



Agenda

City Council Regular Meeting

Monday, August 14, 2023 at 6:00 PM

Cowles Council Chambers In-Person & Via Zoom Webinar

Homer City Hall

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

Zoom Webinar ID: 205 093 973 Password: 610853

<https://cityofhomer.zoom.us>
Dial: 346-248-7799 or 669-900-6833;
(Toll Free) 888-788-0099 or 877-853-5247

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)

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minute of July 24, 2023. City Clerk. Recommend adoption.
- b. Memorandum CC-23-175 from City Clerk Re: Liquor License Renewals for Alice's Champagne Palace, The Kannery, and Wild Honey Bistro. Recommend Adoption.
- c. Ordinance 23-47, An Emergency Ordinance of the City Council of Homer, Alaska Extending the Amendment to the FY23 Capital Budget for Emergency Repairs to the City Telephone System. City Manager. Recommend Adoption.

Memorandum CC-23-173 from City Manager as backup.
- d. Ordinance 23-48, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 20 Animals. Lord. Recommend Introduction August 14, 2023, Public Hearing and Second Reading August 28, 2023.
- e. Resolution 23-074, A Resolution of the City Council of Homer, Alaska Approving a Task Order to RESPEC Company LLC Not to Exceed Amount of \$100,790 for the Final Design of Renovations to the Beluga Sewage Lift Station and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-178 from Public Works Director as backup.

- f. Resolution 23-075, A Resolution of the City Council of Homer, Alaska Approving a Contract with Raven Ridge Dirtworks, LLC. of Homer, Alaska in the Amount of \$24,000 for the Disposal of Bio-Solids at the City of Homer Wastewater Treatment Plant and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-179 from Public Works Director as backup.

- g. Resolution 23-076, A Resolution of the City Council of Homer, Alaska Approving a Contract to Kachemak Electric Company in the Amount of \$40,000 to Upgrade the Electrical Works at the Fish Grinder Sewage Lift Station and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-180 from Public Works Director as backup.

- h. Resolution 23-077, A Resolution of the City Council of Homer, Alaska Approving a Contract with RESPEC Company LLC in the Not to Exceed Amount of \$42,000 to Design the Paintbrush Booster Station Upgrades and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-181 from Public Works Director as backup.

- i. Resolution 23-078, A Resolution of the City Council of Homer, Alaska, Approving a Contract to MacSwain Appraisals LLC in the Amount of \$55,200 to Provide Appraisal Services to Support the Kachemak Sponge Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-182 from Public Works Director as backup.

- j. Resolution 23-079, A Resolution of the City Council of Homer, Alaska, Amending the City Fee Schedule by Adding Community Recreation Participation Fees to the City Fee Schedule. City Manager. Recommend Adoption.

Memorandum CC-23-183 from Recreation Manager as backup.

VISITORS

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

- a. Worksession Report
- b. Committee of the Whole Report
- c. Mayor's Report
- d. Borough Report

- e. Planning Commission
- f. Economic Development Advisory Commission
- g. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- [a.](#) Ordinance 23-43, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating the FY23 State of Alaska Community Assistance Program Payment in the Amount of \$204,991.19 for Various Capital Projects. City Manager. Introduction June 26, 2023, Public Hearing and July 24, 2023 Second Reading postponed to August 14, 2023.

Ordinance 23-43(S), An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating the FY23 State of Alaska Community Assistance Program Payment in the Amount of \$204,991.19 for Various Capital Projects. City Manager.

Memorandum CC-23-172 from City Manager as backup.

- [b.](#) Ordinance 23-46, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating a Sub-Recipient Grant from the University of Alaska Anchorage in the Amount of \$1,171,410 for the Kachemak Sponge Green Infrastructure Storm Water Treatment System. City Manager/Public Works Director. Introduction June 26, 2023, Public Hearing July 24, 2023 Second Reading Postponed to August 14, 2023.

ORDINANCE(S)

- [a.](#) Ordinance 23-49, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 2, Chapters 2.32 Departments and Boards, 2.44 Department of Administration, 2.48 Public Library, and Enacting Chapters 2.46 Department of Information Technology and 2.57 Department of Community Development. City Manager.

Memorandum CC-23-177 from City Manager as backup.

CITY MANAGER'S REPORT

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

PENDING BUSINESS

- [a.](#) Resolution 23-051, A Resolution of the City Council of Homer, Alaska Amending the Regular Meeting Schedule for the Planning Commission. City Clerk.

Memorandum CC-23-184 from City Planner 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

ADJOURNMENT

Next Regular Meeting is Monday, August 28, 2023 at 6:00 p.m., Work Session at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Session 23-15 a Regular Meeting of the City Council of Homer, Alaska was called to order on July 24, 2023 by Mayor Ken Castner at 6:00 p.m. at the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska, and opened with the Pledge of Allegiance.

PRESENT: COUNCILMEMBERS ADERHOLD, DAVIS, ERICKSON, HANSEN, LORD, VENUTI

STAFF: CITY MANAGER DUMOUCHEL
CITY CLERK JACOBSEN
FINANCE DIRECTOR WALTON
PUBLIC WORKS DIRECTOR KEISER
LIBRARY DIRECTOR BERRY
CITY ATTORNEY GATTI

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

Mayor Castner announced supplemental items: **CONSENT AGENDA** Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. KPB Memorandum and Resolution 2023-048 as backup. **VISITORS** add a Report on Municipalities changing Dates to match State and Federal Elections - Kevin Fraley, Printworks **ANNOUNCEMENTS/PRESENTATIONS/REPORTS** Port and Harbor Advisory Commission Written Report and attachments and Library Advisory Board Written Report **PUBLIC HEARING(S)** Ordinance 23-46, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating a Sub-Recipient Grant from the University of Alaska Anchorage in the Amount of \$1,171,410 for the Kachemak Sponge Green Infrastructure Storm Water Treatment System. City Manager/Public Works Director. Memorandum CC-23-173 as backup. **CITY MANAGER'S REPORT** Memorandum from Special Projects and Communications Coordinator Carrol Re: Update on Federal and State Grant Applications and Written Public Comments.

ADERHOLD/VENUTI MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

MAYORAL PROCLAMATIONS AND RECOGNITIONS

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA

RECONSIDERATION

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

- a. Homer City Council Unapproved Regular Meeting Minute of June 26, 2023. City Clerk. Recommend adoption.
- b. Memorandum CC-23-166, from Mayor Castner re: Re-appointment of Joyanna Geisler to the ADA Advisory Board and David Schneider to the Planning Commission. Recommend Approval.
- c. Resolution 23-067, A Resolution of the City Council of Homer, Alaska, Approving a Task Order to RESPEC Consulting LLC in the not to Exceed Amount of \$17,445 to Provide a Final Design for an ADA-Compliant Family Restroom at the Homer Airport Terminal and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-167 as backup.

- d. Resolution 23-068, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for Clean Water State Revolving Loan Funds from the Alaska Department of Environmental Conservation in the Amount of \$324,000 to Provide Upgraded Storm Water Improvements as Part of the Ohlson Lane and Bunnell Avenue Pavement Restoration Project. City/Manager/Public Works Director. Recommend Adoption.

Memorandum CC-23-168 as backup.

- e. Resolution 23-069, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Nelson Engineering in the Amount of \$11,634 to Design Upgraded Storm Water Improvements on Bunnell Avenue and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.
- f. Resolution 23-070, A Resolution of the City Council of Homer, Alaska Authorizing the City Manager to Apply for Drinking Water State Revolving Loan Funds from the Alaska Department of Environmental Conservation in the Amount of \$491,400 to Replace the Eight Inch Water Distribution Line in Ohlson Lane and Bunnell Avenue. City Manager/Public Works Director. Recommend Adoption.
- g. Resolution 23-071, A Resolution of the City Council of Homer, Alaska Approving a Task Order to Nelson Engineering in the Amount of \$55,867 to Design a Replacement of 8" Cast Iron Water Distribution Line in Ohlson Lane and Bunnell Avenue and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director. Recommend Adoption.
- h. Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. Recommend Adoption.

Memorandum CC-23-169 as backup.

Moved to Resolutions. Erickson.

- i. Resolution 23-073, A Resolution of the City Council of Homer, Alaska Expressing Support for the Homer Spit Climate Resiliency Project and Endorsing the City's Application to the U.S. Department of Transportation for a Planning Grant Under the FY23 Promoting Resilient Operations for Transformative,

Efficient and Cost Effective Transportation (PROTECT) Grant Program. City Manager. Recommend Adoption.

Memorandum CC-23-170 as backup.

Item h. moved to Resolutions item A. Erickson.

ADERHOLD/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. Report on Municipalities changing Dates to match State and Federal Elections - Kevin Fraley, Printworks

Mr. Fraley presented later in the meeting.

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

- a. Worksession Report

City Manager Dumouchel reported that Ronnie McPherson from HDR and Curtis Lee from US Army Corps of Engineers (USACE) presented to Council on the status of the general investigation study as it pertains to the expansion alternatives and measure screening results.

- b. Committee of the Whole Report

Council Member Aderhold reported Council discussed Resolution 23-068 through 23-071 related to storm water improvements and water line replacement on Ohlson Lane and Bunnell Avenue, Resolution 23-067 design for an ADA restroom at the airport, Resolution 23-072 providing comment to the Borough on changing their election day, Resolution 23-073, approving application for the Promoting Resilient Operations for Transformative, Efficient and Cost Effective Transportation (PROTECT) Grant Program, and Ordinance 23-46 accepting the grant for Kachemak Sponge Green Infrastructure Storm Water Treatment System. Special Projects and Communications Coordinator Carroll reviewed her grant update report in the City Manager's report and answered questions.

- c. Mayor's Report

Mayor Caster reported regarding the upcoming AML Summer Legislative Conference in Homer in August. He met with Economic Manager Engebretsen and others regarding the Kachemak Sponge project and acquiring lands and making them eligible for compensation mitigation.

- d. Borough Report

Kenai Peninsula Borough Assembly Member Chesley reported with an update on the Tsunami Early Warning System siren maintenance and installation projects happening the Kachemak Bay area.

- e. Planning Commission
- f. Port and Harbor Advisory Commission

A written report was provided in the supplemental packet.

- g. Americans with Disabilities Act Compliance Committee

PUBLIC HEARING(S)

- a. Ordinance 23-41, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Appropriating \$600,000 from the Land Reserves to Purchase Tietjen Subdivision Tract D, with the Intent of Developing the Parcel into the Site of the Future Public Works Campus. Aderhold/Venuti. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-156 as backup.

Mayor Castner opened the public hearing.

Joe Sallee, city resident, expressed is support for moving Public Works but opposes purchasing land because the City owns several other properties in the area.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-41 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There were comments in support of the land purchase based on the recommendation from the Public Works Campus Task Force report, the tsunami zone concerns, the current physical location is compressed, and reports over the past few years from Public Works and Administrant on the challenges with the current facility. It's not going to get easier to procure land, and the City will have some opportunities with this larger parcel.

There was discussion whether this expenditure will jeopardize matching funds for grants, lack of interest in pursuing a public works building capital project at this time, tsunami impact readiness, and confirming no matching funds are required for the Kachemak Sponge Infrastructure project.

VOTE: YES: VENUTI, ERICKSON, ADERHOLD, LORD, DAVIS, HANSEN

Motion carried.

- b. Ordinance 23-42, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Re-Appropriating the Second Tranche of American Rescue Plan Act (ARPA) Funds in the Amount of \$716,685.16 to the General Fund as Revenue Replacement. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-171 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-42 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was brief comment confirming this is included in the capital budget.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- c. Ordinance 23-43, An Ordinance of the City Council of Homer, Alaska, Amending the FY23 Capital Budget by Accepting and Appropriating the FY23 State of Alaska Community Assistance Program Payment in the Amount of \$204,991.19 for Various Capital Projects. City Manager. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-172 as backup.

Mayor Castner opened the floor for public comment.

Pat Case, city resident, commented in opposition of taking money away from ADA funding. He cited the first two whereas clauses that suggest the City can't be relied on to keep their word.

Brad Parsons, city resident, commented on his own behalf that he's disappointed about the re-appropriation of the community assistance payment. He understands the other needs of the City but the original application indicated these funds would be used for ADA improvements. The scope of that encompasses inclusivity and acceptance of all ages and abilities to participate our civic engagement.

There were no further comments and the hearing was closed.

ADERHOLD/LORD MOVED TO ADOPT ORDINANCE 23-43 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

At the request of Council Member Aderhold, City Manager Dumouchel provided an overview of the process for applying for the Community Assistance Program payment. He explained at the time of application the City has to express an intent for what the funds will be used for, then if and when funds are dispersed, communities can use it for what their Council's choose to appropriate it for. He noted a year it was applied for with the intent of using it for the HERC but when the funds came in there were used to close a funding gap for SCBA units for the Fire Department. He noted all of the ADA projects requested in the capital budget were approved and because of that he suggested appropriating this allotment to other needs. The goal is to use the funds within the year they are allocated and these projects accomplish that. The application for these funds is made a year in advance, so we never know the exact need for the City until we actually receive notice of receipt of funds.

Following discussion about the capital budget process, projects the funds will be allocated to, Community Assistance Program application processes, and ordinance language, it was suggested the ordinance be postponed to allow for a substitute ordinance with amended language to come back for consideration.

ADERHOLD/VENUTI MOVED TO POSTPONE ORDINANCE 23-43 TO OUR AUGUST 14TH MEETING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

- d. Ordinance 23-44, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget to Fund Anticipated Maintenance to the Seawall by Establishing Authority in the FY24 Budget for Routine Maintenance to the Seawall. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-157 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE23-44 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ADERHOLD/LORD MOVED TO SUSPEND THE RULES FOR THE VISITOR PRESENTATION.

There was no discussion.

VOTE: NON OBJECTION: UNANIMOUS CONSENT.

Motion carried.

Kevin Fraley with Printworks explained that his company has printed ballots for state and municipal elections for 22 years. He shared from his perspective as a vendor about the challenges of conducting municipal elections at on the same day as the state and federal election, as suggested by the Kenai Peninsula Borough Assembly. He addressed complications including hiring election workers for both state and municipal elections, room to house workers and equipment for state elections and municipal elections in a precinct, and complexities of a borough election with multiple ballot styles combined with complexities of state and federal ballot styles. He explained that if the change happens it can be accommodated, but for the reasons he addressed he wouldn't recommend it.

- e. Ordinance 23-45, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget to Fund Anticipated Repairs or Maintenance to the United States Coast Guard Cutter (USCGC) Berth Space by Establishing Authority in the FY24 Budget for Routine Maintenance to the USCGC Berth Space. City Manager/Finance Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Memorandum CC-23-158 as backup.

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

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-45 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

There was discussion confirming this is allows for operational spending, if there will be a large expense an ordinance will come to Council. This appropriation allows Harbor staff the ability make small repairs when they come up.

VOTE: NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

- f. Ordinance 23-46, An Ordinance of the City Council of Homer, Alaska Amending the FY24 Capital Budget by Accepting and Appropriating a Sub-Recipient Grant from the University of Alaska Anchorage in the Amount of \$1,171,410 for the Kachemak Sponge Green Infrastructure Storm Water Treatment System. City Manager/Public Works Director. Introduction June 26, 2023, Public Hearing and Second Reading July 24, 2023.

Mayor Castner opened the public hearing.

Katherine Schake, Kachemak Bay National Estuarine Research Reserve (KBNERR) Manager, introduced herself as the incoming reserve manager, expressed support for this ordinance. She shared KBNERR's mission and current projects they have with the City through an MOU and explained KBNERR is here to help the City work through the hurdles of this grant.

There were no further comments and the hearing was closed.

ADERHOLD/VENUTI MOVED TO ADOPT ORDINANCE 23-46 BY READING OF TITLE ONLY FOR SECOND AND FINAL READING.

Council Member Aderhold noted the memorandum from staff to postpone this matter to continue contract negotiations.

Council Member Erickson thanked KBNERR for their work in protecting the watershed.

ADERHOLD/VENUTI MOVED TO POSTPONE TO AUGUST 14TH.

There was no discussion.

VOTE (postponement): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

ORDINANCE(S)

CITY MANAGER'S REPORT

- a. City Manager's Report

City Manager Dumouchel reviewed his report, highlighting the upcoming work session on the HERC building on August 16th. He also touched on and answered questions on an upcoming ordinance regarding re-organization of certain departments, and the efforts regarding school district funding and the Mariner Theater and Kate Kuhns Aquatic Center.

PENDING BUSINESS

NEW BUSINESS

RESOLUTIONS

- a. Resolution 23-072, A Resolution of the City Council of Homer, Alaska Providing Comments on Kenai Peninsula Borough Assembly Resolution 2023-048 to Place an Advisory Vote Question on the October 2023 Borough Ballot Asking Whether the Kenai Peninsula Borough Should Change its Regular Election Date. Aderhold/Mayor. Recommend Adoption.

