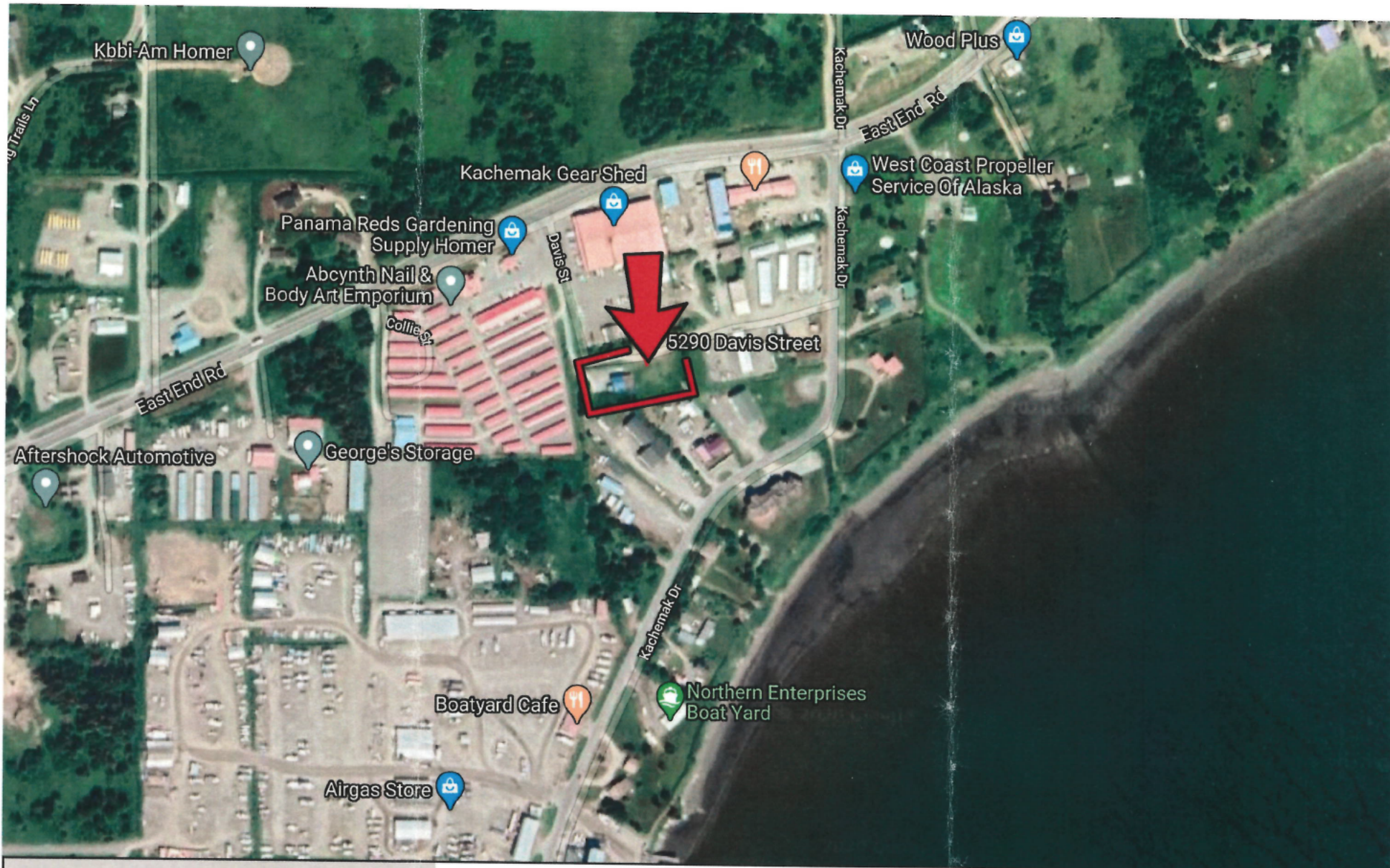
Diagram showing loft detail.



ODIN INC
 ODIN MEAD
 LICENSE # 5907

AMENDED LICENSED PREMISES

Diagram showing loft detail.



AMCC
JAN - 4 2021

ODIN INC
ODIN MEAD
LICENSE # 5907

CROSS STREETS AND POINTS OF REFERENCE

5290 Davis Street - Located ~ 300ft SSE of East End Road and Davis Street intersection.



Alaska Alcoholic Beverage Control Board

Form AB-14: Licensed Premises Diagram Change

Section 4 – Declarations

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

Initials

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

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

Signature of licensee

Grady Avant

Printed name of licensee

Notary Public
LYNDSAY APPELHANZ
State of Alaska
My Commission Expires Aug. 6, 2023

Notary Public in and for the State of Alaska.

My commission expires: 08/06/2023

Subscribed and sworn to before me this 30th day of December, 2020.

Section 5 – Local Government & AMCO Review

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

Yes No Pending

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

A local building permit is required for the proposed changes.

Signature of local government official

Building Permit #

Date

Printed name of local government official

Title

AMCO Review:

Approved Disapproved

Signature of AMCO Enforcement Supervisor

Signature of Director

Printed name of AMCO Enforcement Supervisor

Printed name of Director

Date

AMCO Comments:

Odin Mead

Lic 5907

Security Plan

Signage

Signs reading "WARNING: A person who provides alcoholic beverages to a person under 21 years of age, if convicted under AS 04.16.051, could be imprisoned for up to five years and fined up to \$50,000." Will be displayed conspicuously to a person who will be purchasing or consuming alcoholic beverages on the licensed premises.

Another sign "WARNING: A person under 21 years of age who enters these premises in violation of law could, under AS 04.16.049 (e), be civilly liable for damages of \$1,500." will be conspicuously display at each door through which customers enter the licensed premises. This sign will also be conspicuously placed on the posts of the boundary fencing.

Boundary Fencing

Wood and rope fencing will mark the licensed area boundary. There will be one customer-accessible gate that will be monitored by security cameras and personnel.

Security Cameras

24-hour security cameras are installed inside and outside the building. These cameras cover 100% of the licensed area and its boundaries. Live streams will be monitored by personnel. Footage will be recorded and saved for a period of 7 days.

Personnel & Practices

Personnel will monitor licensed area boundaries from the till located adjacent to the outdoor area. Licensed area boundaries will also be monitored via live video feed on displays located at the register. Personnel will conduct a walk-through every 15 minutes to spot check all licensed area boundaries.



City of Homer

www.cityofhomer-ak.gov

Police Department

4060 Heath Street
Homer, Alaska 99603

police@cityofhomer-ak.gov

(p) 907-235-3150

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

Memorandum

TO: RENEE KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: MARCH 16, 2021

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR BELUGA LAKE LODGE AND BEST WESTERN BIDARKA INN/OTTER ROOM No Objection

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

License Type: Beverage Dispensary
License #: 1402
DBA Name: Best Western Bidarka Inn/Otter Room
Service Location: 575 Sterling Hwy
Homer, AK 99603
Licensee: Johnson Inn Homer, LLC
Contact Person: Doug Johnson

License Type: Beverage Dispensary
License #: 4795
DBA Name: Beluga Lake Lodge
Service Location: 204 Ocean Drive Loop
Homer, AK 99603
Licensee: Johnson Inn Homer, LLC
Contact Person: Doug Johnson



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: RENEK KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: MARCH 16, 2021

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR ALICE'S CHAMPAGNE PALACE
AND DON JOSE'S MEXICAN RESTAURANT No Objection

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

License Type: Beverage Dispensary
License #: 253
DBA Name: Alice's Champagne Palace
Service Location: 203 W Pioneer Avenue
Homer, AK 99603
Licensee: Pioneer Beverages, Inc.
Contact Person: Michael Todd Boling

License Type: Beverage Dispensary
License #: 2252
DBA Name: Don Jose's Mexican Restaurant
Service Location: 127 W Pioneer Avenue
Homer, AK 99603
Licensee: Don Jose's, LLC
Contact Person: Jose Ramos



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: RENE KRAUSE, MMC, DEPUTY CITY CLERK

FROM: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

DATE: MARCH 11, 2021

SUBJECT: LIQUOR LICENSE PREMISE CHANGE APPLICATION FOR ODIN MEAD No objection

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

License Type: Winery
License #: 5907
DBA Name: Odin Mead
Service Location: 5290 Davis Street
Homer, AK 99603
Licensee: Odin, Inc.
Contact Person: Grady Avant

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-15

An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$49,000 from the Sewer CARMA fund and \$49,000 from the Water CARMA fund to pay for Betterments to the City's Utilities Located in East Hill Road as part of the Alaska Department of Transportation and Public Facilities Repaving Project.

Sponsor: City Manager/Public Works Director.

1. City Council Regular Meeting March 22, 2021 Introduction

Memorandum 21 046 from Public Works Director as backup.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-15**
6

7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2021 CAPITAL BUDGET AND AUTHORIZING
9 EXPENDITURE OF \$49,000 FROM THE SEWER CARMA FUND AND
10 \$49,000 FROM THE WATER CARMA FUND TO PAY FOR
11 BETTERMENTS TO THE CITY'S UTILITIES LOCATED IN EAST HILL
12 ROAD AS PART OF THE ALASKA DEPARTMENT OF
13 TRANSPORTATION AND PUBLIC FACILITIES REPAVING PROJECT.
14

15 WHEREAS, The Alaska Department of Transportation and Public Facilities (ADOT&PF)
16 will be repaving East Hill Road, possibly in the summer of 2021; and
17

18 WHEREAS, As part of the State's project, the State's construction contractor will be
19 adjusting City owned manholes and water valves and the State will be paying for this work as
20 part of their project; and
21

22 WHEREAS, A number of these utility appurtenances need more serious repair, which are
23 considered "betterments" to the State's Project; and
24

25 WHEREAS, It is in the City's best interests to repair these utilities, while the East Hill
26 Road Project is under construction; and
27

28 WHEREAS, The approximate cost of the "betterments" is \$98,000; and
29

30 WHEREAS, The City's Water CARMA and Sewer CARMA accounts are intended to fund
31 "*major maintenance of City facilities...as identified and recommended by the City Manager and*
32 *authorized by the City Council*"; and
33

34 WHEREAS, The City's Water and Sewer CARMA Accounts has sufficient funds to
35 contribute an equal share of the cost of the "betterments".
36

37 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
38

39 Section 1. The City of Homer's 2021 Capital Budget is hereby amended by appropriating
40 \$98,000 as follows to pay for the "betterments":
41

42 Account No. Description Amount

43	256 0378	Water CARMA	\$49,000
44	256 0379	Sewer CARMA	<u>\$49,000</u>
45		Total	\$ 98,000

46

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

49

50 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2021.