Memorandum CC-23-169 as backup.

ADERHOLD/VENUTI MOVED TO ADOPT RESOLUTION 23-072 BY READING OF TITLE ONLY.

ERICKSON/ADERHOLD MOVED TO AMEND LINE 125 AND ADD THE BULLET POINT THAT IT WOULD NOT COME INTO EFFECT UNTIL THE 2025 ELECTION CYCLE.

Council Member Erickson shared her concern if this is pushed through it will come up at the 2024 national election, and it should be on an off cycle year of to start for the sake of transparency.

ADERHOLD/ERICKSON MOVED TO AMEND THE LANGUAGE TO ADD DELAY IN FRONT OF IT.

Council Member Lord suggested voting the amendments down and amending line 121 to add it to the ballot language.

VOTE (secondary amendment): NO: ADERHOLD, HANSEN, LORD, VENUTI, ERICKSON, DAVIS

Motion failed.

There was no further discussion on the amendment.

VOTE (primary amendment): NO: LORD, ADERHOLD, DAVIS, HANSEN, ERICKSON, VENUTI

Motion failed.

LORD/ADHEROLD MOVED TO AMEND LINE 121 AFTER DATE AND BEFORE QUESTION MARK ADD: ,BEGINNING NO EARLIER THAN THE 2025 ELECTION CYCLE.

There was no discussion.

VOTE (amendment): NON OBJECTION: UNANIMOUS CONSENT

Motion carried.

In response to question regarding having the word opposed in the title, Council Member Aderhold said she considered that, but this provides comments than just opposing so she left it out.

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

Motion carried.

COMMENTS OF THE AUDIENCE

Borough Assembly Member Chelsey commented that the assembly is preparing for a \$12 million budget short fall and agrees with earlier comments from Council Member Lord regarding the school district budget, that it's timely to begin strategizing. An idea that's been floated in the past and he hopes will be explored is to change the sales tax gap and dedicating the additional revenue to school funding. He advised that a resolution is coming forward to create a working group to look at election matters as an option for the Assembly instead of the resolution for the advisory vote. He thanked Council for their discussion tonight.

Pat Case, city resident, shared he's made efforts to have a positive relationship with the Council and the importance of echoing the passion of the sentiments he hears from the community. He commented regarding the upcoming Main Street sidewalk project, that a majority of the cost is storm drainage, and encouraged going with the spirit of the law and making it pedestrian safe, and not attributing it to ADA spending. He invited everyone to a gathering at the Independent Living Center for a celebration of the 33rd anniversary of the passage of the Americans with Disabilities Act, and to join him for a community walk to have conversations about accessibility.

Bradly Parsons, city resident, echoed Mr. Case, particularly regarding sidewalk installations. In the recent section of Main Street sidewalk improvements, the curb cuts are not ADA best practice curb cuts. He shared that July is Disability Pride Month inviting all citizens regardless of ages and abilities to be involved in this community in any way we can make it happen. He encouraged members to attend the upcoming celebration at ILC, and join Mr. Case on his walk to get a feel for what it's like if you can't drive a car, because it's not fun.

COMMENTS OF THE CITY ATTORNEY

City Attorney Gatti had no comments.

COMMENTS OF THE CITY CLERK

City Clerk Jacobsen commented regarding the upcoming candidacy filing period for two city council seats.

COMMENTS OF THE CITY MANAGER

City Manager Dumouchel noted the invitation to the ILC event is included with the City Manager's report.

COMMENTS OF THE MAYOR

Mayor Castner commented the language of the proposed Borough advisory vote reads like an initiative and people would think it was if it passed. He welcomed the Captain and crew of the welcomed the USCG Cutter Aspen to Homer.

COMMENTS OF THE CITY COUNCIL

Council Member Hansen had no comment.

Council Member Erickson is thankful for the sunshine so we can get outside again.

Council Member Davis said ditto on the sunshine.

Council Member Aderhold will miss the ILC celebration, but she'll connect with Mr. Case to take that walk together.

Council Member Venuti commented as Coast Guard City, we're responsible to involve ourselves. The Coast Guard's 233rd birthday is August 4th, so look for Coast Guard trivia on trivia night at Alice's and other recognitions in town. She thanked Commission and Boards for their work and dedication, and thanked those who wrote messages to Council this week.

Council Member Lord agreed the sun is fantastic and welcomed the Aspen. She also thanked the Kachemak Swim Club for offering swimming lessons to the kids, and those who share the locker room during that time.

ADJOURN

There being no further business to come before the Council Mayor Castner adjourned the meeting at 8:18 p.m. The next Regular Meeting is Monday, August 14, 2023 at 6:00 p.m., Work Session at 4:00 p.m. and Committee of the Whole at 5:00 p.m. All meetings scheduled to be held in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.

Melissa Jacobsen, MMC, City Clerk

Approved: _____



MEMORANDUM

Liquor License Renewals for Alice's Champagne Palace, The Kannery, and Wild Honey Bistro.

Item Type: Action Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 10 August 2023
From: Melissa Jacobsen, MMC, City Clerk

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

License Type: Beverage Dispensary
License #: 253
DBA Name: Alice's Champagne Palace
Service Location: 195 E Pioneer Ave., Homer, AK 99603
Licensee: Pioneer Beverages, LLC
Contact Person: Michael Todd Boling

License Type: Beverage Dispensary – Tourism
License #: 5546
DBA Name: The Kannery
Service Location: 451 Sterling Hwy., Homer, AK 99603
Licensee: Ocean Shores, Inc.
Contact Person: Michael Warburton

License Type: Restaurant/Eating Place
License #: 5607
DBA Name: Wild Honey Bistro
Service Location: 106 W. Bunnell Ave., Homer, AK 99603
Licensee: Broad Point, LLC
Contact Person: Melody Livingston

Recommendation:

Voice non-objection and approval for the liquor License Renewals

Attachments:

AMCO Applications
City of Homer Police Non-Objection



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum

TO: MARK ROBL, POLICE CHIEF

CC: LISA LINEGAR, COMMUNICATIONS SUPERVISOR

FROM: ZACH PETTIT, DEPUTY CITY CLERK

DATE: JULY 27, 2023

SUBJECT: LIQUOR LICENSE RENEWAL APPLICATION FOR ALICE'S CHAMPAGNE PALACE,
THE KANNERY AND WILD HONEY BISTRO

The City Clerk's Office has been notified by the Alcohol and Marijuana Control Office of a 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: 195 E Pioneer Ave., Homer, AK 99603
Licensee: Pioneer Beverages, LLC
Contact Person: Michael Todd Boling

License Type: Beverage Dispensary – Tourism
License #: 5546
DBA Name: The Kannery
Service Location: 451 Sterling Hwy., Homer, AK 99603
Licensee: Ocean Shores, Inc.
Contact Person: Michael Warburton

License Type: Restaurant/Eating Place
License #: 5607
DBA Name: Wild Honey Bistro
Service Location: 106 W. Bunnell Ave., Homer, AK 99603
Licensee: Broad Point, LLC
Contact Person: Melody Livingston

This matter is scheduled for the August 14, 2023 City Council Regular Meeting. Please respond in a memorandum to the City Clerk's Office with objections/non-objections to this liquor license renewal no later than the afternoon on **Wednesday, August 9, 2023**.

Thank you for your assistance.



July 18, 2023

City of Kenai, Kenai Peninsula Borough

Via Email: mjacobsen@ci.homer.ak.us; clerk@cityofhomer-ak.gov; micheleturner@kpb.us;
tward@kpb.us; mjenkins@kpb.us; jvanhoose@kpb.us; cjackinsky@kpb.us; cmoloney@kpb.us;
maldridge@kpb.us; slopez@kpb.us; bcarter@kpb.us;

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary	License Number:	253
Licensee:	Pioneer Beverages, LLC		
Doing Business As:	Alice's Champagne Palace		

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

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

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

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

253

XXXX

LIQUOR LICENSE

ISSUED

2023 - 2024

7/18/2023

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

ABC BOARD

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispen

[Empty box for license details]

LICENSE FEE: \$2,500.00

1104

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Alice's Champagne Palace
195 E Pioneer Ave

Mail Address:
Pioneer Beverages, Inc.
195 E. Pioneer Ave
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 10/20/22)

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

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

253

XXXX

LIQUOR LICENSE

ISSUED

2023 - 2024

7/18/2023

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

ABC BOARD

TEMPORARY

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Disper

[Empty box for license details]

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Alice's Champagne Palace
195 E Pioneer Ave

Mailing Address:
Pioneer Beverages, Inc.
195 E. Pioneer Ave
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

04-900 (REV 5/9/22)



1 AB-17: 2023/2024 License Renewal Application

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

Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 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 application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 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.

Section 1 - Establishment Contact Information

Licensee (Owner):	Pioneer Beverages, Inc.	License #:	253
License Type:	Beverage Dispensary		
Doing Business As:	Alice's Champagne Palace		
Local Governing Body:	Homer, Kenai Peninsula Borough		
Community Council:			

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

Mailing Address:	115 E. Pioneer Ave.		
City:	Homer	State:	AK
ZIP:	99603		

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Michael Todd Boling	Contact Phone:	907.398.7475
Contact Email:	alices@homerbiz.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:	John Kelly	Contact Phone:	907.235.9700
Contact Email:	alices@homerbiz.com		

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

YES NO

AMCO
DEC 27 2022



Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

MTB

Section 5 – License Operation

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

	2021	2022
1. The license was operated for more than 240 hours throughout each year. (Year-round)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
2. The license was only operated during a specified time each year. (Not to exceed 6 months per year) <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> If you have not met the minimum number of hours of operation in 2021, 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.	<input type="checkbox"/>	<input type="checkbox"/>

Section 6 - Violations and Convictions

Have **ANY** Notices of Violation been issued for this license? YES NO

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 2021 or 2022? 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.

Section 7 – 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 the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, 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 I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

DEC 27 2022



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

- 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 hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Michael Todd Boling
Signature of licensee

P. Forquer
Signature of Notary Public

Michael Todd Boling
Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: April 6, 2023



Subscribed and sworn to before me this 21 day of December, 2022.

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

#100522855

License Fee:	\$	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$

DEC 27 2022



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	Pioneer Beverages, Inc.

Entity Type: Business Corporation

Entity #: 10022395

Status: Good Standing

AK Formed Date: 7/22/2014

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2024

Entity Mailing Address: 203 W PIONEER AVE STE 2B, HOMER, AK 99603

Entity Physical Address: 193 E PIONEER AVE, HOMER, AK 99603

Registered Agent

Agent Name: Michael Todd Boling

Registered Mailing Address: 203 W PIONEER AVE STE 2B, HOMER, AK 99603

Registered Physical Address: 193 E PIONEER AVE , HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Michael Todd Boling	Director, President, Secretary, Shareholder, Treasurer	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
7/22/2014	Creation Filing	Click to View	Click to View
7/22/2014	Initial Report	Click to View	
12/23/2015	Biennial Report	Click to View	
11/20/2017	Biennial Report	Click to View	
12/18/2019	Biennial Report	Click to View	
12/16/2021	Biennial Report	Click to View	

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Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

ALICE'S CHAMPAGNE PALACE, LLC

195 E. PIONEER AVE., HOMER, AK 99603

owned by

ALICE'S CHAMPAGNE PALACE, LLC

is licensed by the department to conduct business for the period

October 21, 2022 to December 31, 2024
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner

Department of Commerce, Community, and Economic Development DCCED RECEIPTING

State of Alaska / Commerce / Intranet / Receipting / Receipt / #100522855

RECEIPT #100522855

Net Total: \$2,800.00

Comment:

Actions

- [Edit Receipt](#)
- [Internal Receipt](#)
- [Customer Receipt](#)
- [Email Receipt](#)

Transaction #1

Type: Credit Card

Received: 12/27/2022

Amount: \$2,800.00

Payer Name: Michael Boling

Name:

CC Last 4: 8128

Auth Code: 05990G

Code:

Created: 1/12/2023

Owner: soa\sfcarrrell

Close Out #: 18923

#:

AG #: 12471

Account Item(s)

Type	Amount	Applicant	Ref #
ALC - Renewal Application Fee	\$300.00	Alice's Champagne Palace	253
ALC - Alcohol License Fees	\$2,500.00	Alice's Champagne Palace	253



Office of the Borough Clerk

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

Michele Turner, CMC
Acting Borough Clerk

7/27/2023

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Pioneer Beverages, Inc.
Business Name	:	Alice's Champagne Palace
License Type	:	Beverage Dispensary
License Location	:	195 E. Pioneer Avenue, Homer, AK 99603, City of Homer
License No.	:	253
Application Type	:	License Renewal

Dear Ms. Jacobsen,

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

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

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: alices@homerbiz.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jb



July 18, 2023

City of Homer, Kenai Peninsula Borough

Via Email: [mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us); clerk@cityofhomer-ak.gov; micheleturner@kpb.us;
tward@kpb.us; mjenkins@kpb.us; jvanhoose@kpb.us; cjackinsky@kpb.us; cmoloney@kpb.us;
maldridge@kpb.us; slopez@kpb.us; bcarter@kpb.us;

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Beverage Dispensary – Tourism	License Number:	5546
Licensee:	Ocean Shores, Inc.		
Doing Business As:	The Kannery		

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

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

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

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

STATE OF ALASKA - ALCOHOLIC BEVERAGE CONTROL BOARD

LICENSE NUMBER

FORM CONTROL

XXXX

ISSUED
7/18/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

5546

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Dispens

[Empty box for license type details]

LICENSE FEE: \$2,500.00

1106

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: The Kannery
451 Sterling Hwy

Mail Address:
Ocean Shores Inc.
3500 Crittenden Dr.
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

[Signature]

DIRECTOR

04-900 (REV 10/20/22)

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
7/18/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

5546

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Beverage Disper

[Empty box for license type details]

LICENSE FEE: \$2,500.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

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

D/B/A: The Kannery
451 Sterling Hwy
Mailing Address:
Ocean Shores Inc.
3500 Crittenden Dr.
Homer, AK 99603

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

04-900 (REV 5/9/22)

Notice of Violation

(3AAC 304.525)

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

Date: 10/19/22

License #/Type: 5546

Beverage Dispensary-Tourism Seasonal

Licensee: Ocean Shores Inc.

Address: 451 Sterling Hwy, Homer, AK

DBA: Kannery Grill

AMCO Case #: 22-1813

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

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

On 10-7-22, AMCO was informed that Kannery Grill was still operating it's restaurant but the Motel, Ocean Shores, was not operating. Believing the restaurant could not operate if the Motel was closed; contact was made with Christopher Miller, Manager, who was advised of the situation and told not to serve alcoholic beverages. It was learned they were doing business as Green Can. Social Medial also has the establishment listed as the Green Can. On 10-10-22, AMCO was informed they were still serving alcoholic beverages. On 10-12-22, Homer PD Sgt. D. Shealy went into the establishment and confirmed they were still serving alcoholic beverages. Further investigation revealed that Ocean Shores was issued a Beverage Dispensary Tourism Seasonal license and should have stopped serving alcoholic beverages on 10-1-22. On 10-14-22, Licensee Michael Warburton came to AMCO and changed the license to year round.

Your attention is directed to AS 04.11.010: License or permit required, 3AAC 304.185: Licensed premises, AS 04.21.030: Responsibilities of licensees, agents, and employees and AS 04.16.150: Licensee responsible for violations

Certified Mail: 9590 9402 3937 8060 8621 67

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

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

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

Alcohol & Marijuana Control Office

ATTN: Enforcement

550 W. 7th Ave, Suite 1600

Anchorage, Alaska 99501

amco.enforcement@alaska.gov

Issuing Investigator: J. Hamilton

Received by:

SIGNATURE:

SIGNATURE:

Delivered VIA: Mail

Date:



Alaska Alcoholic Beverage Control Board

AB-17: 2023/2024 License Renewal Application

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

Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 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 application for renewal or any fees for renewal that have not been postmarked by 1/23/2023 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.

Section 1 - Establishment Contact Information

Licensee (Owner):	Ocean Shores Inc.	License #:	5546
License Type:	Beverage Dispensary - Tourism		
Doing Business As:	Kannery Grill		
Local Governing Body:	Homer, Kenai Peninsula Borough		
Community Council:			

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

Mailing Address:	3500 Crittenden Dr.		
City:	Homer	State:	AK
		ZIP:	99603

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Michael Warburton	Contact Phone:	907-299-1400
Contact Email:	mj.warburton@gmail.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee, such as legal counsel, provide your license contact information below:

Name of Contact:	Ernouf & Coffey	Contact Phone:	907-274-3385
Contact Email:	ashawcross@eclawfirm.org		

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written order between calendar years 2022 and/or 2023?

No
 Yes

AMCO
 DEC 07 2022

12/7/23



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have NOT notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.



Section 5 – License Operation

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

2021 2022

- 1. The license was operated for more than 240 hours throughout each year. (Year-round)
2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
3. The license was only operated to meet the minimum requirement of 240 total hours each calendar year.
4. The license was not operated at all or was not operated for at least the minimum requirement of 240 total hours each year...

Grid of checkboxes for years 2021 and 2022 corresponding to the license operation options.

Section 6 - Violations and Convictions

YES NO

Have ANY Notices of Violation been issued for this license?

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 2021 or 2022?

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.

Section 7 – 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 in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, 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...

AMCO DEC 07 2022



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 License Renewal Application

- 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 hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

Michael Warburton
Signature of licensee

Michael Warburton

Printed name of licensee

Alita A. Mahan
Signature of Notary Public

Notary Public in and for the State of Alaska

My commission expires: 5-19-2024

Subscribed and sworn to before me this 6 day of December, 2022



- Restaurant and Eating Place applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site applications must include a completed AB-36: Recreational Site Statement
- Tourism applications must include a completed AB-37: Tourism Statement
- Wholesale applications must include a completed AB-25: Supplier Certification
- Common Carrier applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

License Fee:	\$2,500.00	Application Fee:	\$ 300.00	Misc. Fees:	\$
Total Fees Due:					\$ 2,800.00

#100505138

DEC 07 2022

2022 Tourism Statement
Ocean Shores, Inc.

- 1. Explain how the issuance of a liquor license at your establishment has/will encourage tourism.**

The central focus of the business plan for the Ocean Shores involves catering to out of town tourists, local, and regional guests. The licensee will continue to run advertising on the internet with both non paid links and paid appearances on travel sites (Booking.com, Travelocity, Tripadvisor, etc.). The hotel has and continues to develop relationships with the Alaska railroad, and Ravn Air, Alaska State Ferry and the local art galleries to enhance, cater to, and expand tourism opportunities.

- 2. Explain how the facility was/will be constructed or improved in accordance with this application.**

This facility is located at 451 Sterling Hwy in Homer. The hotel has microwave ovens and mini refrigerators in every guest room. As such it is ideal for travelers who want an overnight stay in a beautiful location conveniently located between regular tourist destinations such as Valdez, Talkeetna, Anchorage and Denali.

- 3. Who operates the facility for which a liquor license is being applied?**

Ocean Shores, Inc. operates the liquor license. Mr. Michael Warburton is the President of the entity.

- 4. Do you offer room rentals to the traveling public? Yes.**

- 5. If so, how many of these rooms are available? Do any of the rental rooms have kitchen facilities (defined as: a separate sink for food preparation along with refrigeration and cooking appliance devices, including a microwave)? If yes, how many of the rental rooms have kitchen facilities that meet this definition? Do you stock alcoholic beverages in guest rooms?**

There are 38 rooms for rent at the hotel. The hotel rooms are equipped with microwaves and mini refrigerators. Four of the rooms are equipped with full kitchen facilities. No we do not stock alcoholic beverages in the room rentals.

AMCO

DEC 07 2022

✓ 4/1/23

6. Does your establishment include a dining facility?

Yes. The Ocean Shores has a fine dining restaurant. The name of the restaurant is The Kannery Grill. The facility serves lunch and dinner daily.

7. Are additional amenities available to your guests through your establishment (eg: guided tours or trips, rental equipment for guests, other activities that attract tourists)?

Yes, the Ocean Shores provides tourist type amenities to its guests such as sea kayaking, fishing charters, bear viewing, and restaurant selection. The resort is ideal for travelers who want an overnight stay in a beautiful beachfront setting. Ocean Shores will continue to operate the facility as a tourist facility. In short, all of those things, which are routinely done by hotels in Alaska to encourage tourism, will continue to be done by the operators of the Ocean Shores.

Addendum Ocean Shores Tourism Statement

Having a liquor license at the Ocean Shores resort should increase the hotel occupancy as much as 10% (statistics show a total of 18% for restaurant and bar).

We bought the adjacent RV park in 2018 and it will also see a growth because of the restaurant and bar.

Now that we are a full service resort we will become a destination and attract even more visitors to the Homer area.

The Kannery Bar, using this license, is operated by Michael J Warburton who is President, Secretary and Treasury of Ocean Shores Inc. He is also holder of 100% of the corporation.

Michael Warburton

AMCO

DEC 07 2022



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	THE OCEAN SHORES, INC.

Entity Type: Business Corporation

Entity #: 76190D

Status: Good Standing

AK Formed Date: 4/15/2002

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2024

Entity Mailing Address: 3500 CRITTENDEN DR, HOMER, AK 99603

Entity Physical Address: 3500 CRITTENDEN DR, HOMER, AK 99603

Registered Agent

Agent Name: ROBERT REIMAN

Registered Mailing Address: 3500 CRITTENDEN DR, HOMER, AK 99603

Registered Physical Address: 3500 CRITTENDEN DR, HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Mike Warburton	President, Secretary, Shareholder, Treasurer, Director, Vice President	100.00

Filed Documents

Date Filed	Type	Filing	Certificate
4/15/2002	Creation Filing	Click to View	
7/12/2004	Biennial Report	Click to View	
2/06/2007	Biennial Report	Click to View	
11/11/2010	Biennial Report	Click to View	
11/11/2010	Biennial Report	Click to View	
10/22/2012	Biennial Report	Click to View	
10/22/2012	Agent Change	Click to View	
8/17/2014	Admin Dissolution		Click to View
12/08/2014	Biennial Report	Click to View	
12/08/2014	Reinstatement	Click to View	Click to View
7/25/2016	Agent Change	Click to View	
8/15/2016	Biennial Report	Click to View	
3/23/2018	Biennial Report	Click to View	
4/14/2020	Biennial Report	Click to View	
1/30/2022	Biennial Report	Click to View	

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

The Kannery

451 Sterling Hwy, Homer, AK 99603

owned by

Michael Warburton

is licensed by the department to conduct business for the period

April 27, 2023 to December 31, 2024
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Julie Sande
Commissioner

Department of Commerce, Community, and Economic Development DCCED RECEIPTING

[State of Alaska](#) / [Commerce](#) / [Intranet](#) / [Receipting](#) / [Receipt](#) / #100505138

RECEIPT #100505138

Net Total: \$2,800.00

Comment:

Actions

- [Edit Receipt](#)
- [Internal Receipt](#)
- [Customer Receipt](#)
- [Email Receipt](#)

Transaction #1

Type: Credit Card
Received: 12/8/2022
Amount: \$2,800.00
Payer Name: Michael Warburton
Name:
CC Last 4: 7756
Auth Code: 09697D
Created: 12/8/2022
Owner: soa\sfcarrrell
Close Out #: 18669
AG #: 12344

Account Item(s)

Type	Amount	Applicant	Ref #
ALC - Renewal Application Fee	\$300.00	Kannery Grill	5546
ALC - Alcohol License Fees	\$2,500.00	Kannery Grill	5546



Office of the Borough Clerk

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

Michele Turner, CMC
Borough Clerk

8/8/2023

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Ocean Shores Inc.
Business Name	:	Kannery Grill
License Type	:	Beverage Dispensary/Tourism-Duplicate
License Location	:	451 Sterling Highway, Homer, AK 99603, City of Homer
License No.	:	5546
Application Type	:	License Renewal

Dear Ms. Jacobsen,

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

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

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: mjwarburton@gmail.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jb



June 28, 2023

City of Homer, Kenai Peninsula Borough

Via Email: micheleturner@kpb.us; tward@kpb.us; mjenkins@kpb.us; jvanhoose@kpb.us;
cjackinsky@kpb.us; cmoloney@kpb.us; maldridge@kpb.us; slopez@kpb.us; bcarter@kpb.us
[mjacobson@ci.homer.ak.us](mailto:mjacobsen@ci.homer.ak.us); clerk@cityofhomer-ak.gov

Re: Notice of 2023/2024 Liquor License Renewal Application

License Type:	Restaurant / Eating Place	License	5607
Licensee:	Wild Honey Bistro		
Doing Business As:	Broad Point LLC		

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

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

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

Sincerely,

Joan Wilson, Director
amco.localgovernmentonly@alaska.gov

FORM CONTROL

XXXX

ISSUED
6/27/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

5607

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating

[Empty box for license details]

LICENSE FEE: \$600.00

1130

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Wild Honey Bistro
106 W. Bunnell Ave, Unit 2
Mail Address:
Broad Point LLC
106 W. Bunnell Ave, Unit 2
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

John M. Wilson

DIRECTOR

FORM CONTROL

XXXX

ISSUED
6/27/2023
ABC BOARD

LIQUOR LICENSE
2023 - 2024
TEMPORARY

5607

LICENSE RENEWAL APPLICATION DUE
DECEMBER 31, 2024 (AS 04.11.270(b))

THIS LICENSE EXPIRES MIDNIGHT
FEBRUARY 28, 2025 UNLESS DATED BELOW

TYPE OF LICENSE: Restaurant/Eating

[Empty box for license details]

LICENSE FEE: \$600.00

CITY / BOROUGH: Homer
Kenai Peninsula Borough

D/B/A: Wild Honey Bistro
106 W. Bunnell Ave, Unit 2
Mailing Address:
Broad Point LLC
106 W. Bunnell Ave, Unit 2
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



Alaska Alcoholic Beverage Control Board

Form AB-17: 2023/2024 General Renewal Application

- This form and any required supplemental forms must be completed, signed by the licensee, and postmarked no later than 12/31/2022 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 application for renewal or any fees for renewal that have not been postmarked by 2/28/2023 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.

Section 1 - Establishment Contact Information

Licensee (Owner):	Broad Point, LLC	License #:	5607
License Type:	Restaurant / Eating Place		
Doing Business As:	Wild Honey Bistro		
Local Governing Body:	Homer, Kenai Peninsula Borough		
Community Council:			

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

Mailing Address:					
City:		State:		ZIP:	

Section 2 - Licensee Contact Information

Contact Licensee: The individual listed below must be part of the ownership structure of the licensee listed in Section 1. This person will be the designated point of contact regarding this license, unless the Optional contact is completed.

Contact Licensee:	Melody Livingston	Contact Phone:	907-942-5205
Contact Email:	melodyliving@yahoo.com		

Optional: If you wish for AMCO staff to communicate with anyone other than the Contact Licensee (such as legal counsel) about your license, list their information below:

Name of Contact:	Scott Livingston	Contact Phone:	773-504-4043
Contact Email:	livingston.edscott@gmail.com		

Section 3 - for Package Stores ONLY: Written Order Information

Do you intend to sell alcoholic beverages and ship them to another location in response to written solicitation in calendar years 2022 and/or 2023?

YES NO

AMCO
 DEC 29 2022



Form AB-17: 2023/2024 License Renewal Application

Section 4 – Ownership Structure Certification

YES NO

Did the ownership structure of the licensed business change in 2021/2022?

If Yes, and you have **NOT** notified AMCO, list the updated information on form AB-39: Change of Officers and submit with your renewal application.

If No, certify the statement below by initialing the box to the right of the statement.

I certify that the ownership structure of the business who owns this alcohol license did not change in any way during the calendar years 2021 or 2022.

Section 5 – License Operation

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

- | | 2021 | 2022 |
|--|-------------------------------------|-------------------------------------|
| 1. The license was operated for more than 240 hours throughout each year. (Year-round) | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. The license was only operated during a specified time each year. (Not to exceed 6 months per year)
<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>
<u>If you have not met the minimum number of hours of operation in 2021, 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.</u> | <input type="checkbox"/> | <input type="checkbox"/> |

Section 6 - Violations and Convictions

YES NO

Have ANY Notices of Violation been issued for this license?

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 2021 or 2022?

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.

Section 7 – 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 the license being potentially expired if I do not comply with statutory or regulatory requirements.
- I certify that in accordance with AS 04.11.450, no one other than the licensee(s), as defined in AS 04.11.260, 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 I have provided AMCO with all required changes of the ownership structure of the business license, and have provided all required documents for any new or changes of officers.

AMCO

DEC 29 2022



Form AB-17: 2023/2024 License Renewal Application

- 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 hereby certify that I am the person herein named and subscribing to this application and that I have read the complete application, and I know the full content thereof. I declare that all of the information contained herein, and evidence or other documents submitted are true and correct. I understand that any falsification or misrepresentation of any item or response in this application, or any attachment, or documents to support this application, is sufficient grounds for denying or revoking a license/permit. I further understand that it is a Class A misdemeanor under Alaska Statute 11.56.210 to falsify an application and commit the crime of unsworn falsification.

[Handwritten Signature]

 Signature of licensee

[Handwritten Signature]

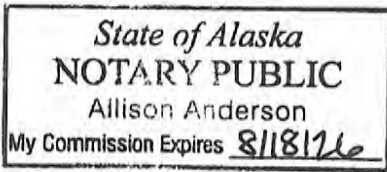
 Signature of Notary Public

Melody Livingston

 Printed name of licensee

Notary Public in and for the State of Alaska

My commission expires: 8/18/26



Subscribed and sworn to before me this 28th day of December, 2022

- Restaurant and Eating Place** applications must include a completed AB-33: Restaurant Receipts Affidavit
- Recreational Site** applications must include a completed AB-36: Recreational Site Statement
- Tourism** applications must include a completed AB-37: Tourism Statement
- Wholesale** applications must include a completed AB-25: Supplier Certification
- Common Carrier** applications must include a current safety inspection certificate

All renewal and supplemental forms are available online:
<https://www.commerce.alaska.gov/web/amco/AlcoholLicenseApplication.aspx>

FOR OFFICE USE ONLY

100522338

License Fee:	\$	Application Fee:	\$ 300.00	Misc. Fee:	\$
Total Fees Due:					\$



Alaska Alcoholic Beverage Control Board

Form AB-33: 2023/2024 Restaurant Receipts Affidavit

What is this form?

A restaurant or eating place licensee must file a complete copy of this form along with its 2023/2024 license renewal application, in order to provide evidence to the Alcoholic Beverage Control Board that this licensed restaurant's receipts from the sale of food upon the licensed premises constitute no less than 50% of the gross receipts (food + alcohol sales) of the licensed premises for each calendar year in 2021 and 2022, as required by AS 04.11.100(e). This form is confidential.

This form must be completed and submitted with Form AB-17 to AMCO's main office before a license renewal application may be reviewed.

Section 1 – Establishment Information

This form is being submitted for the following license:

Licensee:	Broad Point, LLC	License #:	5607
License Type:	Restaurant / Eating Place		
Doing Business As:	Wild Honey Bistro		

Section 2 – Gross Receipts for 2021 and 2022

Please fill out the following information carefully, contact AMCO staff if you have questions regarding this form. Enter the dollar amounts of the food and gross (food + alcohol) receipts on the licensed premises, and calculate the percentage of gross revenue that is from food sales on the licensed premises for each calendar year. (Food Revenue ÷ Gross Revenue x 100 = %)

\$ 234543.25	÷	\$ 253537.25	X 100 =	92.5	%
2021 Food Sales		2021 Food + Alcohol Sales		2021 Percent from Food	

\$ 270400.75	÷	\$ 294456.75	X 100 =	91.8	%
2022 Food Sales		2022 Food + Alcohol Sales		2022 Percent from Food	

I declare under penalty of perjury that this form, including all accompanying schedules and statements, is true, correct, and complete.

Melody Livingston
 Printed name of licensee

[Signature]
 Signature of licensee

AMCO
 DEC 9 9 2022

Details

ENTITY DETAILS

Name(s)

Type	Name
Legal Name	Broad Point, LLC

Entity Type: Limited Liability Company

Entity #: 10049402

Status: Good Standing

AK Formed Date: 1/18/2017

Duration/Expiration: Perpetual

Home State: ALASKA

Next Biennial Report Due: 1/2/2025

Entity Mailing Address: 106 W BUNNELL AVE UNIT 2, HOMER, AK 99603

Entity Physical Address: 106 W BUNNELL AVE UNIT 2, HOMER, AK 99603

Registered Agent

Agent Name: Melody Livingston

Registered Mailing Address: 106 W BUNNELL AVE UNIT 2, HOMER, AK 99603

Registered Physical Address: 106 W BUNNELL AVE UNIT 2, HOMER, AK 99603

Officials

Show Former

AK Entity #	Name	Titles	Owned
	Melody Livingston	Member	50.00
	REYNOLD MORRIS JR	Member	50.00

Filed Documents

Date Filed	Type	Filing	Certificate
1/18/2017	Creation Filing	Click to View	Click to View
1/18/2017	Initial Report	Click to View	
5/29/2019	Biennial Report	Click to View	
3/30/2021	Biennial Report	Click to View	
5/12/2021	Change of Officials	Click to View	
12/20/2022	Biennial Report	Click to View	

[Close Details](#)



[Print Friendly Version](#)

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business, and Professional Licensing
PO Box 110806, Juneau, AK 99811-0806

This is to certify that

WILD HONEY BISTRO

106 W BUNNELL AVE, UNIT 2, HOMER, AK 99603

owned by

BROAD POINT, LLC

is licensed by the department to conduct business for the period

December 20, 2022 to December 31, 2024
for the following line(s) of business:

72 - Accommodation and Food Services



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location. It is not transferable or assignable.