51

52

CITY OF HOMER

53

54

55

KEN CASTNER, MAYOR

56 ATTEST:

57

58

59 _____
MELISSA JACOBSEN, MMC, CITY CLERK

60

61 YES:

62 NO:

63 ABSTAIN:

64 ABSENT:

65

66

67 First Reading:

68 Public Hearing:

69 Second Reading:

70 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum 21-046

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, Director of Public Works
DATE: March 8, 2021
SUBJECT: East Hill Road Betterments

Issue:

The AK DOT/PF will be repaving East Hill Road, possibly this summer. They will be adjusting City owned manholes and water valves and paying for this work as part of their construction. A number of these utility appurtenances need more serious repair. The purpose of this memo is to request an appropriation to pay for what would be “betterments” to the State’s East Hill Road Project.

Background:

East Hill Road contains City owned water and sewer lines, which will be impacted by the State’s East Hill Road repaving project. Some of the impacts will be paid for by the State, such as adjusting the elevation of existing sewer manholes and water valves. Anything beyond this simple adjustment would be considered a “betterment” to the project and would be the City’s responsibility to pay for.

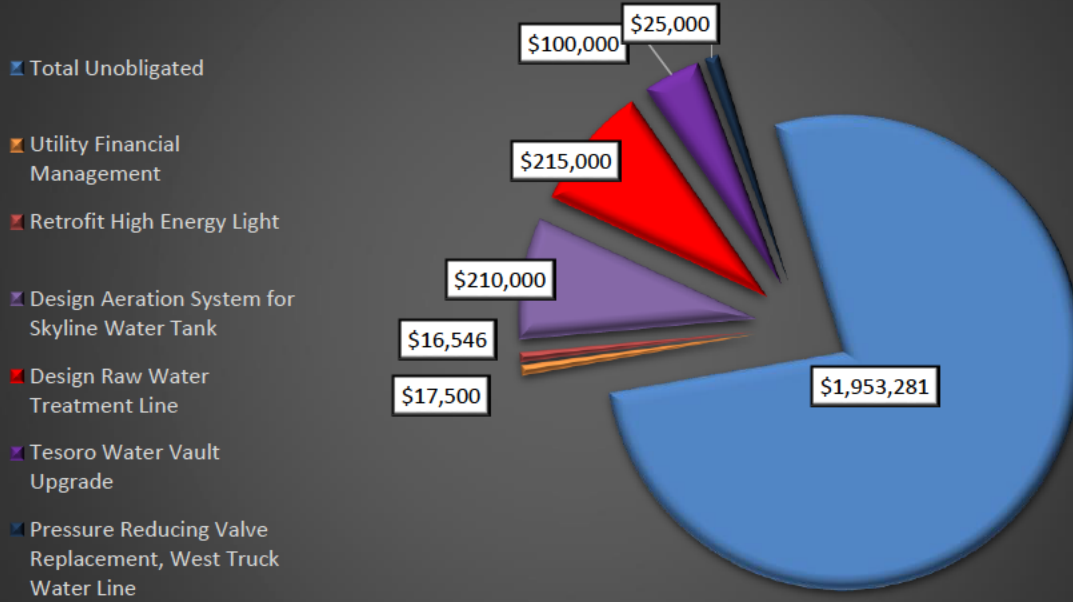
A number of the sewer manholes and water valves need more serious repair. The attached illustration demonstrates representative work. For example, the drawing entitled the “Manhole Cone Adjustment” shows the cross section of a typical concrete manhole. Sometimes the concrete “cone sections” or “grade rings” become broken over time/traffic and need to be replaced. Adjusting existing grade rings to the new road elevation is part of the road project and the State will pay for this. Replacing broken grade rings or broken cone sections is a betterment, which the City is responsible for. Likewise, sometimes the “valve boxes” break or lean or the water “valve stem” breaks. Simple adjustment of the valve box is part of the road project. Replacing broken valve stems is a betterment, which the City is responsible for.

It is in the City’s best interests to repair these units, while the East Hill Road Project is under construction. The approximate cost of the “betterments” is \$98,000.

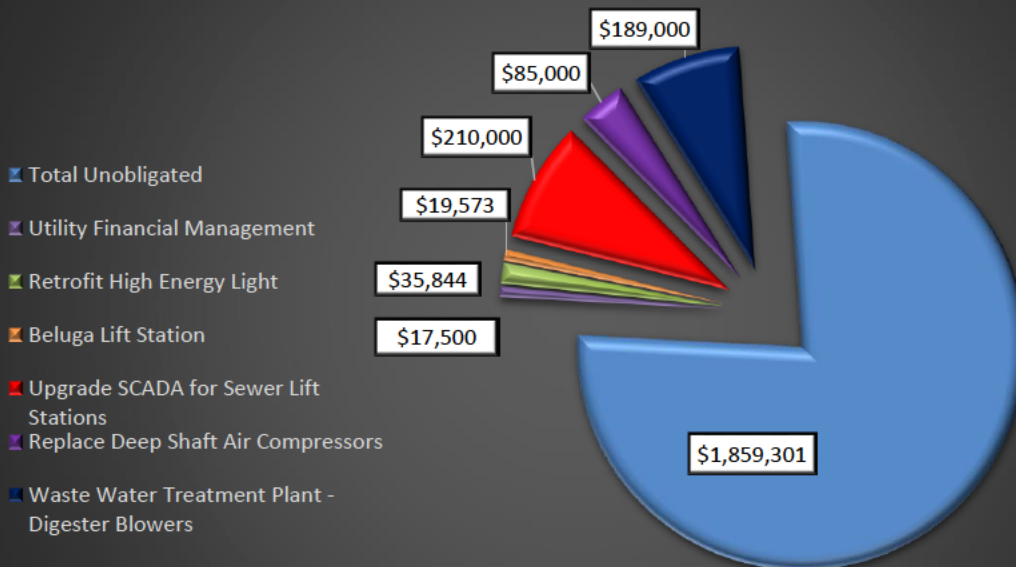
Funding is available:

The Pie Charts demonstrate that there is available funding in the Water and Sewer CARMA Funds.

Water CARMA Fund Obligated



Sewer CARMA Fund Obligated



Recommendation:

That the City Council appropriate \$98,000, to be split equally between the Water CARMA Fund and the Sewer CARMA Fund.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-16

An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing Expenditure of \$50,000 from the HART Road fund and \$50,000 from the Water CARMA fund to pay for Ground Water Research in the City Limits and Bridge Creek Reservoir Watershed.

Sponsor: City Manager/Public Works Director.

1. City Council Regular Meeting March 22, 2021 Introduction

Memorandum 21 047 from Public Works Director as backup.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-16**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2021 CAPITAL BUDGET AND AUTHORIZING
9 EXPENDITURE OF \$50,000 FROM THE HART ROAD FUND AND
10 \$50,000 FROM THE WATER CARMA FUND TO PAY FOR GROUND
11 WATER RESEARCH IN THE CITY LIMITS AND BRIDGE CREEK
12 RESERVOIR WATERSHED.

13
14 WHEREAS, The City's only water source, the Bridge Creek Reservoir, collects surface and
15 ground water; and

16
17 WHEREAS, Groundwater exacerbates the City's drainage challenges; and

18
19 WHEREAS, The sources, volumes and locations of groundwater in the local area are not
20 well understood; and

21
22 WHEREAS, The Kachemak Bay National Estuarine Research Reserve ("KBNERR"), and
23 its partners at the University of South Florida, recently concluded groundwater research on
24 lands to the north of the Bridge Creek Reservoir, the purpose was to better understand how
25 groundwater affects fish streams; and

26
27 WHEREAS, The technology and the methodology of analysis used by KBNERR would be
28 equally effective in mapping ground water sources for other purposes; for example, to help
29 understand the impact of groundwater on drainage or water supply; and

30
31 WHEREAS, We recently issued a Term Contract to Coble Geophysical, who, among other
32 things, provides expertise in groundwater analysis; and

33
34 WHEREAS, We plan to form a collaboration to conduct research about local
35 groundwater conditions; and

36
37 WHEREAS, This work will involve collecting/analyzing water well logs from as many
38 sources as we can find, using the methodology for groundwater mapping developed by
39 KBNERR and its affiliates, as well as the combined scientific expertise of all parties to
40 synthesize the data and develop findings that would lead to sensible policies and
41 implementation strategies; and

43 WHEREAS, We seek an appropriation of \$100,000 for this research, which would be
44 distributed between KBNERR and Coble Geophysical as their specific scopes of work are
45 finalized and negotiated; and

46
47 WHEREAS, Since the outcomes of this work would benefit the road/drainage works as
48 well as its water works, we propose to split the costs equally between the HART Road Fund
49 and the Water CARMA Fund.

50
51 WHEREAS, The City's HART Road Fund and Water Sewer CARMA Accounts have
52 sufficient funds to contribute an equal share of the cost of this research.

53
54 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

55
56 Section 1. The City of Homer's 2021 Capital Budget is hereby amended by appropriating
57 \$100,000 as follows to pay for groundwater research in the City Limits and the Bridge Creek
58 Reservoir watershed:

59

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
256 0378	Water CARMA	\$ 50,000
160 xxxx	HART Road	<u>\$ 50,000</u>
	Total	\$ 100,000

64

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

67
68 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2021.

69
70 CITY OF HOMER
71
72
73 _____
74 KEN CASTNER, MAYOR

75
76
77 ATTEST:
78 _____
79 MELISSA JACOBSEN, MMC, CITY CLERK

80 YES:
81 NO:
82 ABSTAIN:
83 ABSENT:

84

- 85
- 86 First Reading:
- 87 Public Hearing:
- 88 Second Reading:
- 89 Effective Date:



City of Homer

www.cityofhomer-ak.gov

Public Works

3575 Heath Street
Homer, AK 99603

publicworks@cityofhomer-ak.gov

(p) 907- 235-3170

(f) 907-235-3145

Memorandum

TO: Mayor Castner and Homer City Council
THROUGH: Rob Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
DATE: March 8, 2021
SUBJECT: Ground Water Study

Issue: The impacts of groundwater are all around us. The City's only water source, the Bridge Creek Reservoir, collects surface and ground water. Groundwater exacerbates the City's drainage challenges. Yet, the sources, volumes and locations of groundwater is not well understood. We have a unique opportunity to learn more about how groundwater affects our community and in so doing, be in a better position to manage it; that is to mitigate against damaging impacts (drainage issues) and protect positive attributes (water supply). We seek an appropriation to fund research by an expert team to do this.