Julie Sande
Commissioner

Department of Commerce, Community, and Economic Development DCCED RECEIPTING

State of Alaska / Commerce / Intranet / Receipting / Receipt / #100522338

RECEIPT #100522338

Net Total: \$900.00

Comment:

Actions

- Edit Receipt
- Internal Receipt
- Customer Receipt
- Email Receipt

Transaction #1

Type: Credit Card

Received: 12/29/2022

Amount: \$500.00

Payer Name: Scott Livingston

CC Last 4: 3678

Auth: 633787

Code:

Created: 1/11/2023

Owner: soa\sfcarell

Close Out #: 18904

AG #: 12462

Account Item(s)

Type	Amount	Applicant	Ref #
ALC - Renewal Application Fee	\$300.00	Wild Honey Bistro	5607
ALC - Alcohol License Fees	\$200.00	Wild Honey Bistro	5607

Transaction #2

Type: Check or Warrant

Received: 12/29/2022

Amount: \$400.00

Payer Name: Wild Honey Bistro

Check #: 3114

Created: 1/11/2023

Account Item(s)

Type	Amount	Applicant	Ref #
ALC - Alcohol License Fees	\$400.00	Wild Honey Bistro	5607

Owner: soa\sfcarell

Close Out 18901

#:

AG #: 12465

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CONTACT US



Office of the Borough Clerk

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

Michele Turner, CMC
Acting Borough Clerk

7/27/2023

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

Homer City Hall
City of Homer Clerk

RE: Non-Objection of Application

Licensee/Applicant	:	Broad Point LLC
Business Name	:	Wild Honey Bistro
License Type	:	Restaurant/Eating Places - Public Convenience
License Location	:	106 West Bunnell Avenue, Unit 2, Homer, AK 99603, City of Homer
License No.	:	5607
Application Type	:	License Renewal

Dear Ms. Jacobsen,

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

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

Sincerely,

Michele Turner, CMC
Borough Clerk

cc: melodyliving@yahoo.com;

<mailto:amco.localgovernmentonly@alaska.gov>

MT/jb



MEMORANDUM

**Ordinance 23-47, An Emergency Ordinance of the City Council of Homer, Alaska Extending the Amendment to the FY23 Capital Budget for Emergency Repairs to the City Telephone System.
City Manager**

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 03 August 2023
From: Bill Jirsa, Chief Technology Officer
Through: Rob Dumouchel, City Manager

On June 12, 2023, City Council adopted Emergency Ordinance 23-38 to amend the FY23 Capital Budget for Emergency Repairs to the City telephone system by appropriating \$35,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund.

The City of Homer IT Team immediately set about engaging our vendor to complete the following activities:

1. Install, configure and test new telephone switching and voicemail servers at City Hall using up-to-date City of Homer server infrastructure to provide high availability and reliability.
2. Integrate the City Hall call management system with the one operating at the police department.
3. Replace 68 of the oldest handsets in use across city work centers (all those older than 16 years old) to provide modern phone capabilities.
4. Manage the cutover from the existing phone system in a short period of time (3 days).

As of August 3, work is complete on items 1 and 2, and we have acquired and staged the new telephone handsets described in item 3. Additionally, all of this work is still on track with the original budget. Some of the activities involved in preparing for item 4, the final cutover from the existing phone system, however, have required more time and we are likely to exceed the 60 day limit to effect the emergency repairs by a matter of days. We still expect the cutover itself to happen over a period of three days in which we will swap out the majority of the phones in use at the City of Homer work centers.

RECOMMENDATION: Extend the deadline by an additional 60 days for the funds associated with Ordinance 23-38 Emergency Repairs to the City Telephone System - \$35,000 from the FY23 General Fund Capital Asset Repair and Maintenance Allowance Fund (CARMA) for.

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 23-47

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF HOMER,
ALASKA EXTENDING THE AMENDMENT TO THE FY 23 CAPITAL
BUDGET FOR EMERGENCY REPAIRS TO THE CITY TELEPHONE
SYSTEM.

WHEREAS, On June 12, 2023, City Council adopted Emergency Ordinance 23-38 to amend the FY23 Capital Budget by appropriating \$35,000 from the General Fund Capital Asset Repair and Maintenance Allowance (CARMA) Fund for Emergency Repairs to the City telephone system; and

WHEREAS, The time required to effect the necessary repairs requires extension due to some complication around preparing for the final phase of the project; and

WHEREAS, Per HCC 1.08.040 emergency ordinances are valid for 60 days; and

WHEREAS, Emergency Ordinance 23-38 expires on August 12, 2023.

NOW THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council extends the date to effect the necessary repairs to the City telephone system.

Section 2. This is an emergency ordinance of general character and will be effective for 60 days, in accordance with HCC 1.08.040.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 14th day of August, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

- 43 YES:
- 44 NO:
- 45 ABSTAIN:
- 46 ABSENT:
- 47
- 48 First Reading:
- 49 Public Hearing:
- 50 Second Reading:
- 51 Effective Date:

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

Lord

3
4 **ORDINANCE 23-48**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 20 ANIMALS.
8

9 WHEREAS, Homer City Code Title 20 Animals was substantially revised in 1988 with
10 updates in 2016, and
11

12 WHEREAS, The 2015-16 Council-initiated Sustainable Animal Control
13 Review Committee provided minor updates to Title 20 but noted that they did not have time
14 for a full review, and
15

16 WHEREAS, Memorandum 16-026 from the Sustainable Animal Control Committee
17 strongly encouraged the Council to update Title 20, and
18

19 WHEREAS, It is in the City's best interest to do periodic full reviews of HCC Titles to
20 ensure they are current, applicable, and enforceable, and
21

22 WHEREAS, The proposed revisions to Title 20 were drafted through a collaborative
23 effort with the Animal Control Officer and Animal Shelter staff, the City Clerk, the Homer Police
24 Department and the City Attorney.
25

26 NOW THEREFORE BE IT ORDAINED:

27
28 Section 1. Homer City Code Chapter 20.04 Animals-General Provisions is hereby
29 amended as follows:
30

31 Chapter 20.04
32 ANIMALS – GENERAL PROVISIONS

33 Sections:

34 20.04.010 Intent.

35 20.04.020 Definitions.
36

37 **20.04.010 Intent.**
38

39 The intent of this title is to control the running at large of animals within the City and to protect
40 the general health, safety and welfare of the citizens of the City with respect to the keeping of
41 animals. [Ord. 88-1, 1988].
42

Added language Deleted language stricken through]

43 **20.04.020 Definitions.**

44
45 In this title:

46 “Animal” means a domestic or domesticated member of the animal kingdom.

47
48 “At large” means that an animal is off the property of its owner and not under the direct control
49 of a competent person **restraint as defined in this chapter.**

50
51 “Dog” means a member of the species Canis familiaris.

52
53 “Kennel” means a commercial premises where four or more dogs over four months of age are
54 owned, kept, boarded, bred or offered for sale.

55
56 “Large animal” means all cattle, horses, sheep, goats, swine or similar species commonly kept
57 as livestock.

58
59 “Prior conviction” means a conviction of a person for a violation of a provision of this title
60 involving any animal owned or controlled by the person within a 24-month period preceding
61 the date of the offense for which a citation of the person currently is pending.

62
63 “Quarantine” means the isolation of an animal in a substantial enclosure so that the animal
64 cannot be subject to contact with other animals or unauthorized persons.

65
66 “Restraint” means any of the following: (1) physical confinement by leash, chain, fence, or
67 building; (2) under competent voice control **as defined in this section.** ~~when an animal is~~
68 ~~engaged in an activity or form of training requiring that it not be physically confined; or (3)~~
69 ~~under competent voice control when an animal is on the property of its owner.~~

70
71 “Vicious animal” means an animal which has bitten or attacked a human being or another
72 animal at any time without provocation. [Ord. 16-38(S)(A) § 3, 2016; Ord. 88-1, 1988].

73
74 **“Voice control” means the dog returns immediately to and remains by the side of the**
75 **owner in response to the owners verbal whistle or hand signal, if the dog approaches or**
76 **remains within 10 feet of any other person than the owner, the dog is not under voice**
77 **control and is be deemed at large.**

78
79 Section 2. Homer City Code Chapter 20.08 Animals-General Provisions is hereby
80 amended as follows:

81
82 Chapter 20.08
83 GENERAL ANIMAL REGULATIONS

84
85 Sections:

- 86 20.08.010 Animals at large.
- 87 20.08.020 Impoundment procedures.
- 88 20.08.030 Animals on harbor floats.
- 89 20.08.040 Nuisance animals.
- 90 20.08.050 Cruelty or injury to animals.
- 91 20.08.060 ~~Boarding dogs at animal shelter.~~ **Repealed.**
- 92 20.08.070 Female animals in heat – Confinement required.
- 93 20.08.080 Abandonment of animals.
- 94 20.08.090 Maintenance and sanitation.
- 95 20.08.100 Adoption of shelter animals.
- 96 20.08.110 Disposal of animal at request of owner.

97
98

99 **20.08.010 Animals at large.**

100

101 a. No person may cause or permit an animal to be at large in a public street or alley, or on other
102 public property, or on private property without the property owner’s consent.

103

104 b. No person other than the Animal Control Officer ~~or a peace officer~~ performing duties under
105 this title may release an animal from restraint without its owner’s consent, except to preserve
106 the animal’s life. A person who releases an animal from restraint to preserve its life shall
107 promptly report having done so to the animal’s owner or the Animal Control Officer.

108

109 c. The Animal Control Officer ~~or a peace officer~~ may capture or destroy by any means an animal
110 at large that presents an immediate threat to public safety.

111

112 d. The owner of an animal that is at large may be cited for a violation of this section without
113 the impoundment of the animal.

114

115 ~~e. Except as provided in subsections (f) and (g) of this section, the penalty for a violation of~~
116 ~~subsection (a) or (b) of this section, with zero, one, or two prior convictions, is the fine listed in~~
117 ~~the fine schedule in HCC 20.32.020.~~

118

119 ~~f. Except as provided in subsection (g) of this section, a violation of subsection (a) or (b) of this~~
120 ~~section with three or more prior convictions shall be punishable by a fine of not less than~~
121 ~~\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than~~
122 ~~\$100.00.~~

123

124 ~~g. A violation of subsection (a) of this section where the animal is a large animal, as defined in~~
125 ~~HCC 20.04.020, with one or more prior convictions shall be punishable by a fine of not less than~~
126 ~~\$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than~~
127 ~~\$100.00. [Ord. 18-11 § 20, 2018; Ord. 16-38(S)(A) § 4, 2016].~~

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20.08.020 Impoundment procedures.

a. The Animal Control Officer ~~or a peace officer~~ may capture and impound an animal that is at large in violation of HCC 2.08.010(a). The Animal Control Officer ~~or a peace officer~~ may pursue an animal onto private property in the course of effecting its impoundment, and if necessary use a cage trap to capture an animal.

b. Immediately upon impounding an animal whose owner is known to the impounding Animal Control Officer ~~or peace officer~~, the officer shall make a reasonable effort to inform the owner of the impoundment and the conditions on which the owner may regain custody of the animal.

c. An animal that is impounded under the provisions of this chapter shall be held in the City animal shelter, ~~and there confined~~ in a humane manner for **a minimum of five days** ~~the applicable minimum period under subsection (d) of this section~~ unless sooner claimed by the owner; **Animals impounded at the shelter will be vaccinated and microchipped on intake.** ~~Animals~~ and if not claimed by the owner thereafter may be, at the discretion of the Animal Control Officer, offered to the public **for** adoption or in the case of a large animal sold at public auction ~~with public notice in the manner provided for the sale at execution of personal property in AS 09.35.140~~ **as outlined below**, or destroyed in a humane manner.

1. The City shall publish in a newspaper of general circulation in the City a notice of the intention of the City to sell a large animal at public auction, on a day and at a place and time certain, not less than 10 days prior to the sale, for cash to the highest and best bidder. At any time prior to the auction, the owner may redeem the animal by cash payment of all fees and charges against the animal.

2. The minimum acceptable bid shall be a sum equal to the City's fees and charges against the animal. The proceeds of the sale shall be first applied to the cost of sale, then to accrued fees and charges, service fees, storage charges, attorney fees and costs, and other expenses provided for in this title, and the balance, if any, shall be held in trust by the City for the owner of the animal to claim; and if not claimed within one year, the balance shall be deposited animal control fund. Upon the sale being made, the City shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.

d. The minimum period for which an impounded animal shall be held at the animal shelter shall be

1. For a dog that is impounded while wearing a City license, five days.

2. For any other animal, three days.

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ed. No impounded animal may be released from the animal shelter into the custody of its owner unless the owner has:

~~1. Paid all impoundment and boarding fees, and the cost of any veterinary treatment provided to the animal while impounded~~ **Satisfied the requirements of the Animal Control Officer as outlined in the Animal Shelter’s Animal Control Policy;**

~~2. For a dog owned by a City resident that was impounded while not wearing a City dog license, either produced evidence satisfactory to the Animal Control Officer that a current City dog license has been issued for the dog, or if the dog is unlicensed paid the fee for a City dog license for the dog; and~~

~~3.~~ **2.** For a dog, either produced evidence satisfactory to the Animal Control Officer that the dog has a current rabies vaccination, or paid the fee for a 30-day rabies vaccination voucher under HCC 20.16.030. [Ord. 16-38(S)(A) § 4, 2016].

20.08.030 Animals on harbor floats.

No person may bring, keep, or maintain an animal on the floats of the Homer small boat harbor, unless the animal is kept under physical confinement by leash or chain at all times. The person in control of the animal shall be responsible for cleaning and removing the animal’s waste from the harbor floats. The City will charge the person in control of the animal for **the amount listed in the City of Homer Fee Schedule** ~~labor (minimum of one-half hour) required~~ for cleaning and removing any animal waste that the person fails to clean and remove. [Ord. 16-38(S)(A) § 4, 2016].

20.08.040 Nuisance animals.

- a. No person may cause or permit an animal that the person owns or controls to:
1. Annoy another person by interfering with the latter’s sleep, work or reasonable right to peace and privacy by making repeated or continued noise;
 2. Defecate, dig upon or injure private property owned by another person or a public street or alley, or other public property;
 3. Frequently or habitually growl, snap at, jump upon or otherwise menace, injure or frighten another person who is not trespassing or otherwise violating the law; or
 4. Chase, harass, or otherwise disturb or injure wildlife.

212 b. The Animal Control Officer ~~or a peace officer~~ may impound an animal that is engaging in
213 behavior described in subsection (a) of this section. A person may restrain an animal from
214 continuing to engage in behavior described in subsection (a)(4) of this section, and shall
215 promptly surrender any animal so restrained to the Animal Control Officer for impoundment.

216
217 ~~c. A violation of subsection (a) of this section with three or more prior convictions shall be~~
218 ~~punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended~~
219 ~~portion of the fine shall not be less than \$100.00. [Ord. 16-38(S)(A) § 4, 2016].~~

220
221 **20.08.050 Cruelty or injury to animals.**

222
223 a. No person may intentionally injure, torment, poison, provoke, or otherwise abuse an animal,
224 including without limitation through a violation of HCC 7.15.010, Transporting an animal.

225
226 b. No person may intentionally kill an animal by injury, torment, poison, suffocation,
227 decompression or other forms of abuse of the animal.

228
229 c. No person may maintain an animal without providing food, water, and shelter adequate to
230 preserve the animal's health, or abandon an animal where it will not be provided proper food,
231 water, shelter, and care.

232
233 d. No person may maintain an animal showing symptoms of infectious or contagious disease
234 without keeping the animal confined in a building or secure enclosure and under proper care.

235
236 e. No person may cause an animal to fight another animal or human being, whether for
237 amusement or financial gain; or train, or keep for the purpose of training, an animal for
238 exhibition in combat with an animal or human being. No person may permit property that the
239 person owns or controls to be used for any of the purposes described in this subsection.

240
241 f. No person may use a trap or snare within the City limits that can kill or injure a domestic
242 animal except under the supervision of a state or federal wildlife agency addressing a specific
243 nuisance wildlife issue, and with prior notice to the Animal Control Officer of the name and
244 contact information of each person who will be working the trap(s), and the type of trap(s) and
245 the location of trap(s) being used.