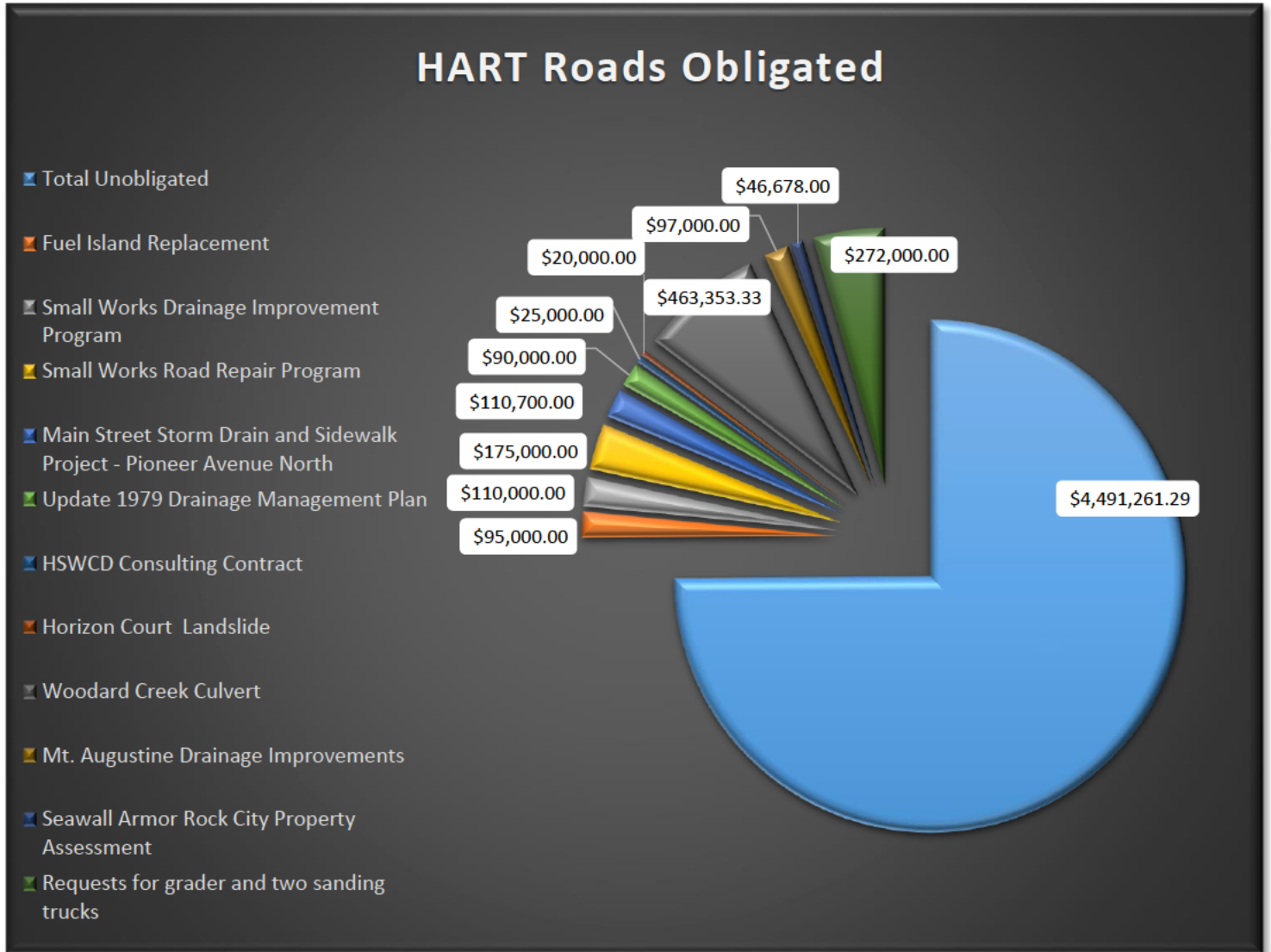
Background: The Kachemak Bay National Estuarine Research Reserve ("KBNEER"), and its partners at the University of South Florida, recently concluded groundwater research on lands to the north of the Bridge Creek Reservoir. Their purpose was to better understand how groundwater affects fish streams. They used sophisticated GIS tools to map ground water aquifers. This technology and the methodology of analysis would be equally effective in mapping ground water sources for other purposes; for example, to help understand the impact of groundwater on drainage or water supply. Further, we recently issued a Term Contract to Coble Geophysical, who, among other things, provides expertise in groundwater analysis.

We plan to form a collaboration to conduct research about local groundwater conditions. This work will involve collecting/analyzing water well logs from as many sources as we can find, using the methodology for groundwater mapping developed by KBNEER and its affiliates, as well as the combined scientific expertise of all parties to synthesize the data and develop findings that would lead to sensible policies and implementation strategies.

We seek an appropriation of \$100,000 for this research, which would be distributed between KBNEER and Coble Geophysical as their specific scopes of work are finalized and negotiated. Since the outcomes of this work would benefit the road/drainage works as well as its water works, we propose to split the costs equally between the HART Road Fund and the Water CARMA Fund.

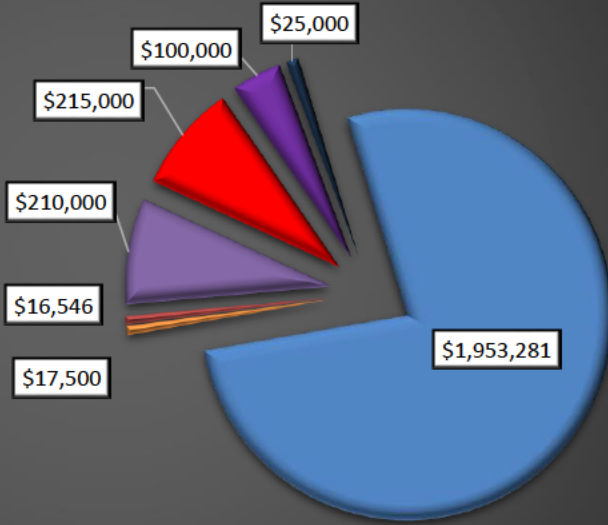
Recommendations:

That \$50,000 be appropriated from the Water CARMA Fund and \$50,000 be appropriated from the HART Road Fund to fund Ground Water Research within the City Limits and Bridge Creek Reservoir Watershed.



Water CARMA Fund Obligated

- Total Unobligated
- Utility Financial Management
- Retrofit High Energy Light
- Design Aeration System for Skyline Water Tank
- Design Raw Water Treatment Line
- Tesoro Water Vault Upgrade
- Pressure Reducing Valve Replacement, West Truck Water Line



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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-17**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2021 CAPITAL BUDGET AND AUTHORIZING
9 EXPENDITURE OF ADDITIONAL PASS THROUGH FUNDS FOR THE
10 ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC
11 FACILITIES LAKE STREET PROJECT.
12

13 WHEREAS, When Alaska Department of Transportation and Public Facilities (ADOT&PF)
14 undertakes a project within the City limits, they authorize Public Works to support the design
15 and construction effort, usually related to the need to make adjustments to City utilities, and
16 reimburse the City for its costs; and
17

18 WHEREAS, The City Council has previously, Ord 19 34 and 20 04, authorized a total of
19 \$115,850 for the Lake Street project; and
20

21 WHEREAS, Another \$106,831 is needed, which should take us through the construction
22 of the project and bring the total cost of the City's efforts to \$222,681, all of which will be
23 reimbursed by ADOT&PF; and
24

25 WHEREAS, ADOT&PF is still working on the implementation plan for the Project and it
26 is likely additional work will be needed, which will increase the value of the City's efforts; and
27

28 WHEREAS, It would be more efficient to build flexibility into the City's appropriation
29 process to get authority for the total value of the reimbursable expenses, rather than coming
30 back to Council every time ADOT&PF changes it plans.
31

32 NOW, THEREFORE, the City Council of Homer ordains:
33

34 Section 1. The City of Homer's 2021 Capital Budget is hereby amended by
35 appropriating all necessary funds to support the Lake Street Project, so long as (a) said funds
36 are reimbursed by ADOT&PF and (b) the total amount of reimbursed funds is reported to the
37 Homer City Council when the Project is completed.
38

39 Section 2. This appropriation is intended to be an immediate remediation of urgent
40 repairs, not as a precedent for future appropriations.
41

42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of April, 2021.

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER

KEN CASTNER, MAYOR



City of Homer

Dan Gardner, Superintendent

Public Works
3575 Heath Street
Homer, AK 99603
dgardner@ci.homer.ak.us
(p) 907-235-3170
(f) 907-235-3145

MEMORANDUM 21-048

To: Janette Keiser, PW Director

From: Dan Gardner, PW Superintendent *DWG*

Date: February 25, 2021

Subject: ADOT Lake Street Reconstruction
City of Homer Support

The City of Homer has been providing Preliminary Engineering design support to ADOT to address utility conflicts with the State's Lake Street reconstruction design. The City, through a term contract, has been working with Nelson Engineering for most of this effort. All costs to the City are being reimbursed by the State related to this work. Ordinance 19-34 approved \$95,000 in funding that would be reimbursed, and later, when the scope of work changed, Ordinance 20-04 added an additional \$20,850.

Since that time, the design scope has changed, and the state has approved Construction Engineering funds (bid review, submittals review, construction inspection, etc.). The total approved reimbursement by the State in pass-through funding now totals \$222,681.

Ordinances 19-34 and 20-04 provide a total of \$115,850 for City support to ADOT. An ordinance approving an additional \$106,831 will bring us in line with the approved pass-through funds from ADOT which should take us through the construction of the project.

ORDINANCE REFERENCE SHEET
2021 ORDINANCE
ORDINANCE 21-18

An Ordinance of the City Council of Homer, Alaska, Amending the 2021 Capital Budget and Authorizing an Additional Expenditure of \$33,185 from the Water CARMA Fund for a Total Expenditure of \$247,585 for the Raw Water Transmission Line Project Design.

Sponsor: City Manager/Public Works Director.

1. City Council Regular Meeting March 22, 2021 Introduction

Memorandum 21 049 from Public Works Director as backup.

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 21-18**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,
8 AMENDING THE 2021 CAPITAL BUDGET AND AUTHORIZING AN
9 ADDITIONAL \$33,185 FROM THE WATER CARMA FUND FOR TOTAL
10 EXPENDITURE OF \$247,585 FOR THE RAW WATER TRANSMISSION
11 LINE PROJECT DESIGN.