246
247 ~~g. No person may cause or permit an animal that the person owns or controls to molest or~~
248 ~~harass wild or domesticated animals.~~

249
250 h. The driver of a vehicle involved in an accident resulting in injury to an animal shall stop the
251 vehicle as close to the scene of the accident as safely possible and inform the owner of the
252 animal of the accident and injury to the animal, if the animal's ownership is readily
253 ascertainable. If the owner of the animal is not readily ascertainable, the driver shall inform

254 the Animal Control Officer or Police Department as quickly as reasonably possible of the
255 accident and injury to the animal.

256
257 i. Notwithstanding any other provision of this section, the Animal Control Officer, ~~a peace~~
258 ~~officer~~ or a licensed veterinarian may humanely euthanize an animal that in that person's
259 opinion is so seriously ill or injured that medical treatment would needlessly prolong the
260 animal's suffering; ~~provided, that if~~ the animal bears identification of ownership, the Animal
261 Control Officer, law enforcement officer or licensed veterinarian ~~first~~ shall make a reasonable
262 **an** effort to ~~inform~~ **contact** the owner of the animal's condition and ~~obtain the owner's consent~~
263 ~~to~~ **before** euthanizing the animal.

264
265 j. This section does not apply to: impounding, destruction, or other disposition of an animal in
266 a humane manner as authorized by law **Homer City Code and/or Alaska Statutes**; killing or
267 injuring an animal where necessary to protect a human being or domesticated animal from
268 death or bodily injury; or the humane destruction of an animal by its owner or the owner's
269 authorized agent.

270
271 ~~k. A violation of subsections (a) through (h) of this section shall be punishable by a fine of not~~
272 ~~less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be~~
273 ~~less than \$300.00. [Ord. 16-38(S)(A) § 4, 2016].~~

274
275 20.08.060—Boarding dogs at animal shelter. **Repealed**

276
277 The Homer Animal Shelter may accept a dog for boarding if the following requirements are
278 met:

279
280 a. The owner and dog must reside inside the City.

281
282 b. The owner pays boarding fees in advance for a maximum of 10 days. The owner shall pay
283 double the standard boarding fees for any time from the end of the time for which boarding
284 fees were paid in advance until the owner claims the dog from the animal shelter.

285
286 c. The owner provides proof from a veterinarian that the dog has current vaccinations for
287 rabies, parvo, distemper and Bordetella (kennel cough).

288
289 d. The owner exhibits proof that the dog has a current City dog license.

290
291 e. The owner reserves boarding space 24 hours in advance of the desired boarding time, and
292 at the time of reservation space to board the dog will be available. The animal shelter will not
293 board more than four dogs at a time.

294

295 ~~f. The animal shelter may deny boarding to a dog that it determines to be sick, injured, vicious,~~
296 ~~or in heat.~~

297
298 ~~g. Before the boarding time begins, the owner of the dog executes a boarding agreement~~
299 ~~including all the requirements in this section and an agreement to hold the Homer Animal~~
300 ~~Shelter and the City harmless and waive liability claims against the Homer Animal Shelter and~~
301 ~~the City.~~

302
303 ~~h. All boarding costs shall be paid in full before the dog is released to its owner or designee.~~

304
305 ~~i. The Homer Animal Shelter will not board dogs if any licensed private commercial boarding~~
306 ~~kennel is operating within the City and that facility has space available for animal boarding.~~
307 ~~[Ord. 16-38(S)(A) § 4, 2016].~~

308
309 **20.08.070 Female animals in heat – Confinement required.**

310
311 Every female ~~dog or cat~~ **animal** in season shall be kept confined in a building or secure
312 enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female
313 ~~dog or cat~~ **animal** cannot come in contact with another ~~dog or cat~~ **animal** except for planned
314 breeding purposes. [Ord. 16-38(S)(A) § 4, 2016].

315
316 **20.08.080 Abandonment of animals.**

317
318 No person may intentionally abandon an animal including without limitation leaving the
319 animal unattended outside of the animal shelter. [Ord. 16-38(S)(A) § 4, 2016].

320
321 **20.08.090 Maintenance and sanitation.**

322
323 A person who owns an animal shall maintain all structures, pens and yards where the animal
324 is kept, and all areas adjacent thereto, in a clean and sanitary condition and free from
325 objectionable odor. [Ord. 16-38(S)(A) § 4, 2016].

326
327 **20.08.100 Adoption of shelter animals.**

328
329 To minimize the destruction of animals, the City shall make unclaimed animals and animals
330 turned in to the animal shelter for disposal available for adoption by any adult person except
331 as restricted herein. ~~The City may collect a~~ **A fee may be collected** for the adoption of each
332 animal **as listed in the City of Homer Fee Schedule**. The Animal Control Officer may deny
333 adoption of an animal to any person with a documented record of frequent violations of this
334 title or a history of animal abuse, neglect, or housing animals in inhumane or unsanitary
335 conditions. Frequent violation for purposes of this section shall mean three or more
336 convictions in the last 24 months. [Ord. 16-38(S)(A) § 4, 2016].

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20.08.110 Disposal of animal at request of owner.

The animal shelter will accept an animal from its owner for disposal upon the owner's execution of a written consent agreement holding the City harmless from liability for the destruction of the animal. Upon execution of the agreement, the animal becomes property of the City and at the City's option may be disposed of by adoption or destruction in a humane manner. The City reserves the right to refuse to dispose of any animal. [Ord. 16-38(S)(A) § 4, 2016].

Section 3. Homer City Code Chapter 20.12 Licensing of Animals is hereby repealed.

~~Chapter 20.12
LICENSING OF ANIMALS~~

~~Sections:~~

~~20.12.010 License required—Issuance.~~

~~20.12.020 License tag to be worn and displayed.~~

~~20.12.030 Repealed.~~

~~20.12.010 License required—Issuance.~~

~~No person may own, keep or harbor a dog over four months of age in the City that is not licensed as provided in this chapter. The animal shelter shall issue a dog license upon receiving an application stating the owner's name and address and the name, breed, color and sex of the dog, a certificate from a licensed veterinarian that the dog has a current rabies vaccination, and payment of the license fee. A dog license shall be issued for a period of two years that begins on January 1st of an even numbered year and ends on December 31st of the following odd numbered year. The full license fee shall be payable for a dog license that is issued at any time during an even numbered year and the fee for a dog license that is issued at any time during an odd numbered year shall be one half of the full license fee. [Ord. 16-38(S)(A) § 5, 2016; Ord. 14-52 § 1, 2014; Ord. 88-1, 1988].~~

~~20.12.020 License tag to be worn and displayed.~~

~~Upon payment of the license fee, the animal shelter shall issue to the owner of a dog a receipt for payment of the license fee and a license tag for the dog. The tag shall bear the years for which it was issued and a number corresponding to the number on the receipt. The owner of a dog subject to licensing under this chapter shall cause the dog to wear a collar or harness to which the license tag shall be affixed at all times. In case a dog tag is lost or destroyed another will be issued upon payment of a replacement fee. Dog tags are not transferable from one dog to another. [Ord. 16-38(S)(A) § 6, 2016; Ord. 88-1, 1988].~~

~~20.12.030 Counterfeit tags prohibited.~~

379 ~~Repealed by Ord. 16-38(S)(A). [Ord. 88-1, 1988].~~

380

381 Section 4. Homer City Code Chapter 20.16 Animal Disease Control is hereby amended
382 as follows:

383

384

Chapter 20.16
ANIMAL DISEASE CONTROL

385

386

387 Sections:

388 20.16.010 Rabies vaccination required.

389 20.16.020 Quarantine of rabid animals required.

390 20.16.030 Rabies vaccination voucher authorization.

391 20.16.010 Rabies vaccination required.

392

393 Every owner of a dog over four months old shall have the dog vaccinated against rabies. [Ord.
394 16-38(S)(A) § 8, 2016; Ord. 88-1, 1988].

395

396 **20.16.020 Quarantine of rabid animals required.**

397

398 a. If a dog or other animal is believed to have rabies or to be vicious, or has been bitten by a
399 dog or other animal suspected of having rabies, the dog or other animal shall be confined by a
400 leash or chain in a substantial enclosure on the owner's premises and shall be placed under
401 the observation of a duly licensed physician or veterinarian for 10 days at the expense of the
402 owner. The owner shall notify ~~a peace officer or~~ the Animal Control Officer that the dog has
403 been exposed to rabies, and the officer may, at the officer's discretion, place the dog under
404 observation in a designated isolation ward at the animal shelter for the quarantine period at
405 the expense of the owner. (Note: also see 7 AAC 27.020.)

406

407 b. The Chief of Police or Animal Control Officer shall promptly notify the State Health
408 Department Officer of the location and description of the ~~dog or other~~ animal having rabies or
409 suspected of having rabies, and supply the State Health Officer with the names and addresses
410 of the persons who have been bitten, scratched or had any contact with the suspected animal.

411

412 c. ~~A peace officer~~ The Animal Control Officer may enter upon private property where a dog or
413 other animal that is alleged to have bitten a person is kept, to inspect, seize and impound the
414 dog as provided in this chapter. [Ord. 16-38(S)(A) § 9, 2016; Ord. 88-1, 1988].

415

416 **20.16.030 Rabies vaccination voucher authorization.**

417

418 The Animal Control Officer may collect the fee for, and issue to an owner claiming a dog at the
419 animal shelter who is unable to provide adequate proof of current rabies vaccination for the
420 dog, a "rabies vaccination voucher." This voucher shall be valid for 30 days, and within that

421 period shall entitle the bearer to rabies vaccination for the dog identified thereon, at any
422 licensed veterinarian agreeing to accept same. The City **Animal Shelter contractor** shall set
423 fees for such voucher, ~~at the average rates currently being charged by all veterinarians licensed~~
424 ~~within the City.~~ [Ord. 16-38(S)(A) § 10, 2016; Ord. 88-1, 1988].

425
426 Section 5. Homer City Code Chapter 20.20 Dangerous Animals is hereby amended as
427 follows:

428
429 Chapter 20.20
430 DANGEROUS ANIMALS

431
432 Sections:

- 433 20.20.010 Permitting animals to bite prohibited.
434 20.20.020 Destruction prohibited pending quarantine.
435 20.20.030 Vicious animal.
436 20.20.040 Administrative hearing procedures.
437 20.20.050 Destruction of vicious animal.
438 20.20.060 Conditional release of vicious animal.

439
440 **20.20.010 Permitting animals to bite prohibited.**

441
442 a. No person may permit any animal that the person owns or controls to bite a person or
443 another animal, unless the person bitten is engaged in the commission of a criminal act. It is
444 an affirmative defense to a charge of violating this section that the victim of the bite provoked
445 the animal into biting, or was bitten while trespassing on premises totally enclosed by chain
446 link or similar density fencing by an animal housed therein. ~~A violation of this section shall be~~
447 ~~punishable by a fine of not less than \$300.00 and not more than \$500.00, and the unsuspended~~
448 ~~portion of the fine shall not be less than \$100.00.~~

449
450 **b. No person may permit any dog to habitually annoy any animal or bird either domestic**
451 **or wild. Any dog that evinces a disposition which makes it likely that it will without**
452 **provocation bite an animal or fowl, will be considered a vicious animal subject to the**
453 **provisions of 20.20.030.**

454
455 b. The City shall serve notice on the owner of an animal which has bitten a person or another
456 animal without provocation, advising the owner that the animal is now a vicious animal and is
457 subject to destruction if at large. [Ord. 16-38(S)(A) § 11, 2016; Ord. 88-1, 1988].

458
459 **20.20.020 Destruction prohibited pending quarantine.**

460
461 No person may kill or maim an animal which is known to have bitten a person or animal
462 without the prior consent of the Chief of Police **Animal Control Officer**. Nothing in this section

463 shall prohibit the killing of an animal where such destruction is necessary for the protection of
464 life and limb, or for the purpose of preventing a further attack. One of the purposes of the
465 enactment of this chapter is to enable the Chief of Police **Animal Control Officer** to observe
466 any dogs and other animals which have bitten any person or animal in order to determine
467 whether the same are infected by rabies. ~~A violation of this section shall be punishable by a~~
468 ~~fine of not less than \$300.00 and not more than \$500.00, and the unsuspended portion of the~~
469 ~~fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 12, 2016; Ord. 88-1, 1988].

470

471 20.20.030 Vicious animal.

472

473 No person may:

474

475 a. Permit a vicious animal to be at large;

476

477 b. Knowingly or negligently permit a vicious animal to bite any person unless the person bitten
478 is in the act of committing a criminal offense;

479

480 c. Permit a vicious animal to be housed or transported in or on any motor vehicle unless the
481 animal is muzzled to prevent the animal from biting any person. ~~(Exception: vicious animals~~
482 ~~locked in the passenger compartment of a motor vehicle need not be muzzled if the windows~~
483 ~~are adequately closed to prevent the animal from exiting the vehicle);~~

484

485 d. Permit a vicious animal to leave premises owned or controlled by the animal's owner or his
486 agent ~~(except as authorized in subsection (c) of this section)~~ unless the animal is securely
487 muzzled.

488

489 Any animal in violation of subsection (a) or (b) of this section shall, upon conviction of the
490 owner or the agent, for that offense, be immediately seized by the City and held for destruction.
491 ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than~~
492 ~~\$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-
493 38(S)(A) § 13, 2016; Ord. 88-1, 1988].

494

495 **20.20.040 Administrative hearing procedures.**

496

497 All animals seized pursuant to HCC 20.20.030 shall be held in impound pending an
498 administrative hearing concerning their potential destruction. The administrative hearing
499 shall be conducted as follows:

500

501 a. ~~An Administrative Hearing Board shall be convened consisting of the City Manager (who shall~~
502 ~~chair the proceedings), the Chief of Police,~~ **or their designee shall serve as hearing officer.**
503 ~~and one member of the City Council (selected by the City Manager).~~

504

505 ~~b. A notice of administrative hearing shall be served upon t~~The animal's owner or ~~his~~ **their**
506 ~~designee under the procedures set for service of summons in a civil action~~ **shall be notified of**
507 ~~. The notice shall specify the date, time, and location of the hearing. The hearing may not be~~
508 ~~less than three days following the service of the hearing notice on the animal owner or his~~
509 ~~designee.~~

510
511 c. The hearing shall consider all information pertinent to the specific violation of HCC 20.20.030
512 which initiated the impoundment and hearing process, and may additionally consider any
513 information concerning prior violations or incidents with this same animal, as well as any
514 information concerning the animal owner's or his designee's prior violations of the Homer
515 animal ordinances with any other animal.

516
517 d. The hearing shall address and enter its formal findings as to whether:

- 518
519 1. The animal is a vicious animal under HCC 20.04.020;
520 2. The owner or designee thereof failed to use all reasonable precautions to control his
521 animal and protect the public;
522 3. The circumstances of this incident under consideration constitute a danger to the
523 public.

524
525 e. If ~~a majority of Board members~~ **the hearing officer** finds in the affirmative as to all three of
526 the provisions of subsection (d) of this section, the ~~Hearing Board~~ **hearing officer** shall order
527 the animal destroyed. The owner or designee, if present at the hearing, shall be ~~verbally~~
528 notified of the findings and order ~~at the conclusion~~ **within 24 hours** of the hearing. Written
529 findings shall ~~also~~ be prepared and served upon the owner or designee. If the owner or
530 designee is not present at the hearing, written findings and destruction order shall be served
531 on that person as soon as possible following the hearing.

532
533 f. Absent an affirmative finding by the ~~Hearing Board~~ **hearing officer** as to one or more of the
534 provisions of subsection (d) of this section, the animal shall be immediately released to its
535 owner or designee. The ~~Hearing Board~~ **hearing officer** shall, in the event of release under this
536 provision, prepare a written notice which shall be delivered or mailed to the animal's owner,
537 outlining the ~~Hearing Board's~~ **hearing officer's** recommendations as to actions that owner
538 should take to prevent future incidents and to protect the public.

539
540 g. Any appeal of the ~~Hearing Board's~~ **hearing officer's** finding and destruction order shall be
541 taken through the Alaska Court System within ~~10~~ **30** days of the receipt of said findings and
542 order by the owner. The filing of an appeal will automatically stay the order of destruction
543 pending resolution of the appeal. The animal shall remain in impound at the owner's expense
544 pending resolution of the appeal. [Ord. 16-38(S)(A) § 14, 2016; Ord. 88-1, 1988].

545
546 **20.20.050 Destruction of vicious animal.**

547
548 Vicious animals to be destroyed upon Administrative Hearing Board **Officer** order shall be
549 destroyed as follows:

550
551 a. The animal shall remain in impound for ~~10~~ **30** days following the date the owner (or his
552 designee) is verbally notified of the ~~Hearing Board's~~ **hearing officer's** decision, or the date that
553 a written finding and destruction order is served on the owner (or his designee) to allow that
554 person to appeal the destruction order through the courts.