12
13 WHEREAS, The City Council adopted Ordinance 20 56, which appropriated \$215,000 for
14 the design of a new raw water transmission line; that is, a pipeline that conveys water from the
15 pump house, near the reservoir, to the water treatment plant; and

16
17 WHEREAS, To accomplish the design work, the City issued the following contracts:

18	Design	DOWL Engineers	\$164,600
19	Survey	Seabright Survey	\$ 15,000
20	Wetland Delineation	Homer Soil/Water Conservation District	<u>\$ 12,000</u>
21		Total	\$191,600

22
23
24 WHEREAS, In the process of investigating design options, the engineers discovered the
25 existing configuration between the raw water transmission line and the existing water
26 treatment plant could be simplified to be safer and more efficient; and

27
28 WHEREAS, While the additional work for DOWL Engineers to design the new
29 configuration will cost \$33,185 more, it will result in construction cost savings which should
30 offset the additional design cost.

31
32 NOW, THEREFORE, the City Council of Homer ordains:

33
34 Section 1. The City of Homer's 2021 Capital Budget is hereby amended by
35 appropriating funds from the Water CARMA Fund an additional \$33,185 for the Raw Water
36 Transmission Line Design Project, bringing the total appropriation for this project to
37 \$247,585.

38	<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
39	256 0378	Water CARMA	\$33,185

40
41
42 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ___ day of _____, 2021.

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ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

CITY OF HOMER

KEN CASTNER, MAYOR



City of Homer

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Public Works

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(f) 907-235-3145

Memorandum 21-049

TO: Mayor Castner and Homer City Council

THROUGH: Rob Dumouchel, City Manager

FROM: Janette Keiser, PE, Director of Public Works

DATE: March 3, 2021

SUBJECT: Raw Water Transmission Line Design Project Betterment

Issue: In the course of designing the new Raw Water Transmission line, we’ve come across an opportunity to improve operations and save construction costs at the Water Treatment Plant. This will require some additional design work, for which we are seeking additional funding.

Background:

The City Council adopted Ordinance 20 56, which appropriated \$215,000 for the design of a new raw water transmission line; that is, a pipeline that conveys water from the pump house, near the reservoir, to the water treatment plant. This is being done because the existing transmission line is old cast iron pipe, which has cracked numerous times. If this line were to be taken out in a serious earthquake, the City would have no water supply.

To accomplish the design work, we issued the following contracts:

a. Design	DOWL Engineers	\$164,600
b. Survey	Seabright Survey	\$ 15,000
c. Wetland Delineation	Homer Soil/Water Conservation District	<u>\$ 12,000</u>
	Total to Date	\$191,000

In the process of investigating design options, we evaluated how to best connect the new water line into the existing treatment plant. We discovered we could simplify this configuration by eliminating an existing surge tank and its related piping. This is a 500 gallon tank, which buffers the differing pressures generated within the water line by the supply pumps. It is already at the end of its useful life. Eliminating the surge tank would make the treatment plant operations more efficient and safer, by removing a source of high pressure water, in a tight, enclosed space. Eliminating the surge tank would also mean construction of the new water line would be simpler because we’ll have more room to work in. Plus, we won’t have to run new piping through tortuous, twisting routes to work around an obsolete surge tank.

It will cost \$56,585 more to do the extra design work. However, we believe this will be more than offset by the decrease in construction costs and increase in operational efficiency and safety.

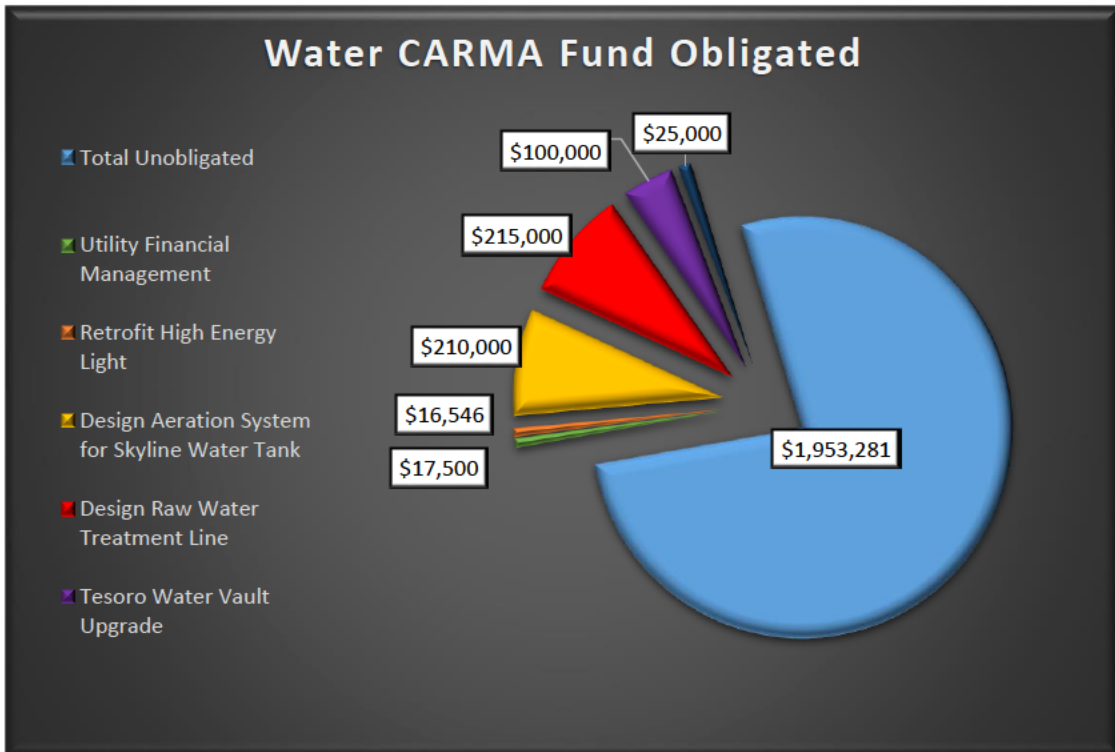
Recommendations:

That an additional \$56,585 be appropriated from the Water CARMA Fund to the Raw Water Transmission Line Design budget for the additional design work. This would bring the new total cost for the design of this project to \$247,585.





Funding is Available:



**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 21-021

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO DISPOSE OF USED AND
SURPLUS EQUIPMENT FROM THE DERELICT VESSEL NORTH
PACIFIC PURSUANT TO HCC 18.30.010 020 AND HCC 18.30.040(B).

WHEREAS, The Port and Harbor Department has in its possession materials from the
derelict vessel North Pacific including a pedestal crane, anchor winch, and shore power
isolation transformer; and

WHEREAS, The estimated value of the items exceeds \$5000.00 and it is recommended
the minimum bids be established at \$5000 for the pedestal crane, \$1000 for the anchor winch
and \$500 for the transformer; and

WHEREAS, The Port and Harbor Department and the City Administration want to
advertise the sale of the pedestal crane, anchor winch, and transformer; the disposal of which
is deemed to be in the overall best interest of the City; and

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby declares the North
Pacific's pedestal crane, winch, and shore power isolation transformer to be unneeded and
surplus and authorizes the City Manager to dispose of it pursuant to either HCC 18.30.010 020
or HCC 18.30.040(b) in the best interests of the City.

PASSED AND ADOPTED by the Homer City Council on this 22ND day of March, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal Note: Revenue amount to be determined

**CITY OF HOMER
HOMER, ALASKA**

City Manager/City Clerk

RESOLUTION 21-022

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
APPROVING THE UPDATED REGULATIONS CONCERNING PUBLIC
RECORD INSPECTIONS.

WHEREAS, Homer City Code 2.84.080 Regulations directs the City Manager to establish regulations for the operation and implementation of Chapter 2.84 Public Release of Record; and

WHEREAS, The Regulations Concerning Public Record Inspections hasn't been updated since 2011 and there have been changes in citations of Homer City Code and media on to which records can be copied to; and

WHEREAS, The current regulation 5.03 provides that a response to a records request is due within 5 days of the request; and

WHEREAS, Alaska Administrative Code 2AAC 96.325. Response to request; time limits provides for 10 working days after the date the agency receives a records request to furnish all records that are disclosable; and

WHEREAS, Often times larger requests require routing through multiple departments which takes additional time for processing; and

WHEREAS, While the City will continue to work to provide records requested as quickly as possible, it is appropriate to adopt a timeline consistent with the Alaska Administrative Code as other municipalities have already done.

NOW THEREFORE BE IT RESOLVED that the Homer City Council approves the updated Regulations Concerning Public Record Inspections.

PASSED AND ADOPTED by the Homer City Council this 22^d day of March, 2021.

CITY OF HOMER

KEN CASTNER, MAYOR

44 ATTEST:

45

46

47

48 _____
MELISSA JACOBSEN, MMC, CITY CLERK

49

50 Fiscal note: NA



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 21-051

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MARCH 16, 2021
SUBJECT: CITY OF HOMER REGULATIONS CONCERNING RECORDS INSPECTION

The City is taking steps to improve the records request process for citizens and also for staff by updating our records request form and creating a webform citizens can fill out and submit through the City website.

In this process we've also looked at the existing Regulations Concern Records Inspection. The policy was last updated in 2011 a few areas needing minor amendments were identified, specifically:

- Media for providing records is out of date (regulation line 10)
- Outdated code citations (regulation lines 57, 84, and 192)

Another amendment being proposed is on line 185 of the regulation where it refers to five working days to respond to requests. Typically we can accommodate that timeline when there are routine requests. However, there are times when records requests have to be routed through multiple departments and can take longer than five days to compile and review the records being requested.

We'd like to amend the policy to read 10 working days to allow adequate time for multiple department processing and review. This timeframe is consistent with Alaska Administrative Code 2 AAC 96.325. Response to request: time limits, and a standard that other municipalities use as well.

Recommendation: Adopt the resolution approving the Regulations Concerning Records Inspection.

CITY OF HOMER
Regulations Concerning Public Record Inspections
(Revised 2021)

1. Fees

1.01 Copies. The fee for copying public records will be the city's standard copying fee. At this time, the standard fee for documents is \$.25 per page, including scanned documents.

See the city's fee schedule for the fees for copies of audio cassettes, video cassettes, and other items **copies provided in other formats such as cd's and detachable drives.**

1.02 Certified Copies. The fee for a certified copy of a document will be the city's standard certification fee plus the standard copying fee. At this time the certification fee is \$10 per document. Only the city clerk or deputy city clerk will certify documents.

1.03 Production Fee. If the production of records for one requestor in a calendar month exceeds five person hours, the requestor must pay a production fee. The production fee will be the city employee's actual salary plus benefit costs for the time required during the month to search, review, and copy the records. The time for review includes the time spent to examine the records for the purposes of determining whether the document is responsive to the request and whether the document will be disclosed or whether it must be withheld based on privilege, exemption, or other exception. The production fee will be in addition to the standard copying fee.

1.04 Estimate and Advance Payment. If a production fee is required or anticipated under the preceding paragraph, the city staff will prepare an estimate of the production fee and copying fee that are expected to result from producing the requested records. The requestor must deposit the estimated production and copying fees in advance of the search. If the actual production and copying fees are less than the estimate, the requestor will be given a refund of the difference. If the actual production and copying fees are greater than the estimate, the records will not be released to the requestor until the requestor pays the difference.

1.05 Inspection Only. There will be no fee for simple inspection of records, except when the production of the records for inspection by one requestor in a calendar month exceeds five person hours. In that case the requestor will be required to pay the production fee as described in the preceding paragraphs.

1.06 Indigency. If a person is unable to pay a fee, and signs an affidavit to the effect that he or she is indigent, then the City Manager will waive the copying fee and production fee, except when the City Manager, based upon reliable information, determines the affidavit of indigency is made in bad faith or fraudulently.

44

Annual Income as a percent of the current Health and Human Services (HHS) poverty guidelines for Alaska	Percentage of fee reduced
1 100%	100% waiver
101 149%	75% waiver
150 174%	50% waiver
179 199%	25% waiver
200% plus	No waiver

45

46

47 An application for indigency may be filed with the City Manager for waiving or partially
 48 waiving the costs of record reproduction. The City Manager may allow an applicant, who
 49 qualifies as an indigent, a reduced record reproduction fee, a payment plan or a waiver of the
 50 filing fee where the Manager is able to make a written finding, based on information provided
 51 by the applicant that payment of the record reproduction fee would be a financial hardship.
 52 Based upon the information provided, the fee may be reduced or waived in accordance with
 53 the above scale.

54

55 **2. Requirements for Public Record Requests; Approvals and Denials**

56

57 2.01 City Manager Approval. According to Homer City Code Section ~~1.80.060~~ **2.84.060**, All
 58 requests for records shall be approved or denied by the City Manager. The manager or his
 59 designee shall, consistent with the orderly conduct of City business, make a good faith and
 60 reasonable effort to locate records that are adequately identified in the request. The City
 61 Manager will provide a reasonably prompt response to each request.

62

63 2.02 Routine Requests. Routine requests for inspection or copying of records may be
 64 approved (but not denied) and responded to by the city clerk, deputy city clerk, or the
 65 department head of the department in which the records are located. They may act as the
 66 City Manager’s designee for the approval of routine requests. For purposes of these
 67 regulations, a routine request is a request for records that are clearly to be made available to
 68 the public, and which can be responded to quickly without a substantial amount of effort or
 69 time by the city staff. Routine requests may be submitted orally or in writing.

70

71 2.03 Non routine Requests. Non routine requests for inspection or copying of records must be
 72 made in writing and referred to the City Manager for approval or disapproval. Non routine
 73 requests include, but are not limited to, requests for records that are or might be exempt from
 74 disclosure, requests that will or might be denied for any reason, requests that will take more
 75 than one person hour of staff time to respond, and requests from a person involved in
 76 litigation with the city.

77

78 2.04 Litigation Disclosure Requests. If a person requesting inspection of City records is

79 involved in litigation, a quasi judicial proceeding, or an appeal involving the City or a City
80 agency in any judicial or administrative forum, the disclosure of records used for, included in,
81 or relevant to that litigation, proceeding or appeal is governed by the rules or orders of that
82 forum, and not by this chapter. In this section, “involved in litigation” means being a party to
83 litigation, a quasi judicial proceeding or appeal, or representing a party, including any person
84 obtaining records on behalf of the party. Homer City Code Section ~~1.80.055~~ **2.84.055**

85
86 2.05 Aggregation of Certain Requests. If the City Manager, based on reliable information,
87 determines that one or more individuals have made one or more requests for public records
88 on behalf of another person or group for the purpose of dividing a request into smaller parts
89 to avoid the payment of a production fee (for production of records requiring more than five
90 person hours of staff time per month), the City Manager will aggregate all such requests and
91 treat them as one request made by one person.

92
93 2.06 Bad Faith Affidavit of Indigency. If the City Manager, based on reliable information,
94 determines that a person has made an affidavit of indigency in bad faith or fraudulently for
95 the purpose of avoiding payment of production, copying, or other fees, the City Manager will
96 deny the waiver of the fees.

97
98 2.07 Harassment Requests. If the City Manager, in good faith, reasonably determines that a
99 request for copies or inspection of records is not made in good faith and is made for the
100 purpose of harassment of the city or city officials, or to purposely interfere with the orderly
101 conduct of city business, the City Manager will deny the request. Such a determination will be
102 made only after notice and an opportunity for the requestor to be heard by the City Manager.

103
104 2.08 Description of Records Requested. A requestor must describe the records sought in
105 sufficient detail to enable the city to locate and identify the records sought. If the records are
106 described by the requestor in general terms, the city staff shall attempt to communicate with
107 the requestor to identify the records requested and lessen the administrative burden of
108 processing an overly broad request. If the request is not sufficient to allow the staff to identify
109 the requested records, the requestor shall be notified promptly that the request cannot be
110 approved or processed until a sufficient description of the records is received.

111
112 2.09 Deliberative Process Records. There is a recognized need to encourage open, frank
113 discussions among government officials about proposed or contemplated governmental
114 action. Disclosure of official deliberations will inhibit those discussions, invade the mental
115 processes of government officials, and adversely affect the quality of administrative decision
116 making. Records containing deliberative process information are confidential and need not
117 be disclosed. Accordingly, requests for internal, pre decisional records that are deliberative in
118 nature will be denied unless the City Manager determines the requestor has established
119 that, on balance, the interest of the public in having access to the records outweighs the
120 interest of the public in having city business carried on efficiently and without unreasonable

121 interference.

122

123 **3. Time and Place of Inspection**

124

125 3.01 Routine Requests. A routine request for records will be responded to promptly at the
126 office where the records are kept, or another city office if more convenient to the city, during
127 business hours at a time that does not interfere with the orderly conduct of city business. If
128 the records cannot be produced within two working days, the requestor will be advised.

129

130 3.02 Non routine Requests. Records in response to an approved non routine request will be
131 made available for inspection or copying at city hall, under the direction of the City Manager
132 or the City Manager's designee. For the convenience of the city, the City Manager may
133 designate an inspection location elsewhere in the city. The time for inspection will be during
134 business hours. The City Manager will advise the requestor of the specific time and date on
135 which the inspection may occur. If, and to the extent, necessary to maintain the orderly
136 conduct of city business, the City Manager may limit the days and hours when inspection and
137 copying of public records may occur.

138

139 3.03 Large Requests. If a request is made for inspection or copying of a large volume of public
140 records, the City Manager may require the requestor to make a written designation of the
141 order in which the requestor wants the records produced. When such order is designated by
142 the requestor, the city will attempt to produce the records in that order. Requests for
143 inspection or copying of a large volume of public records, or requests that will require the city
144 to search or review a large volume of public records, will be responded to as city staff time
145 permits. The orderly conduct of city business will not be interrupted to make fast response to
146 such a request. It is reasonable that the maker of such a large request should expect an
147 extended time for response. The City Manager will advise the requestor of the estimated
148 time in which the response will be made.

149

150 **4. Form of Records Produced**

151

152 4.01 Form of Records. The records of the city will normally be made available for inspection or
153 copying in the format in which the city maintains or disseminates the records. Exact
154 reproduction is not required, but any alteration of the form or medium of public records must
155 not change the substantive content of the information, and if the actual content is changed,
156 the nature of the change and the reason for the change will be communicated to the
157 requestor.

158

159 4.02 Summarization or Manipulation of Records. The city is not required to compile or
160 summarize its records in response to a request for information. The city is not required to
161 manipulate its data to create new records in response to a request for information.

162

163 4.03 Partially Disclosable Records. If public records contain information that is disclosable in
164 part and nondisclosable in part, the nondisclosable information shall be removed prior to
165 disclosure.

166

167 **5. Written Determinations and Appeals**

168

169 5.01 Written Response. If the City Manager makes an adverse determination, in whole or in
170 part, a written public records request, the City Manager will provide a written response
171 setting forth the adverse determination. It will include a description of the records requested,
172 a description of the records that will not be provided, and the reasons for the adverse
173 determination, including reference to provisions of law or regulations, facts, and other
174 information relied upon. The City Manager's written response will also include a notice that
175 the requestor has a right to appeal to the city council.

176

177 5.02 Response to Oral Requests. Oral requests may be accepted for a routine request. Oral
178 requests for records will not be accepted for a non routine request or receive a written
179 response from the City Manager unless the requestor is unable to make a written request
180 because of inability to write or because of mental or physical disability. In that case, the city
181 staff will assist the requestor in making a request that will be responded to and treated as a
182 written request for all purposes under these regulations.

183

184 5.03 When No Response Is Deemed Denial. If the requestor receives no response to a written
185 request for records within ~~five~~ **ten** working days of making that request, the requestor may
186 file with the city clerk a written demand for a written response from the City Manager. If the
187 City Manager does not give a written response to that demand within three working days of
188 the city clerk's receipt of the demand, the request for records will be deemed denied.

189

190 5.04 Appeal to City Council. A denial, in whole or in part, a deemed denial, or any adverse
191 written determination by the City Manager in response to a written request for public records
192 may be appealed by the requestor to the city council under Homer City Code Section ~~1.80.070~~
193 **2.84.070**.

194

195 5.05 Appeal to Superior Court. A decision of the city council on an appeal from a decision of
196 the City Manager may be further appealed to the superior court. Such an appeal must be
197 made under the court rules of procedure governing appeals to the superior court.

198

199 Date:

200 Robert Dumouchel

201 City Manager

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 21-023**
6

7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 DECLARING THE CITY'S INTENDED DISTRIBUTION OF A FEDERAL
9 CAPITALIZATION GRANT IN THE AMOUNT OF \$500,000 FROM
10 ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR
11 PRINCIPAL FORGIVENESS OF WATER MAIN EXTENSIONS.
12

13 WHEREAS, The City has been notified by the Alaska Department of Environmental
14 Conservation (ADEC) that three of our water main Special Assessment Districts qualify for
15 "principal forgiveness" from a Federal Capitalization Grant in the amount of \$500,000; and
16

17 WHEREAS, This is a competitive process in which the ADEC ranks projects based on
18 information submitted on a questionnaire and they're ranked using pre established criteria;
19 and
20

21 WHEREAS, The City received notification of this opportunity March 15 and ADEC asked
22 for a declaration of intended distribution within 7 to 10 days; and
23

24 WHEREAS, The City could qualify for up to \$500,000 in grant funds through this Federal
25 Capitalization Grant.
26

27 NOW THEREFORE BE IT RESOLVED that the Homer City Council approves the City
28 submitting a questionnaire regarding projects to be considered for a Federal Capitalization
29 Grant.
30

31 BE IT FURTHER RESOLVED the distribution of funds is proposed as follows:
32

33	• Tasmania Court Water District	24.6%	\$122,822
34	• Tasmania Court Water District Betterment	7.9%	\$ 39,259
35	• Alder Lane Water District	22.4%	\$112,229
36	• Charles/Bunnell Water District	<u>45.1%</u>	<u>\$225,690</u>
37		100 %	\$500,000

38 PASSED AND ADOPTED by the Homer City Council this 22^d day of March, 2021.
39

40 CITY OF HOMER
41

42 _____
43 KEN CASTNER, MAYOR

44

45

46 ATTEST:

47

48

49

50 _____
MELISSA JACOBSEN, MMC, CITY CLERK

51

52 Fiscal note: NA



Memorandum 21-052

Through: Robert Dumouchel, City Manager
FROM: Janette Keiser, PE, Director of Public Works
DATE: March 16, 2021
SUBJECT: “Principal Forgiveness” Grant from ADEC for water main extensions

Issue: We have been notified by the ADEC that three of our water main Special Assessment Districts qualify for “principal forgiveness”, for a total of \$500,000, from a Federal Capitalization Grant program. We need to tell the ADEC how we want to distribute the money no later than March 23. The purpose of this memorandum is to make a recommendation about this.