555
556 b. If the City is not served with a notice of appeal of the destruction order within the ~~10~~ **30** day
557 holding period outlined in subsection (a) of this section, the City shall immediately proceed to
558 humanely destroy the animal. [Ord. 88-1, 1988].

559
560 **20.20.060 Conditional release of vicious animal.**

561
562 The City may, at its option, in lieu of destruction of the animal, agree to return the vicious
563 animal to its owner (or his lawful agent) if that person signs a ~~contractual~~ **conditional release**
564 agreement with the City wherein the owner agrees:

565
566 a. To immediately remove the animal from the City;

567
568 b. Agrees to the immediate seizure and destruction of the animal if it enters the City limits;

569
570 c. Agrees to **defend and** indemnify the City for any and all damages resulting from any act of
571 this animal from the date of the agreement;

572
573 d. Any other reasonable provision deemed necessary by the ~~City Attorney~~ **Animal Control**
574 **Officer**. [Ord. 88-1, 1988].

575
576 Section 6. Homer City Code Chapter 20.24 Enforcement Authority – Interference is
577 hereby amended as follows:

578
579 Chapter 20.24
580 ENFORCEMENT AUTHORITY – INTERFERENCE

581
582 Sections:

583 20.24.010 Enforcement.

584 20.24.020 Interference with enforcement officer prohibited.

585 20.24.030 Unauthorized removal of animals.

586 20.24.040 Tampering with City live traps prohibited.

587 20.24.050 Removal of quarantined animals prohibited.

588 20.24.060 Furnishing false information.

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20.24.010 Enforcement.

This title may be enforced by any ~~peace officer~~ **Animal Control Officer**. Additionally, a private person may lawfully detain any animal in violation of this title provided the person promptly notifies the Animal Control Officer and surrenders the animal to the Animal Control Officer in compliance with HCC 20.08.040(b). [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.020 Interference with enforcement officer prohibited.

No person shall interfere with, oppose or resist ~~any peace officer or an~~ **an** Animal Control Officer in the performance of ~~his~~ **their** duties as provided in this title. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.030 Unauthorized removal of animals.

No person may remove or release any animal from the animal shelter, animal control vehicles, municipal animal traps or from any other official custody without first obtaining permission to do so from the Animal Control Officer ~~or any peace officer~~. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.040 Tampering with City live traps prohibited.

No person may tamper with any City-owned or City-operated animal live trap. “Tampering” means removal or destruction of bait(s), tripping the door closure mechanism, obstructing the entryway so as to prevent animals from entering the trap, or the physical removal of the trap from its position. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.050 Removal of quarantined animals prohibited.

No person may remove from the animal shelter or any veterinary hospital, or from any other place, any animal which has been quarantined without the consent of the Chief of Police or Animal Control Officer. ~~A violation of this section shall be punishable by a fine of not less than \$300.00 nor more than \$500.00, and the unsuspended portion of the fine shall not be less than \$100.00.~~ [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].

20.24.060 Furnishing false information.

631 No person may knowingly provide false information on any license application, adoption or
632 disposal agreement, boarding agreement, citation, or any other official document being
633 executed pursuant to this title. [Ord. 16-38(S)(A) § 15, 2016; Ord. 88-1, 1988].
634

635 Section 7. Homer City Code Chapter 20.08 Kennels is hereby amended as follows:
636

637 Chapter 20.28
638 KENNELS

639 Sections:

640 20.28.010 Kennels – Generally.

641 20.28.020 Kennel license – Required.

642 20.28.030 Kennel license fee.
643

644 20.28.010 Kennels – Generally.
645

646 a. No kennel shall be maintained or operated in such a manner as to constitute a nuisance to
647 persons owning or occupying land in the vicinity of the land on which the kennel facility is
648 operated or maintained.
649

650 b. Any complaint that a kennel is in violation of this chapter shall be referred to the Animal
651 Control Officer. The Animal Control Officer may inspect the facilities to determine whether
652 such kennel constitutes a health hazard, nuisance or otherwise violates this chapter. Such
653 inspection shall be completed within seven days of the complaint.
654

655 c. If the Animal Control Officer determines that the kennel complained of is a health hazard,
656 violates this chapter, or is a public nuisance, or that dogs may not be safely kept therein, the
657 owner shall be notified and shall be granted a reasonable length of time within which to
658 remedy any deficiencies found and to comply with requirements of this chapter.
659

660 d. If, upon a second inspection after the expiration of the time granted in the notice, the kennel
661 is still in violation, the Animal Control Officer may then revoke any license previously issued for
662 such kennel. [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].
663

664 20.28.020 Kennel license – Required.
665

666 a. No person may own or operate a kennel without first obtaining a kennel license. Application
667 for a kennel license shall be made to the Animal Control Officer.
668

669 b. Before a kennel license is issued, the Animal Control Officer shall inspect the kennel to
670 confirm that the kennel:
671

- 672 1. Has adequate shelter for the dogs from the elements;
- 673 2. Has adequate provisions for keeping the dogs on the owner's premises; and

[Bold and underlined added. Deleted language stricken through]

674 3. Has adequate provisions for keeping the premises in a sanitary condition.

675
676 Upon finding that the kennel is in compliance with this chapter, the Animal Control Officer shall
677 issue the license. [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

678
679 20.28.030 Kennel license fee.

680
681 A kennel license shall be issued for a period of two years ~~that begins on January 1st of an even-~~
682 ~~numbered year and ends on December 31st of the following odd numbered year. The full~~
683 ~~license fee shall be payable for a kennel license that is issued at any time from January 1st of~~
684 ~~an even numbered year through June 30th of the following odd numbered year, and the fee~~
685 ~~for a kennel license that is issued in an odd numbered year on or after July 1st shall be one-~~
686 ~~half of the full license fee. The kennel license fee shall be in lieu of a dog license fee for each~~
687 ~~individual dog that is kept at the kennel; however, each dog that is kept at the kennel shall be~~
688 ~~subject to all other requirements for the issuance of a dog license. Each animal kept at the~~
689 ~~kennel shall be considered licensed under the kennel license so long as it remains at the~~
690 ~~kennel. The owner of a dog that will remain in the City must obtain a dog license for the dog~~
691 ~~when it ceases to be kept at the kennel. **for the amount listed in the City of Homer Fee**~~
692 **Schedule** [Ord. 16-38(S)(A) § 16, 2016; Ord. 88-1, 1988].

693
694 Section 8. Homer City Code Chapter 20.30 Records is hereby amended as follows:

695
696 Chapter 20.30
697 RECORDS

698 Sections:

699 20.30.010 Records.

700
701 20.30.010 Records.

702 a. The Animal Control Officer shall maintain complete and detailed records of the following as
703 required by City contract:

- 704
705 ~~1. The issuance and revocation of licenses under this title;~~
706 ~~2~~**1.** All animals brought into the custody of the animal shelter by impoundment or
707 otherwise;
708 ~~3~~**2.** The disposition of all animals in the custody of the animal shelter;
709 ~~4~~**3.** Rabies immunizations vouchers issued;
710 ~~5~~**4.** Reports required by or made pursuant to this title;
711 ~~6~~**5.** Investigations of violations of this title;
712 ~~7~~**6.** Monies received for fees and charges imposed by this title; and
713 ~~8~~**7.** Notices of violation, including the disposition thereof.

714

715 b. The Animal Control Officer shall not disclose the identity of a person who surrenders an
716 animal to the animal shelter or claims or adopts an animal from the animal shelter unless the
717 Animal Control Officer determines that protection of the public health, safety or welfare
718 requires such disclosure.

719
720 c. At the request of the Animal Control Officer, an animal owner shall authorize the owner's
721 veterinarian to release animal medical records related to a specific animal control
722 investigation. [Ord. 16-38(S)(A) § 17, 2016].

723
724 Section 9. Homer City Code Chapter 20.32 Fees and Penalties is hereby amended as
725 follows:

726
727 Chapter 20.32
728 FEES AND PENALTIES

729 Sections:

730 20.32.010 Animal control fee schedule.

731 20.32.020 Fine schedule.

732 20.32.030 Civil penalties.

733

734 20.32.010 Animal control fee schedule.

735

736 a. ~~The City licensing and s~~ **Animal Shelter** fees shall be set by City Council resolution, shall be
737 included in the City of Homer's fee schedule and may be amended by City Council resolution.

738

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

743

744 c. Animals being adopted shall be ~~properly licensed~~ **microchipped** and vaccinated.

745

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

749

750 e. Disposition of Fees. All ~~license and~~ shelter fees collected pursuant to this chapter shall be
751 paid ~~into the general fund of the City~~ **to the Animal Shelter contractor**. [Ord. 16-38(S)(A) § 18,
752 2016; Ord. 01-54, 2001; Ord. 88-1, 1988].

753

754 20.32.020 Fine schedule.

755

756 Citations for offenses listed in this section may be disposed of as provided in AS 12.25.195
757 through 12.25.230, without a court appearance, upon payment of the fine amounts listed

758 below plus the State surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to
 759 the court. The Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all
 760 offenses listed below. Citations charging these offenses must meet the requirements of Minor
 761 Offense Rule 3. If a person charged with one of these offenses appears in court and is found
 762 guilty, the penalty imposed for the offense may not exceed the scheduled fine amount plus any
 763 surcharge required to be imposed by AS 12.55.039 and 29.25.074. If an offense in this title is not
 764 listed in the fine schedule, the defendant must appear in court to answer the charges.
 765

Code Section	Code Section Title	Fine per Day
HCC 20.08.010(a)	Animal at large	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200 <u>Not less than \$300 nor more than \$500, and unsuspended portion of fine shall not be less than \$100</u>
HCC 20.08.010(b)	Unauthorized release of animal from restraint	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200 <u>Not less than \$300 nor more than \$500, and unsuspended portion of fine shall not be less than \$100</u>
<u>HCC 20.08.010(g)</u>	<u>Large Animal at Large</u>	<u>\$1000</u>
HCC 20.08.030	Animals off-leash on harbor floats	\$25-\$50
<u>HCC 20.08.050</u>	<u>Failure to remove animal waste on harbor floats</u>	<u>\$50</u>
HCC 20.08.040(a)	Nuisance animals	No prior conviction \$50; One prior conviction \$100; Two prior convictions \$200 <u>Three or more prior convictions shall be punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>

[**Bold and underlined added.** Deleted language stricken through]

Code Section	Code Section Title	Fine per Day
<u>HCC 20.08.050</u>	<u>Cruelty or injury to animals</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$300.</u>
<u>HCC 20.20.010</u>	<u>Permitting animals to bite prohibited</u>	<u>Punishable by a fine of not less than \$300 and not more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.20.020</u>	<u>Destruction prohibited pending quarantine</u>	<u>Punishable by a fine of not less than \$300 and not more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.20.030</u>	<u>Vicious animal</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HCC 20.24.020</u>	<u>Interference with enforcement officer prohibited</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HC 20.24.030</u>	<u>Unauthorized removal of animals</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
<u>HC 20.24.050</u>	<u>Removal of quarantined animals prohibited</u>	<u>Punishable by a fine of not less than \$300 nor more than \$500, and the unsuspended portion of the fine shall not be less than \$100.</u>
HCC 20.08.070	Female animals in heat	\$100
HCC 20.08.080	Abandonment of animals	\$100
HCC 20.08.090	Maintenance and sanitation	\$100

[**Bold and underlined added.** Deleted language stricken through]

Code Section	Code Section Title	Fine per Day
HCC 20.12.010	License required— issuance	\$50
HCC 20.12.020	License tag to be worn and displayed	\$50
HCC 20.24.060	Furnishing false information	\$200
HCC 20.28.020	Kennel license – Required	\$100

766
 767 [Ord. 18-11 § 21, 2018; Ord. 16-38(S)(A) § 19, 2016].

768
 769 20.32.030 Civil penalties.

770
 771 In addition to or as an alternative to the criminal penalty mentioned in HCC 20.32.020, any
 772 person violating any provision of this title shall be subject to a civil penalty of not more than
 773 \$500.00. Each and every day that such violation continues shall be deemed a separate and
 774 distinct violation. In addition, a civil injunction or temporary restraining order may be obtained
 775 in order to obtain immediate compliance with the provisions of this chapter. The City may seek
 776 an award of reasonable attorney fees and costs from the court in prosecuting such an action.
 777 [Ord. 88-1, 1988].



City of Homer

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Office of the City Clerk

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Memorandum 16-026

TO: MAYOR WYTHE AND THE HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, CMC, DEPUTY CITY CLERK

THROUGH: KATIE KOESTER, CITY MANAGER

DATE: FEBRUARY 1, 2016

SUBJECT: FINAL REPORT AND RECOMMENDATIONS FROM THE SUSTAINABLE ANIMAL CONTROL REVIEW COMMITTEE

The **Sustainable Animal Control Review Committee (SACRC)** met at least once monthly from October 2015 through January 2016. There was considerable public interest in this committee and members of the public attended the meeting on a regular basis. The purpose of the committee was to look at ways to operate the shelter more economically.

The SACRC recommended **fee changes** for the animal shelter to the Homer City Council, which were included and passed in the December 2015 budget process. The fees for the shelter had not been examined in many years and the committee felt these new fees will make the shelter more sustainable.

City liability was another issue the committee examined. The contract the City of Homer has with the contractor needs modification the next time an RFP is issued. The attorney recommends eliminating a specific paragraph in the contract (Page 16 Section V. Item C.) because the city cannot mandate contractor performance. It would be wise to review the content of the whole contract before issuing the RFP next December. Patrick Lawrence contacted AMLJIA and they suggested increasing the value of the insurance policy the contractor holds. The contractor has taken steps to increase the coverage in the new year.

The SACRC understands the city is in the process of changing the city **website**. While this activity is going on, the SACRC recommends that the city include links to the Animal Shelter contractor and Homer Animal Friends. Also the committee felt there would be more compliance with license purchase if an option to purchase the license were available online and all fees were clearly posted online.

Maintenance of the shelter was discussed. The city maintains the shelter and the contractor operates the shelter. Proper maintenance will sustain the building. The contractor and the Public Works department have discussed improved maintenance visits and communication. The HVAC system

maintenance was discussed in detail. The committee recommends cleaning the HVAC system once a year and perhaps twice a year.

Another way the committee felt the shelter could operate more economically was to have local **veterinarians** become involved. As a result of the SACRC process, the Homer Veterinary Clinic will be providing on-site support monthly to help the shelter contractor and volunteers meet the ASV (Association of Shelter Veterinarians) Standards of Care in Animal Shelters using ASPCA (American Society for the Prevention of Cruelty to Animals) checklists. This work will be provided pro-bono by staff veterinarians and licensed veterinary technicians.

Safety issues were considered. Limiting the city's liability was a topic of discussion. The committee looked at OSHA compliance and recommended an OSHA consultation in the future. The SACRC felt this voluntary visit by OSHA should be postponed for a few months, until the contractor feels they would benefit the most.

There are numerous **grants** available to nonprofit animal shelters that would provide considerable assistance to the operation of the shelter. The committee contemplated how the City of Homer could qualify for these grants, given the shelter is run by a contractor and the city does not operate the shelter. At this time, SACRC did not determine a way to qualify the shelter for these grants but the committee would encourage the new city grant writer to further examine possibilities for grants.

The committee examined other ways to **save funds** such as shelter specific software for financial tracking and records management. Improved tracking of income from the shelter will allow improved oversight of costs in running the shelter.

The SACRC felt that **education of the public** would also improve shelter operation. The committee understands the city intends to add informational brochures with bills in the future. To that end, a community volunteer from Homer Animal Friends has developed an informational brochure about the shelter and its fees to be included in the bills in the future.

Volunteers assist in smooth operation of the shelter. This topic was addressed in a myriad of ways. Most importantly, a Volunteer Release Form, per attorney advice, was developed to decrease city liability. The contractor reviewed their volunteer manual for both dog and cat care.

The committee looked at **Chapter 20** in the city code, which has not been updated since 1988. Time did not allow the committee to thoroughly review this chapter but there were several places in the code that members felt needed refining. For instance, there was nothing addressing safety of animals in open vehicles. The committee strongly encourages the City Council to update Chapter 20. City staff who participated on the committee is willing to assist with this and would solicit input from the contractor to provide recommended updates to the code in the future with Council's direction.

The SACRC did feel that the **most efficient operation** of the shelter would come from a city employee operating the shelter instead of a contractor.

Every member of the SACRC committee felt that it would be worthwhile for the city to continue an **Animal Shelter Review committee**. This comm

operation of the shelter and be a go between for the city and the contractor. The SACRC understands the council does not want to create new committees as a cost saving measure. The contractor has determined they will initiate a committee of their choosing to meet quarterly or as needed for shelter support.