Background:

We are working on multiple Special Assessment Districts to extend water and sewer mains to neighborhoods, which have requested them. The City typically finances such work through the AK Dept. of Environmental Conservation (ADEC), which administers loan funds from the Environmental Protection Agency. In this competitive process, we submit a questionnaire, which the ADEC ranks using pre established criteria. The ADEC uses this ranking to develop a prioritized list of eligible projects, for which the ADEC recommends loan funding. Thus, getting “in line” for this funding starts with the initial questionnaire.

We submitted questionnaires for the following Special Assessment Districts;

- Tasmania Court Water District including the Betterment Fully Formed
- Tasmania Court Sewer District Held Neighborhood Meeting no objections
- Alder Lane Water District Fully Formed
- Charles/Bunnell Street Water District Initiating petition still being collected.
- Charles/Bunnell Street Sewer District Initiating petition still being collected.

The ADEC notified us today that not only will our projects be listed as potential loan recipients, the water main extension projects are eligible for something called “Principal Forgiveness”, as part of the Federal Capitalization Grant program, up to \$500,000. We are being offered a grant of \$500,000, for water projects!

There are some strings attached to this money:

1. It can only be spent on water main extension projects.

2. Each project may receive a maximum of 50% of the anticipated water infrastructure costs in loan forgiveness.
3. The money may only be directed to projects, currently in the ADEC loan program queue.

The question now is this: How do we want to distribute these funds? There is no prescribed formula we can spread the money between the various water projects as we see fit. We recommend the grant be applied to each project in proportion to the project's share of the overall program costs. For example, costs for the Tasmania Water District, \$277,090, not including the 12 inch Betterment, comprise 24.6% of the total program costs of \$1,128,019. We recommend applying 24.6% of the \$500,000 grant to the Tasmania Water District. A chart illustrating the impact of the recommended distribution is shown below.

The ADEC asked that we declare our intended distribution with 7 10 days, from today. They would probably be willing to wait until March 23, so we would have an opportunity to address this at the March 22 Council meeting.

Recommendation:

We recommend asking the ADEC to distribute the \$500,000 as follows:

• Tasmania Court Water District	24.6%	\$122,822
• Tasmania Court Water District Betterment	7.9%	\$ 39,259
• Alder Lane Water District	22.4%	\$112,229
• Charles/Bunnell Water District	<u>45.1%</u>	<u>\$225,690</u>
	100 %	\$500,000

The chart below illustrates the impact of this:

Project	Cost of Project	% Share of Total Project Costs	Share of Grant \$	Remaining Project Costs	City Share - 25%	Property Owner Share - 75%
Tasmania Water	\$ 277,090.00	24.6%	\$ 122,821.51	\$ 154,268.49	\$ 38,567.12	\$ 115,701.37
Tasmania Water Betterment	\$ 88,569.00	7.9%	\$ 39,258.65	\$ 49,310.35	\$ 88,569.00	\$ -
Alder Water	\$ 253,193.00	22.4%	\$ 112,229.05	\$ 140,963.95	\$ 35,240.99	\$ 105,722.96
Charles / Bunnell Water	\$ 509,167.00	45.1%	\$ 225,690.79	\$ 283,476.21	\$ 70,869.05	\$ 212,607.16
Totals	\$ 1,128,019.00	100.0%	\$ 500,000.00	\$ 628,019.00	\$ 233,246.16	\$ 434,031.49

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

3 City Manager/Library Director

4 **RESOLUTION 21-024**

5
6 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
7 PROVISIONALLY AWARDING A CONTRACT FOR INTERNET SERVICE
8 AT THE HOMER PUBLIC LIBRARY TO GCI CORPORATION AND
9 AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
10 THE APPROPRIATE DOCUMENTS

11
12 WHEREAS, The federal government offers an annual subsidy to libraries, including the
13 Homer Public Library, to offset 70% of the library's internet costs; and

14
15 WHEREAS, Federal regulations require that the City of Homer must sign a contract with
16 one or more internet providers in order to qualify for the e rate subsidy, on or before March 25,
17 2021; and

18
19 WHEREAS, GCI Corp. has offered a contract that satisfies the service needs of the Homer
20 Public Library; and

21
22 WHEREAS, Said contract includes language indicating that the contract shall not enter
23 into force unless and until the Homer City Council appropriates funds for the purpose.

24
25 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, hereby
26 directs the City Manager to negotiate and execute a contract for e rate service with GCI Corp.,
27 with the understanding that this contract shall be suspended until Council appropriates funds
28 for its execution.

29
30 PASSED AND ADOPTED by the Homer City Council this 22^d day of March, 2021.

31
32
33 CITY OF HOMER

34
35 _____
36 KEN CASTNER, MAYOR

37 ATTEST:

38
39 _____
40 MELISSA JACOBSEN, MMC, CITY CLERK

41
42 Fiscal note: N/A



City of Homer

www.cityofhomer-ak.gov

Homer Public Library

500 Hazel Avenue
Homer, AK 99603

library@cityofhomer-ak.gov

(p) (907)-235-3180

(f) (907)-235-3136

Memorandum 21-053

TO: Mayor Castner and Homer City Council

THROUGH: Robert Dumouchel, City Manager

FROM: David Berry, Library Director

DATE: Mar. 16, 2021

SUBJECT: Library Internet Service for FY22 23

Every year, Homer Public Library receives a federal subsidy that funds 70% of its internet costs. This subsidy, known as e rate, requires the City to solicit bids from internet service providers every January or February. The winning bid(s) take effect on July 1 and last through the following June 30.

This year, two providers have offered bids with a wide range of service tiers and contract terms, but neither offered to continue with the existing service under the current arrangement. After evaluating all the choices on both price and service level, we recommend upgrading to a 400 Mbit/sec connection on a five year contract. This is the cheapest option that both meets the service needs and avoids a separate charge for installation of the infrastructure.

From an accounting perspective, there would be an increase in the line item for the library's communications budget (from the current \$13,000 to roughly \$29,000 per year) but the actual increased cost to the City would be only 30% of that (\$4,800).

Unfortunately, the deadlines set by the federal government dictate that time is very short. The contract must be signed before submitting the federal form 471, and the deadline for that form is Thursday, March 25.

If the contract is signed immediately, the provider has offered to include language acknowledging that the execution of the contract shall depend upon City Council providing funding for it in the FY 2022 budget. If Council declines to provide such funding, the contract shall be void.

RECOMMENDATION

Approve a resolution allowing the City Manager to sign a provisional contract for library internet service in FY 2022, with the understanding that said contract will not take effect until Council has allocated funding for it in the FY 2022 budget.



City of Homer

www.cityofhomer-ak.gov

Office of the City Manager

491 East Pioneer Avenue
Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: March 17, 2021
SUBJECT: City Manager's Report for March 22, 2021 Council Meeting

FY22/23 Budget

The Council met for a work session on March 15th to discuss the Administration Department, Finance Department, and Admin Fees. There was discussion throughout which will help staff move forward with their budget preparations. The Admin Fees discussion was productive and I am aiming to include a follow up discussion on the March 31st budget work session agenda which will also include Police, Fire and an introduction to fleet issues. We'll move CARMA to budget work session #3 with Public Works and Harbor.

Natural Gas Line Loan is Paid Off!

Council passed Ord 21-13 at the March 8th meeting which allowed for the payoff of the Natural Gas Line loan with the Kenai Peninsula Borough. The very next day the Finance Department worked with our banking partners to pull the funds together and get a check written for the full payoff amount of \$2,511,190.83. The day after, Finance gathered the necessary signatures and deposited the check into the respective Borough bank account.

Harbor Bond Refunding

The City issued its Harbor Revenue Bond in June 2013, in the principal amount of \$3,735,000. The bond was purchased by the Alaska Municipal Bond Bank. The Bond Bank began the process of refinancing local government bonds in 2020 (including the City's Harbor Bond) but was delayed because of a ruling by the Alaska Supreme Court. The Bond Bank is again moving forward with the refinancing which is expected to close in early June. If the City participates in the refinancing, approximately \$2 million par amount of the City's bond would be refinanced.

The refinancing is intended to achieve at least a 3% savings for local government. The Bond Bank provided us with a preliminary analysis of potential savings for the City. With current market rates, the City could save approximately \$185,918, which represents roughly 8.9% in savings. The range of potential market movement provided by the Bond Bank was 35 basis points. Within that range, the worst savings is said to be \$113,992 (6.7%) and the best is \$247,053. (11.8%). However, bond markets are volatile and the potential savings can change drastically depending on market movements.

Known expenses related to participating in this refinancing is the contract for bond counsel services which has been quoted to be \$15,000. The City would only occur this expense if the refinancing by the City is successful. This costs would be included in the cost of the refinancing transaction. A bond ordinance authorizing the City's participation in the transaction is expected to be introduced to Council in early April.

Cybersecurity Update

At the very beginning of March, [Microsoft reported](#) that hackers based in China had discovered and exploited four security weaknesses in Microsoft Exchange servers, which are used for handling email. Hackers could potentially steal emails, distribute malware through the server, or introduce changes to the system that would give them greater control over its operations. On March 2, Microsoft released patches for the security holes, and all these patches were quickly applied by IT staff to the City's servers. We are not aware of any breach of security to the City's systems, although other entities may have been attacked as early as January 6th.