As happens with committees, the scope of work seems to grow as members begin their work. There are numerous items that came up that could not be accomplished but we feel the process allowed us to work together raising awareness, soliciting input and establishing goals. Thank you so much for establishing this committee.



MEMORANDUM

Resolution 23-074, A Resolution of the City Council of Homer, Alaska Approving a Task Order to RESPEC in the Not to Exceed Amount of \$100,790 for the Final Design of Renovations to the Beluga Sewage Lift Station and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: City Council
Date: July 18, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

- I. **Issue:** The purpose of this Memorandum is to recommend the award a Task Order to RESPEC Company LLC (RESPEC) to provide the final design and services during construction for renovations to the Beluga Sewer Lift Station.

- II. **Background:** The Beluga Sewage Lift Station is a major piece of the City's sewer system, transporting all sewage from the Spit as well as the Lakeshore Drive/Ocean Drive neighborhoods. The mechanical/electrical components as well as the concrete structure comprising this lift station, have seriously corroded and are continuing to do so.¹ Rehabilitation is necessary to extend the useful life of this lift station and protect the neighborhoods it serves. In late 2020, the City commissioned HDL Engineering (HDL) to provide a preliminary design, which was completed in April 2021. It is now time to complete final design and develop a strategy to construct the renovations.

¹ All the sewage from the Spit flows through this lift station. In the winter flows on the Spit are substantially reduced, which means sewage sits in the pipes longer than it does in the summer. This pooling gives the sewage time to generate substantial volumes of hydrogen sulfide, a powerfully corrosive and dangerous gas. When you walk by the lift station and smell rotten eggs, you are smelling low concentrations of hydrogen sulfide. Over time, the acid has caused the concrete structure of the lift station to crack, spall and otherwise deteriorate. This is putting the structure at increasing risk of failure. Likewise, the acid adversely affects the valves, pipes, controls and other mechanical/electrical systems, decreasing their useful life.

We asked HDL and RESPEC Company LLC (RESPEC), which has a mechanical engineer in Homer, to provide proposals for the final design. HDL's estimate of the costs was \$130,485, which doesn't include surveying or services during construction, to be paid on a Time and Materials basis. RESPEC proposed to perform the final design work for the Lump Sum price of \$85,720, which includes surveying. They also offered to provide services during construction at an estimated cost of \$15,070, to be paid on a Time and Materials basis, bringing the total value of RESPEC's proposal to \$100,790. We do not award engineering service contracts on the basis of price alone, but consider other factors. In this case, we consider both firms to be equally technically qualified and the cost difference is substantial. Further, it's been very beneficial and economical to have local mechanical engineering talent. We've been working with RESPEC for over a year on various projects related to the Homer's water and waste water systems. The company's immediate responsiveness has saved our bacon on multiple occasions. While HDL is responsive, they need to come from Anchorage to check out a problem, which costs more money and takes more time. We recommend award of the task order for this work to RESPEC.

The April 2021 estimated cost to complete the project was \$915,883. The project is listed on the Alaska Department of Environmental Conservation's FY24 Intended Use Plan for Clean Water State Revolving Loan Funds in the amount of \$2,937,358 and we qualify for a Principal Forgiveness Subsidy in the amount of \$500,000. Once final design had been completed and we have an updated cost estimate, we will come back to Council with recommendations for a funding plan.

III. RECOMMENDATION: That the City Council award a Task Order to RESPEC in the Not To Exceed amount of \$100,790.



STATEMENT OF SERVICES

CITY OF HOMER — BELUGA LAKE LIFT STATION UPGRADE



AUGUST 2023



CITY OF HOMER – BELUGA LAKE LIFT STATION UPGRADE

In 2021, the City of Homer (CITY) contracted HDL to perform a condition assessment site investigation for the Beluga Lake Lift Station. HDL developed a preliminary concept design, and the City has requested that RESPEC Company, LLC (ENGINEER) and Geovera, LLC (SURVEYOR) provide professional services to complete the design and to develop construction documents. This Statement of Services serves to identify the proposed scope, deliverables, assumptions, owner’s responsibilities, schedule, and fee.

1.0 PROJECT SCOPE SUMMARY

The proposed scope of the Beluga Lake Lift Station Upgrade Project is as follows:

1. Install a prefabricated fiberglass wet well within the existing concrete wet well.
2. Replace the existing piping in the wet well with stainless steel or plastic piping.
3. Remove the existing, vulnerable valves from the existing wet well and place them in a shallow valve vault.
4. Perform an assessment of the existing electrical and controls vault and determine if it can be salvaged. If salvageable, the vault will be relocated to allow the placement of the shallow valve vault. If unable to be salvaged, the vault will be replaced and relocated to allow the placement of the shallow valve vault.
5. Replace the existing pumps with like sized new pumps compatible with pumps in other lift stations.

2.0 ENGINEERING REQUIREMENTS

Upon this Agreement becoming effective, the ENGINEER and SURVEYOR shall perform the tasks:

- / Perform survey to capture existing topography and locate utilities.
- / Review record drawings of the lift station to confirm existing conditions.
- / Visit the site to confirm existing conditions and perform surface inspection of visible features.
- / Develop Design Narrative and Design Drawings for construction.
- / Coordinate with Owner for project information.
- / Coordinate with equipment vendors to identify the basis of design equipment selections.
- / Coordinate and attend review meetings with Owner.
- / Assist with Alaska Department of Environmental Conservation (ADEC) Permitting.
- / Provide Bidding Support and Services During Construction

2.1 65% DESIGN DEVELOPMENT

- / Review as-built drawings, survey data, and photos of the site to determine existing conditions.
- / Develop design documents to upgrade Beluga Lake Lift Station, per Project Scope summary listed above.

- » Design narrative/ design criteria document
- » Drawings
- » Specifications (on the drawings)

2.2 95% PRE-FINAL DESIGN DOCUMENTS

- / Update the design based on comments received from 65% design and further develop for construction.
 - » Design narrative/ design criteria document
 - » Drawings
 - » Specifications (on the drawings)

2.3 CONSTRUCTION DOCUMENTS

- / Update the design based on comments received from 95% design and finalize design and issue signed Construction Documents.
 - » Design narrative/ design criteria document
 - » Drawings
 - » Specifications (on the drawings)
 - » Bypass Pumping Plan
 - » Assist with ADEC Approval to Construct Request

2.4 SERVICES DURING CONSTRUCTION

- » Assist the City with bid reviews and selection
- » Attend Pre-Construction Meeting and intermittent inspections during construction
- » Review Submittals/Respond to Contractor Requests for Information (RFI's)
- » Review Contractor redlines and produce record drawings
- » Assist with ADEC Final Approval to Operate Request

3.0 ASSUMPTIONS

1. Electrical and controls designs are to be performed by others.
2. RESPEC is to develop the original concepts from the HDL Engineer's Report and use the findings identified in the 2021 report.
3. Permitting fees are to be paid by the City.

4.0 OWNER RESPONSIBILITIES

1. Drawings in AutoCAD format of the site for use as the Project base plans.
2. Provide access to the lift station as needed.



5.0 SCHEDULE

The schedule for the project is as follows, or to be determined, pending coordination with the OWNER:

1. Notice-to-Proceed: TBD
2. 65% Design Development 8 weeks after NTP
3. 95% Pre-Final Design Documents 8 weeks after receiving comments on 65%
4. Construction Documents 3 weeks after receiving comments on 95%

6.0 METHOD OF PAYMENT

The Consultant will perform the design services on a lump sum basis for \$85,720 and services during construction on a time and expense basis of \$15,070. See attachment for additional information.

END OF STATEMENT OF SERVICES



The prices quoted are valid and in effect for 90 days. After 90 days, prices are subject to change in accordance with RESPEC's commercial practices.

Homer - Beluga Lake Lift Station
08/03/23
SUMMARY

Phase	Civil	Structural	Mechanical	Geovera	Subconsultant Markup	Total
1 #420 - Design Development (65%)	\$10,700.00	\$9,900.00	\$12,760.00	\$10,000.00	\$1,000.00	\$44,360.00
2 #430 - Pre-Final Design (95%)	\$7,855.00	\$7,350.00	\$9,585.00	-	\$0.00	\$24,790.00
3 #440 - Construction Documents (100%)	\$6,270.00	\$3,700.00	\$6,600.00	-	\$0.00	\$16,570.00
4 #901 - Services During Construction	\$4,660.00	\$3,200.00	\$7,210.00	-	\$0.00	\$15,070.00
Subtotal	\$29,485.00	\$24,150.00	\$36,155.00	\$10,000.00	\$1,000.00	\$100,790.00
Est Tax						\$0.00
Total						\$100,790.00



Phase	1				
#420 - Design Development (65%)	Principal Civil Eng	Civil EIT	Staff Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$125.00	\$110.00		
Task				0	\$0.00
Review Record Information, Reference material, Survey Data	4	6		10	\$1,750.00
Design Analysis, Criteria Narrative, Calcs	2	6		8	\$1,250.00
General Correspondence; Coordination & Meetings (Client and Internal)	2	6		8	\$1,250.00
Project Setup		2	2	4	\$470.00
Drawings - Plan and Sections	2	8	12	22	\$2,820.00
Drawing - Legend, Notes, Details	1	2	4	7	\$940.00
Specifications (Sheet specs)	2	4	2	8	\$1,220.00
QA/QC	2	2		4	\$750.00
Coordinate w/ Surveyor		2		2	\$250.00
Hourly Subtotal	15	38	20	73	
Cost	\$3,750.00	\$4,750.00	\$2,200.00		\$10,700.00

Phase	2				
#430 - Pre-Final Design (95%)	Principal Civil Eng	Civil EIT	Staff Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$125.00	\$110.00		
Task				0	\$0.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)	2	6		8	\$1,250.00
Design Analysis, Criteria Narrative, Calcs	1	2		3	\$500.00
Drawings - Vault Plan and Sections	1	8	12	21	\$2,570.00
Drawing - Legend, Notes, Details	1	4	4	9	\$1,190.00
Specifications (Sheet specs)	1	4	2	7	\$970.00
Client Review Meeting		1		1	\$125.00
Address client review comments	1	2		3	\$500.00
QA/QC	2	2		4	\$750.00



Hourly Subtotal	9	29	18	56	
Cost	\$2,250.00	\$3,625.00	\$1,980.00		\$7,855.00

Phase 3

#440 - Construction Documents (100%)

	Principal Civil Eng	Civil EIT	Staff Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$125.00	\$110.00		
Task				0	\$0.00
Address client review comments	1	2	2	5	\$720.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)	2	4		6	\$1,000.00
Finalize and Stamp Drawings	4	4	4	12	\$1,940.00
QA/QC	2	2	1	5	\$860.00
ADEC Coordination		4		4	\$500.00
ADEC Approval to Construct Request Submittal	2	6		8	\$1,250.00
Hourly Subtotal	11	22	7	40	
Cost	\$2,750.00	\$2,750.00	\$770.00		\$6,270.00

Phase 4

#901 - Services During Construction

	Principal Civil Eng	Civil EIT	Staff Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$125.00	\$110.00		
Task				0	\$0.00
Assist the City with Bid Reviews and Selection	1	2		3	\$500.00
Submittal Reviews	2	6		8	\$1,250.00
Respond to Contractor Requests for Information	2	6		8	\$1,250.00
				0	\$0.00
Review Contractor redlines and Create Record Drawings	2	4	6	12	\$1,660.00
Hourly Subtotal	7	18	6	31	
Cost	\$1,750.00	\$2,250.00	\$660.00		\$4,660.00



Civil Hours	42	107	51	200	
Civil Cost	\$10,500.00	\$13,375.00	\$5,610.00		\$29,485.00



Phase	1				
#420 - Design Development (65%)	Principal Struct. Eng	Lead Struct. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$175.00	\$125.00		
Task				0	\$0.00
Review Record Information, Reference material		6		6	\$1,050.00
General Correspondence; Coordination & Meetings (Client and Internal)		6		6	\$1,050.00
Project Setup			2	2	\$250.00
Design Analysis, Criteria Narrative		6		6	\$1,050.00
Drawings		8	12	20	\$2,900.00
Drawing - Legend, Notes, Details		4	6	10	\$1,450.00
Specifications (Sheet specs)		4	2	6	\$950.00
QA/QC	2	2		4	\$850.00
Coordinate w/ Surveyor		2		2	\$350.00
Hourly Subtotal	2	38	22	62	
Cost	\$500.00	\$6,650.00	\$2,750.00		\$9,900.00

Phase	2				
#430 - Pre-Final Design (95%)	Principal Struct. Eng	Lead Struct. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$175.00	\$125.00		
Task				0	\$0.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		6		6	\$1,050.00
Design Analysis, Criteria Narrative, Calcs		4		4	\$700.00
Drawings		6	12	18	\$2,550.00
Drawing - Legend, Notes, Details		4	2	6	\$950.00
Specifications (Sheet specs)		2	1	3	\$475.00
Client Review Meeting		1		1	\$175.00
Address client review comments		2	2	4	\$600.00
QA/QC	2	2		4	\$850.00
Hourly Subtotal	2	27	17	46	
Cost	\$500.00	\$4,725.00	\$2,125.00		\$7,350.00



Phase 3

#440 - Construction Documents (100%)	Principal Struct. Eng	Lead Struct. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$175.00	\$125.00		
Task				0	\$0.00
Address client review comments		2	2	4	\$600.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		4		4	\$700.00
Finalize and Stamp Drawings		6	4	10	\$1,550.00
				0	\$0.00
QA/QC	2	2		4	\$850.00
Hourly Subtotal	2	14	6	22	
Cost	\$500.00	\$2,450.00	\$750.00		\$3,700.00

Phase 4

#901 - Services During Construction	Principal Struct. Eng	Lead Struct. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$250.00	\$175.00	\$125.00		
Task				0	\$0.00
Assist the City with Bid Reviews and Selection		2		2	\$350.00
				0	\$0.00
Submittal Reviews		4		4	\$700.00
Respond to Contractor Requests for Information		4		4	\$700.00
				0	\$0.00
Review Contractor Redlines and Create Record Drawings		4	6	10	\$1,450.00
Hourly Subtotal	0	14	6	20	
Cost	\$0.00	\$2,450.00	\$750.00		\$3,200.00

Structural Hours	6	93	51	150	
Structural Cost	\$1,500.00	\$16,275.00	\$6,375.00		\$24,150.00



Phase

#420 - Design Development (65%)	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
Site Visits, Review Record Information, Reference material		8		8	\$1,360.00
General Correspondence; Coordination & Meetings (Client and Internal)		10		10	\$1,700.00
Project Setup			2	2	\$250.00
Design Analysis, Criteria Narrative		6		6	\$1,020.00
Drawings - Plan and Sections		8	12	20	\$2,860.00
Drawing - Legend, Notes, Details		4	6	10	\$1,430.00
Specifications (Sheet specs)		6	2	8	\$1,270.00
Vendor Coordination		4		4	\$680.00
QA/QC	2	1		3	\$580.00
Multi-Discipline Submittal Compiling		6	2	8	\$1,270.00
Coordinate w/ Surveyor		2		2	\$340.00
Hourly Subtotal	2	55	24	81	
Cost	\$410.00	\$9,350.00	\$3,000.00		\$12,760.00

Phase

#430 - Pre-Final Design (95%)	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		10		10	\$1,700.00
Design Analysis, Criteria Narrative, Calcs		4		4	\$680.00
Drawings		6	12	18	\$2,520.00
Drawing - Legend, Notes, Details		2	1	3	\$465.00



Specifications (Sheet specs)		4	2	6	\$930.00
Vendor Coordination		4		4	\$680.00
Client Review Meeting		1		1	\$170.00
Address client review comments		2	2	4	\$590.00
QA/QC	2	1		3	\$580.00
Multi-Discipline Submittal Compiling		6	2	8	\$1,270.00
Hourly Subtotal	2	40	19	61	
Cost	\$410.00	\$6,800.00	\$2,375.00		\$9,585.00

Phase

#440 - Construction Documents (100%)

	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
Address client review comments		2	2	4	\$590.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		6		6	\$1,020.00
Finalize and Stamp Drawings		6	2	8	\$1,270.00
ADEC Coordination		4		4	\$680.00
QA/QC	2	2		4	\$750.00
Submittal Compiling		6	2	8	\$1,270.00
ADEC Approval to Construct Request Submittal		6		6	\$1,020.00
Hourly Subtotal	2	32	6	40	
Cost	\$410.00	\$5,440.00	\$750.00		\$6,600.00

Phase

#901 - Services During Construction

	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
Assist the City with Bid Reviews and Selection		2		2	\$340.00