Ice Plant is Open for Business

The Ice Plant closes down seasonally for maintenance, but it officially reopened for business on March 10th. There is ice in the bin to sell, the cold storage room is ready for customers to store their season's bait, and some halibut have already been landed. Burt Gregory, the Ice Plant/Fish Dock Supervisor (shown in the photo below), tells us that the plant is "running like a well-oiled sowing machine."



Recreational Trails Program

Administration is planning to apply for a Recreational Trails Program grant to construct an ADA accessible trail in Karen Hornaday Park. The trail will run parallel and adjacent to a redesigned park entrance road and the parking configuration, and will be of similar design as the Poopdeck Platt Trail. This improvement addresses Karen Hornaday Park pedestrian safety and accessibility concerns which are prioritized in the City's Capital Improvement Plan and the ADA Transition Plan. The grant, if successful, requires a 10% local match which will be requested from the HART Trails Fund. We will bring a resolution before Council in April expressing Council support for the project and authorizing the application for the matching grant as required by the Recreational Trails Program.

Building Data

At the March 8th Council meeting and March 15th work session, I mentioned that I had Planning preparing some data regarding building trends in Homer. 2020 was a particularly strong year for new residential structures. See the attached memo from the City Planner showing the trends in permits pulled for residential and commercial buildings and additions.

Library Fireplace Lounge Speaker Upgrade

The Friends of Homer Library (FHL) donated equipment and expertise while the City's Building Maintenance Division handled the actual installation of some new speakers and a small cabinet. The small cabinet was crafted specifically to blend in with the shelving and was built by the spouse of a FHL board member.



Employee Updates

Congrats to Sean Perry for his promotion to Patrol Sergeant at HPD on March 8th! Sean came to HPD in 2014 as a lateral hire from the Unalaska Police Department, where he served as a Police Officer for two years. With over eight years of police experience, Sean is ready to serve the Homer community in his new role. Thanks for your hard work Sean!



COVID-Related Updates

COVID Risk Status

On February 1st I moved the City from the “Red” to “Orange” level on our COVID risk framework and we remain in Orange today. This reopened the HERC and the Library to use by appointment. The Harbor will be opening their lobby to walk-in visitors (with full masking and social distancing protocols) on March 22nd. At the last City Council meeting there were questions about how the changes in CDC guidelines may impact City operations. At this time, they don’t. The updated CDC guidelines for those who have received vaccines is focused on private gatherings, not conduct in public spaces. No changes are being made at this time in City facilities, but we will continue to monitor the guidelines as they evolve.

Vaccine POD

On March 12th, the Unified Command hosted another vaccine clinic at Homer High School. I was one of about 600 individuals who received a shot that day. The teamwork between the City, the hospital, and other community partners is really great to see. The vaccine distribution is friendly and efficient.



Enclosures:

1. Recreational Trails Program draft notification and map for Karen Hornaday Park Trail/ADA project
2. Memo from City Planner Re: Trends in Permitting
3. Memo from Special Projects Coordinator re: DHSS COVID-19 Funding to Support Community Vaccine & Testing



RECREATIONAL TRAILS PROGRAM GRANT APPLICATION
PUBLIC NOTICE

Project Title: Karen Hornaday Park Pedestrian Trail

Organization Name: City of Homer

Date Public Notice Posted: March 22, 2021

Brief Description of Proposed Project:

The City of Homer intends to apply for a Recreational Trails Program grant to construct a landscaped ADA accessible trail (with similar construction as the Land Trust Poopdeck Trail) which will run parallel and adjacent to a redesigned park entrance road. This improvement is prioritized in the City's Capital Improvement Plan and the ADA Transition Plan to address pedestrian safety and accessibility concerns.

Proposed Timeline of the Project:

Project Start Date: _____

Project End Date: _____

Applicant Contact Information:

Contact Name: Jennifer Carroll, City of Homer Special Projects Coordinator

Phone Number: 907-435-3101

Email Address: jcarroll@ci.homer.ak.us

Mailing Address: 491 E Pioneer Avenue
Homer, AK 99603

Public Comment or Opposition can be submitted via methods listed above.

Deadline for Public Comment: April 22, 2021

Map of Project Area:



The Alaska Recreational Trails Program is the possible funding agency for this proposed project. For information regarding the Alaska Recreational Trails Program, please visit the State website at <http://dnr.alaska.gov/parks/grants/trails.htm>.



KAREN
HORNDAWAY RD

BART

100 m

114



City of Homer

www.cityofhomer-ak.gov

Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum PL 21-02

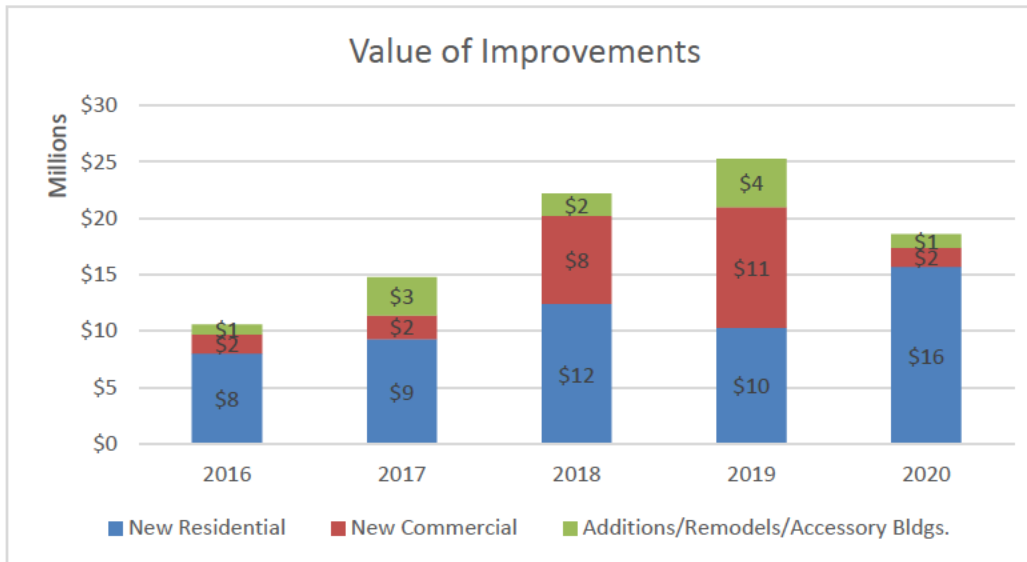
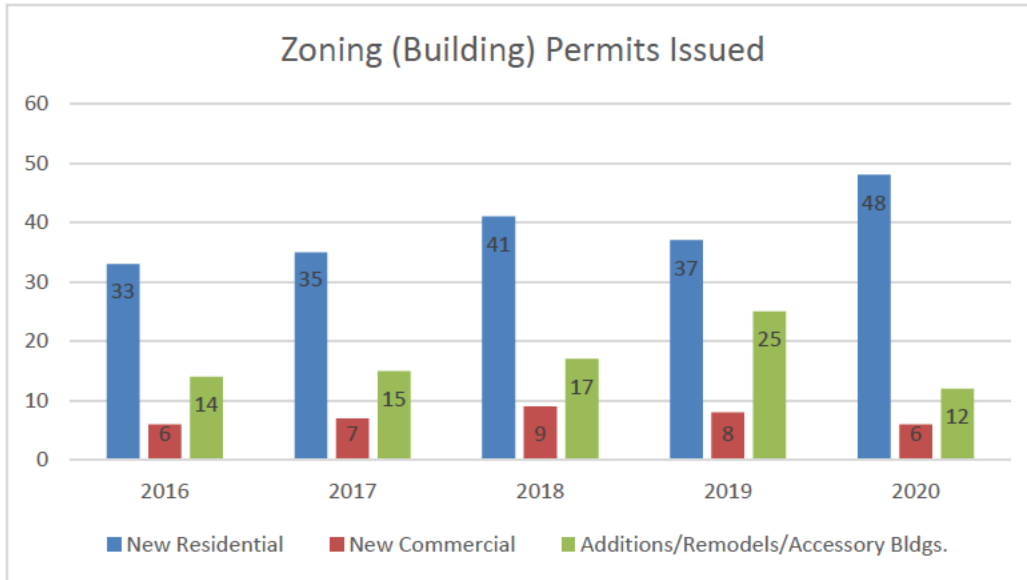
TO: Rob Dumouchel
FROM: Rick Abboud, AICP, City Planner
DATE: 3/16/21
SUBJECT: Trends in Permitting

Zoning permit trends

Over the past six years, permitting numbers in Homer have remand steady. We have experienced an increase in the number of new dwellings being built, time will tell if this is an anomaly or not. While this could be a specific trend in response to the unique conditions of a pandemic year, I feel that there is a good probability of this trend continuing. I recognize more people moving to Homer as a refuge of sorts from undesirable physical and social conditions found elsewhere.

Year	Residential Zoning Permits Issued		Commercial Zoning Permits Issued		Total
	New Construction	Additions/Remodels /Accessory	New Construction	Additions/Remodels /Accessory	
2020	48	10	6	2	66
	\$15.7 million	\$670,000	\$1.7 million	\$480,000	\$18.6 million
2019	37	20	8	5	70
	\$10.3 million	\$1 million	\$10.7 million	\$3.3 million	\$25.3 million
2018	41	12	9	5	67
	\$12.4 million	\$1.0 million	\$7.8 million	\$1.0 million	\$22.2 million
2017	35	12	7	3	57
	\$9.3 million	\$450,000	\$2.1 million	\$2.9 million	\$14.8 million
2016	33	14	6	0	53
	\$8 million	\$850,000	\$1.7 million	0	\$10.6 million
2015	38	14	5	3	60
	\$9.8 million	\$878,900	\$2.4 million	\$125,000	\$13.1 million
2014	37	10	10	5	62
	\$9.3 million	\$370,000	\$5.5 million	\$240,000	\$15.4 million
2013	36	14	11	3	64
	\$6.9 million	\$580,000	\$3 million	\$2.1 million	\$12.6 million

- Permit values are provided by applicants, we routinely revise some residential values when they are unrealistic.



Notable recent projects include:

2019 - Homer Police Station Valued at \$7.5 million

2018 - Aspen Hotel Valued at \$4.5 million



City of Homer

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Office of the City Manager

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Memorandum

TO: Mayor Castner and Homer City Council
FROM: Jenny Carroll, Special Projects & Communications Coordinator
THROUGH: Rob Dumouchel, City Manager
DATE: March 16, 2021
SUBJECT: DHSS COVID-19 Funding to Support Community Vaccine & Testing

The State of Alaska DHSS made funding available to local units of government statewide to support COVID-19 testing and vaccine administration. These funds have been allocated on a per capita basis and Boroughs and local governments have been invited to develop plans to utilize these funds to engage one or more communities and/or partner organizations to increase access to COVID-19 testing and vaccines, with special focus on lowering barriers to vaccine access among hard-to-reach populations.

On Monday March 16, we submitted a request in partnership with South Peninsula Hospital and Kachemak City to utilize the City of Homer's \$254,040 allotment and Kachemak City's \$24,376.44 allotment to support Homer Unified Command's future efforts to distribute COVID-19 vaccinations to residents of the Southern Kenai Peninsula. These funds will support:

- Seven additional mass vaccine POD clinics (similar to what we have hosted at the Christian Community Church initially, and now at Homer High School) which distributes approximately 600 doses per clinic;
- Four drive-through or pop-up vaccine events to reach underserved segments of the community such as the homeless or those at risk of homelessness, seasonal workers, and workers in the commercial fishing industry;
- Contract services to assist PIOs with targeted outreach to underserved populations to increase awareness of pop-up vaccine opportunities and for general advertising of mass vaccine clinic opportunities.

DHSS funding decisions will be announced March 31, 2021; if selected, the State will offer the City of Homer funding through a Memorandum of Agreement with a period of performance of one year and with the understanding that should conditions change within six months, the State is willing to amend MOA's accordingly.

The first opportunity to bring the Memorandum of Agreement to Council for consideration is the April 12, 2021 Council meeting. However, because the first event the funding will support is April 16, 2021, I wanted to give you a heads up that we will be introducing the MOA through an Emergency Ordinance so that costs

incurred at the April 16 mass vaccine clinic will be eligible for reimbursement through the State grant program.

We greatly appreciate that the State is making funds available to support a prompt and robust roll out of vaccines and we thank Kachemak City Council for their partnership to leverage combined municipal funds in support area vaccine efforts.

**CITY OF HOMER
HOMER, ALASKA**

Aderhold

RESOLUTION 21-020

A RESOLUTION OF THE CITY COUNCIL EXEMPTING KACHEMAK MOOSE HABITAT, INC. FROM CITY PROPERTY TAX; DECLARING THAT THE ORGANIZATION SATISFIES THE CRITERIA OF KENAI PENINSULA BOROUGH CODE 5.12.100, REAL PROPERTY TAX EXEMPTIONS COMMUNITY PURPOSES PROPERTY CONDITIONS, FOR LOT 4, HODNIK SUBDIVISION, KENAI PENINSULA BOROUGH PARCEL NUMBER 17936032, RETROACTIVE TO JANUARY 1, 2021 AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS

WHEREAS, Kachemak Moose Habitat, Inc., is a small nonprofit that has preserved more than 786 acres of moose habitat on the Southern Kenai Peninsula since 1996; and

WHEREAS, Kachemak Moose Habitat, Inc. has an emphasis on conserving land around the Beluga Flats Critical Habitat Area, allowing moose to congregate and feed during tough winters and deep snow; and

WHEREAS, Property used exclusively for community purposes is exempt from taxation under Kenai Peninsula Borough Code (KPB) 5.12.100, Real Property Tax Exemptions Community Purposes Property Conditions; and

WHEREAS, Homer City Council passed Resolution 20 133(S) expressing the intent to pay the water and sewer assessments for KPB parcel number 17936032, T 06S R 13W SEC 22 Seward Meridian HM 2017050 Hodnik Sub Lot 4 when the property transferred ownership to Kachemak Moose Habitat, Inc., and a deed restriction for conservation and public use was recorded; and

WHEREAS, Homer City Council passed Ordinance 21 05 amending the FY21 capital budget and authorizing an expenditure in an amount up to \$79,000 for payment of the water and sewer assessments for Lot 4, Hodnik Subdivision KPB Parcel No. 17936032 when property ownership transferred to Kachemak Moose Habitat, Inc., and a deed restriction has been recorded regarding conservation and public access on the property; and

WHEREAS, The subject property has transferred ownership to Kachemak Moose Habitat, Inc., a deed restriction for conservation has been placed on the property, and the City of Homer has paid the water and sewer assessments; and

43 WHEREAS, Kachemak Moose Habitat, Inc. has applied for an exemption from the KPB
44 property tax and wishes to apply for and receive a similar exemption from the City property
45 tax consistent with the provisions contained in HCC 9.04.046(c) and (d); and

46
47 WHEREAS, The Homer City Council previously exempted fifteen (15) parcels owned by
48 Kachemak Moose Habitat, Inc., from property taxation via Resolution 10 72 on August 23,
49 2010 and Resolution 13 009 on January 28, 2013; and

50
51 WHEREAS, Kachemak Moose Habitat, Inc. requests formal exemption from the City of
52 Homer to address the change in property tax status on KPB parcel number 17936032, T 06S R
53 13W SEC 22 Seward Meridian HM 2017050 Hodnik Sub Lot 4, a 21.36 acre property which has
54 a 2020 assessed value of \$5,100 and a 2020 Homer tax assessment of \$58.34.

55
56 NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby exempts
57 Kachemak Moose Habitat, Inc. from City Property Tax; declaring that the organization
58 satisfies the criteria of Kenai Peninsula Borough Code 5.12.100, Real Property Tax
59 Exemptions Community Purposes Property Conditions on KPB parcel number 17936032, T
60 06S R 13W SEC 22 Seward Meridian HM 2017050 Hodnik Sub Lot 4, retroactive to January 1,
61 2021, and that the City Manager is hereby authorized to execute any and all associated
62 documents.

63
64 PASSED AND ADOPTED by the City Council of Homer, Alaska, this 8th day of March, 2021.

65
66 CITY OF HOMER

67
68 _____
69 KEN CASTNER, MAYOR

70
71 ATTEST:

72
73 _____
74 MELISSA JACOBSEN, MMC, CITY CLERK

75
76 Fiscal Note: N/A



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 21-050

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: MARCH 16, 2021
SUBJECT: EXEMPTING PROPERTY OF AN ORGANIZATION NOT FOR PROFIT FROM CITY PROPERTY TAX

At the March 8 Council meeting there were questions about the necessity of a city resolution regarding the property tax exemption of the Kachemak Moose Habitat Inc (KMHI).

I reached out to Kenai Peninsula Borough Assessing about the KMHI property exemption and spoke with Chris Tilly, Administration Manager. She explained that many years back there was a requirement by the Borough for the City to adopt a resolution for these exemptions, however because the City has adopted code regarding real and personal property tax exemptions there is no longer the need for a resolution.

She noted that back in 2010 when KMHI first began applying for the exemption for City property, whoever advised them must have been working from old information.

There is a motion on the floor from March 8 to adopt Resolution 21 020 by reading of title only. Because voting no could create a perception of the Council objecting to the KMHI exemption and may muddy the waters, I suggest postponing indefinitely.

Roberts Rules of Order 12 edition,

§11. POSTPONE INDEFINITELY

(To drop the main motion without a direct vote on it)

11:1 *Postpone Indefinitely* is a motion that the assembly decline to take a position on the main question. Its adoption kills the main motion (for the duration of the session) and avoids a direct vote on the question. It is useful in disposing of a badly chosen main motion that cannot be either adopted or expressly rejected without possibly undesirable consequences.

Recommendation: Adopt a motion to postpone the resolution indefinitely.

KPB 5.12.100. - Real property tax—Exemptions—Community purposes property—Conditions.

- A. Property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation under this chapter. Property or a part of the property from which rentals or income are derived is not exempt from taxation unless the income derived from the rentals does not exceed the actual cost to the owner of the use by the renter.
- B. No exemption under this section may be granted except upon written application on a form prescribed by the assessor. The applicant/owner must file the application no later than March 31 of the tax year for which the exemption is sought.
- C. The assessor may from time to time require such information as is reasonably necessary to determine the character of the organization and the nature of uses made. The exemption provided in this section is not applicable unless the required information is provided to the assessor.
- D. Definitions.
 - 1. For purposes of this section "community purpose" means the exclusive use of property within the borough based upon the culture and demographics of a particular area and which benefits the general public in a manner that enhances the quality of life through programs, public facilities, or services.
 - 2. For purposes of this section "used exclusively for a community purpose" means the property benefits the borough community and does not confer more than a de minimus private benefit to the non-profit organization that owns it or to the individuals that control that organization. "Exclusive use" includes a requirement for spatial apportionment if the property is used for both exempt and nonexempt purposes.
- E. In addition to the community purpose exemptions granted by the assessor, the property of the following organizations used to provide senior citizen housing shall be exempt from real property taxation under this section:
 - 1. Cooper Landing Senior Citizen Corporation, Inc.
 - 2. Homer Senior Citizens, Inc.
 - 3. Nikiski Senior Citizens, Inc.
 - 4. Sterling Area Senior Citizens, Inc.
 - 5. Soldotna Area Senior Citizens, Inc.
 - 6. Anchor Point Senior Citizens, Inc.
 - 7. Ninilchik Senior Citizens, Inc.

(Ord. No. [2016-28](#), § 7, 8-23-16; Ord. No. 2006-17, § 1, 5-16-06; Ord. No. 2005-40, § 1, 10-11-05; KPC § 25.05.050)

9.04.046 Real and personal property tax – Exemptions.

a. The following property is exempt from the real and personal property tax imposed by this chapter:

- 1. The first \$100,000 of assessed valuation of personal property, other than motor vehicles and watercraft, owned by each taxpayer; for taxpayers with more than one personal property tax account, this exemption shall be distributed pro rata among all of the taxpayer's accounts based on the proportion of the assessed value in each account to the total assessed value of that taxpayer's personal property;

2. Motor vehicles that are subject to a motor vehicle registration tax imposed by Chapter 5.12 KPBC, and as the same may be thereafter amended, revised, or replaced.

b. The first \$20,000 of assessed valuation of a single parcel of residential real property owned and occupied by the owner of record as the owner's permanent place of residence in the City shall be exempt from the City tax levy on real property within the City of Homer. The Borough Assessor's determination of whether property in the City qualifies for the Borough exemption under KPBC 5.12.115 shall be determinative of whether the property qualifies for the exemption under this subsection.

c. Property of an organization not organized for business or profit-making purposes and used exclusively for community purposes is exempt from taxation under this chapter. Property or a part of the property from which rentals or income is derived is not exempt from taxation unless the income derived from the rentals does not exceed the actual cost to the owner of the use by the renter. The Borough Assessor's determination of whether property in the City qualifies for the Borough exemption under KPBC 5.12.100 shall be determinative of whether the property qualifies for the exemption under this subsection.

d. This section shall be applied and construed to effectuate its general purpose to make uniform the laws of the City and the Kenai Peninsula Borough with respect to the exemptions granted by this section. [Ord. 08-49 § 1, 2008; Ord. 06-59 § 1, 2007; Ord. 01-53(S), 2001; Ord. 98-3(A) § 1, 1998].