Attend Pre-Con Meeting		2		2	\$340.00
Submittal Reviews		6		6	\$1,020.00
Respond to Contractor Requests for Information		6		6	\$1,020.00
Onsite Inspections during Construction		12		12	\$2,040.00
Review Contractor redlines and Create Record Drawings		4	6	10	\$1,430.00
				0	\$0.00
Assist with ADEC Final Approval to Operate Request		6		6	\$1,020.00
Hourly Subtotal	0	38	6	44	
Cost	\$0.00	\$6,460.00	\$750.00		\$7,210.00

Mechanical Hours	6	165	55	226	
Mechanical Cost	\$1,230.00	\$28,050.00	\$6,875.00		\$36,155.00

**CITY OF HOMER
HOMER, ALASKA**

City Manager/
Public Works Director

RESOLUTION 23-074

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING A TASK ORDER TO RESPEC COMPANY LLC NOT TO EXCEED AMOUNT OF \$100,790 FOR THE FINAL DESIGN OF RENOVATIONS TO THE BELUGA SEWAGE LIFT STATION AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The FY24 Capital Budget includes \$100,000 for the final design of renovations to the Beluga Sewage Lift Station; and

WHEREAS, RESPEC Company LLC (RESPEC) proposed to prepare a final design and provide services during construction for the not to exceed amount of \$100,790 and

WHEREAS, The April 2021 estimated cost to complete the project was \$915,883; and

WHEREAS, The project is listed on the Alaska Department of Environmental Conservation's FY24 Intended Use Plan for Clean Water State Revolving Loan Funds in the amount of \$2,937,358 and the City has been offered a Principal Forgiveness Subsidy in the amount of \$500,000; and

WHEREAS, Once final design and an updated cost estimate have been completed, staff will come back to Council with recommendations for a construction funding plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby authorizes award of a Task Order for the final design and services during construction for the Beluga Sewage Lift Station to RESPEC in the not to exceed amount of \$100,790, and authorizes the City Manager to negotiate and execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council on this 14th day of August, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

44 ATTEST:

45

46

47 _____

48 MELISSA JACOBSEN, MMC, CITY CLERK

49

50 Fiscal Note: FY24 Capital Budget



MEMORANDUM

Resolution 23-075, A Resolution of the City Council of Homer, Alaska Approving a Contract with Raven Ridge Dirtworks, LLC of Homer, Alaska in the Amount of \$24,000 for the Disposal of Bio-Solids at the City of Homer Wastewater Treatment Plan and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: City Council
Date: July 31, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

- I. **Issue:** The purpose of this Memorandum is to request authorization to issue a contract for removal of bio-solids from the wastewater treatment plant. The bio-solids will be disposed of in the Kenai Peninsula Borough Landfill in Soldotna.

- II. **Background:** Public Works staff did not have time to do the work of removing the bio-solids ourselves, so on July 10, 2023, requests for quotation were sent out to five contractors who, according to our experience were qualified to do the work. The City of Homer Procurement Manual only requires publicly advertised bids and formal procedures for sealed bids on contracts exceeding \$25,000 in value. For contracts between \$10,000 and \$25,000 the City is required to solicit quotation from at least two bidders whenever possible.

Public Works ended solicitation of quotations on July 28, 2023 having received two quotations:

- | | |
|-----------------------------------|----------|
| a. Raven Ridge Dirtworks, LLC | \$24,000 |
| b. Dutch Boy Landscaping & Paving | \$24,942 |

- III. **Recommendation:** That the City Council authorize the City Manager to issue a contract with Raven Ridge Dirtworks, LLC for the Disposal of Bio-solids at the City of Homer Wastewater Treatment Plant.

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 23-075**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROVING A CONTRACT WITH RAVEN RIDGE DIRTWORKS, LLC.
9 OF HOMER, ALASKA IN THE AMOUNT OF \$24,000 FOR THE
10 DISPOSAL OF BIO-SOLIDS AT THE CITY OF HOMER WASTEWATER
11 TREATMENT PLANT AND AUTHORIZING THE CITY MANAGER TO
12 NEGOTIATE AND EXECUTE THE APPROPRIATE DOCUMENTS.

13
14 WHEREAS, Bio-solids need to be moved from the wastewater treatment plant to the Kenai
15 Peninsula Borough Landfill and City staff do not have time to move the bio-solids, meaning that the
16 services of a contractor are required; and

17
18 WHEREAS, A request for quotation was sent to more than two qualified potential bidders, in
19 accordance with the City of Homer Procurement Manual guidelines for contracts under \$25,000; and

20
21 WHEREAS, Quotations were due Friday, July 28, 2023 and two quotations were received; and

22
23 WHEREAS, Raven Ridge Dirtworks, LLC was determined to be the lowest responsive,
24 responsible bidder.

25
26 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby awards a
27 contract for the Disposal of Bio-Solids at the City of Homer Wastewater Treatment Plant to Raven Ridge
28 Dirtworks, LLC, of Homer, Alaska in the amount of \$24,000 and authorizes the City Manager to negotiate
29 and execute the appropriate documents.

30
31 PASSED AND ADOPTED by the Homer City Council this 14th day of August, 2023.

32
33 CITY OF HOMER

34
35 _____
36 KEN CASTNER, MAYOR

37
38 ATTEST:

39
40 _____
41 MELISSA JACOBSEN, CITY CLERK

42
43 Fiscal Note: FY24 Operating Budget Account 200-0501-5210



MEMORANDUM

Resolution 23-076, A Resolution of the City Council of Homer, Alaska Approving a Contract to Kachemak Electric Company in the Amount of \$40,000 to Upgrade the Electrical Works at the Fish Grinder Sewage Lift Station and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: City Council
Date: July 18, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to recommend the award a Sole Source contract to Kachemak Electric Company to upgrade the Fish Grinder sewage lift station.

II. Scope of Work:

The FY24 Capital Budget included \$40,000 to upgrade the electrical and control works for the sewage lift station at the Fish Grinder Building. This is a companion project to the work that was authorized by Ordinance 22-80, which funded upgrades to electrical/control works for six other sewage lift stations. Resolution 22-089 awarded a sole source contract to Kachemak City Electric for that work. The FY24 Capital Budget provides funding to upgrade one more sewage lift station, the one at the Fish Grinder.

Lift Station	Materials	Installation¹	Total
Fish Grinder	\$9,191.00	\$21,969.00	\$34,425.42
Freight (estimated)			<u>\$ 4,000.00</u>
		Subtotal	\$38,425.42
Contingency			<u>\$ 1,574.58</u>
		Total	\$40,000.00

We recommend adding a small contingency to cover unforeseen conditions. For example, the cost of freight could differ from what we’ve estimated. Or, we could find that field installation is more

¹ The cost of installation includes prevailing wages.

challenging than what's been estimated – renovation of old systems almost always raises the unexpected. Or, materials costs could have increased since late 2022.

III. Sole Source Procurement

Homer City Code requires an open market procurement where the estimated value is more than \$25,000 unless an exception exists. Three authorized exceptions are applicable in this case:

- a. *“Procurement of consultant and technical services”*, HCC 3.16.060(d). The scope of work includes assessing the complex, highly technical issues, identifying the components that need to be replaced/rehabilitated, furnishing the components, installing the components and integrating the components with existing control systems. This needs to be done in the dangerous environment of high voltage electricity, operating lift sewage stations and fragile existing systems.
- b. *“Procurement of ...construction completion services,”* HCC 3.16.060(f). The goal is not to demolish the existing lift stations, but to rehabilitate the electrical/control systems that run those lift stations. In this context, the work is to “complete” fully functional lift station systems.
- c. *“Sole source procurement”* HCC 3.16.060(i). When staff first started exploring the issues, they contacted four local electrical contracting companies, including: Shank Electric, Woodworth Electric, Liberty Electric and Kachemak Electric. Kachemak Electric was the only company that responded. It is unlikely we would get any better response advertising further afield because so much of the work requires on-site field investigations to assess the problems and prescribe fixes.

Kachemak Electric has worked with the City for over 20 years, helping to keep these electrical panels functioning. Its work included the upgrade to our current stand-alone SCADA system about 10 years ago. Kachemak Electric is the only local representative for our lift station SCADA manufacturer and is the only authorized supplier of parts for the system. There is no one else in town that has the degree of expertise and intimate knowledge of the workings of our complex lift station electrical/control systems that Kachemak Electric has. We think this is why the other local contractors chose not to respond. They knew they could not compete with Kachemak Electric. One of the local contractors said as much.

- IV. **RECOMMENDATION:** That the City Council award a sole source contract to Kachemak Electric Company in the amount of \$40,000.

Name	Customer	Proposal#	Due/Bid Date
Homer, AK - Spit Fish Grinder Retrofit	Kachemak Electric Co.	20232595 Q-36047	6/30/2023, 12:00 PM

Scope

Proposal is based on Mark Cialek email request of 6/20/23. Customer wants to proceed with unit B as proposed under PRIMEX original proposal 20222349.

Proposal references the following project information used in the original proposal as referenced above and includes those items as described in the attached Bill of Materials:

- E-Mails
 - 5/10/22 – Includes Overview Notes
 - 5/14/22 – Pictures
 - 5/17/22 – Supporting Documentation.
 - 5/25/22 – From James Trissel Clarifications and Motor Information
- Specifications (As related to proposed equipment)
 - None
- Plan Drawings (As related to proposed equipment)
 - None
- Addendums
 - None
- Other
 - Phone conversation of 5/17/22
 - Phone conversation of 5/24/22

Qty 1 - Spit Fish Grinder (Retrofit Existing Control Panel)

1. Equipment to furnished loose for in field mounting by others. New equipment to operate on existing voltages. New VFDs will replace existing motor starters. Front panel mounted equipment (Indicators, Operators, Resets) will be supplied on a new bezel to cover removed Eaton pump operators and indicators. Equipment for panel cooling will be supplied for installation on to existing panels. To Include the following main items:
 2. 2 VFD – Yaskawa sized for 480 volt, 3 phase, 15 HP at 22 FLA Hydromatic motors (Need to Verify Space in Panel and Motor FLA) - Space available in panel after removal of existing motor starters to accommodate new VFDs. (It is anticipated that each VFD will require 16" H x 9" W x 7" D space for mounting.
 3. 1 Thermostatically Controlled Ventilation System
 4. 2 Motor Current Transmitters
 5. 1 Bezel Sized to cover the holes left by removal of the Eaton motor operators/monitors and reset PBs. – To Include the following operators and indicators:
 6. 2 Selector Switch – HOA
 7. 2 Potentiometer, 1 Turn – VFD Speed
 8. 2 Indicator Run
 9. 2 Indicator VFD Failure
 10. 2 Running Time Meter
 11. 2 Display – Motor Current.

Note:

1. Existing panel to be retained and reworked to accommodate the above new equipment. It is anticipated that the following existing panel equipment will need to be moved to accommodate the replace the existing motor starters with new VFDs:
 1. Existing Motor Circuit Breakers to be Moved higher
 2. Small Transformer Next to existing Motor Starters may need to be moved. (It is not known if this item is necessary after the removal of the Eaton motor starters and may be able to just be removed.)
Space available in panel after removal of existing motor starters to accommodate new VFDs. (It is anticipated that each VFD will require 16" H x 9" W x 7" D space for mounting.)

Clarifications:

1. PRIMEX® requires a purchase order for all submittals for the amount quoted with "HOLD FOR APPROVAL" noted.
2. This proposal includes PRIMEX standard documentation package to include the following:
 1. Schematics
 2. Enclosure Layout
 3. Basic Bill of Material
 4. Cut Sheets/Data Sheets
 5. Description of Operation
3. Documentation package is provided electronically
4. PRIMEX quotations are based on factory estimated lead times at the time of quotation and can change without notice. PRIMEX does not accept responsibility for any delays in equipment delivery which are beyond our control.
 1. Allow 6-8 weeks after receipt of Purchase Order for Engineering submittals to be sent.
 2. Allow 12-16 weeks for manufacturing and testing, after a formal release to production is received.
 3. Allow 15 Days transit time to job site.
 4. The above time estimates above DO NOT include time for ENGINEERS submittal review or equipment installation.
5. Proposal is based on using PRIMEX standard equipment and designs including:
 1. 22 MM Selector Switches and Indicators
 2. FV LED Indicator Lights
 3. Variable Speed Drives, Circuit Breakers
 4. Controllers
6. System uses VFDs for control of motors. Proposed VFDs cannot be mounted more than 100 feet away from motor. Consult factory if motor is to be mounted more than allowed distance from VFDs.



Kachemak Electric Co., Inc.

PO Box 373
 Kenai AK 99611
 907-283-3360
 License: 11285

Change Order

Order Number: ELE-01
 Order Date: 06/19/2023
 Description: Unit B Spit Fish Grinder
 Owner Reference Number: FD-01 06-19-23

To: City of Homer
 3575 Heath St
 Homer AK 99603

Project: 2022011
 COH Lift Stations Upgrade 2022
 3575 Heath St
 Homer AK 99603

The contractor agrees to perform and the owner agrees to pay for the following changes to this contract.

Plans Attached

Ordered By: 1 Mark Cialek

Customer Order: Contract

Specifications Attached

Description of Work	Amount
Primex Parts & Smarts	11,211.89
Installation Labor	13,451.42
Installation Materials	4,366.45
Other Cost	4,581.74
Project Management	813.92

Notes

Upgrade Unit B Spit Fish Grinder Lift Station per Field Directive 01 dated 06-19-23

1. See attached Primex proposal for work description dated 06/30/23

Negative changes will lower the overall contract price requiring no additional payment by owner.

Requested Amount of Change

34,425.42

The original Contract Sum was	254,286.00
Net change by previous Change Orders	0.00
The Contract Sum prior to this Change Order	254,286.00
The Contract Sum will be changed by this Change Order	34,425.42
The new Contract Sum including this Change Order will be	288,711.42
The Contract Time will be changed by	0 Days

Owner: _____ Date: _____

Contractor: _____ Date: _____

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

3 City Manager/
4 Public Works Director

5 **RESOLUTION 23-076**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROVING A CONTRACT TO KACHEMAK ELECTRIC COMPANY IN
9 THE AMOUNT OF \$40,000 TO UPGRADE THE ELECTRICAL WORKS
10 AT THE FISH GRINDER SEWAGE LIFT STATION AND AUTHORIZING
11 THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The FY24 Capital Budget includes \$40,000 to upgrade the electrical and
15 control works for the sewage lift station at the Fish Grinder Building, which is a companion
16 project to the work that was authorized by Ordinance 22-80, which funded upgrades to
17 electrical/control works for six other sewage lift stations; and

18
19 WHEREAS, Resolution 22-089 awarded a sole source contract to Kachemak City Electric
20 for that work; and

21
22 WHEREAS, Homer City Code requires an open market procurement where the
23 estimated value is more than \$25,000 unless an exception exists; and

24
25 WHEREAS, Three authorized exceptions are applicable in this case:
26 “*Procurement of consultant and technical services*”, HCC 3.16.060(d). The scope of work
27 includes assessing the complex, highly technical issues, identifying the components that need
28 to be replaced/rehabilitated, furnishing the components, installing the components and
29 integrating the components with existing control systems. This needs to be done in the
30 dangerous environment of high voltage electricity, operating lift sewage stations and fragile
31 existing systems.

32 “*Procurement of ...construction completion services*,” HCC 3.16.060(f). The goal is not to
33 demolish the existing lift stations, but to rehabilitate the electrical/control systems that run
34 those lift stations. In this context, the work is to “complete” fully functional lift station systems.
35 “*Sole source procurement*” HCC 3.16.060(i). When staff first started exploring the issues, they
36 contacted four electric contracting companies, including: Shank Electric, Woodworth Electric,
37 Liberty Electric and Kachemak Electric. Kachemak Electric was the only company that
38 responded. It is unlikely we would get any better response advertising further afield because
39 so much of the work requires on-site field investigations to assess the problems and prescribe
40 fixes.
41

42 WHEREAS, There is no one else in Homer that has the degree of expertise and intimate
43 knowledge of the workings of our complex lift station electrical/control systems that
44 Kachemak Electric has considering that Kachemak Electric has:
45 Has worked with the City for over 30 years helping to keep the subject electrical panels
46 functioning;
47 Upgraded our current stand-alone SCADA system about 10 years ago;
48 Is the only local representative for our lift station SCADA vendor;
49 Is the only authorized supplier of parts for the system.

50
51 WHEREAS, Kachemak Electric’s price has been deemed fair and reasonable because on
52 previous competitive procurements where Kachemak Electric is one of several bidders,
53 Kachemak Electric has been the low bidder and Kachemak Electric’s component prices are
54 similar to the prices we’ve paid for parts scrounged on eBay; and

55
56 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska hereby
57 authorizes award of a sole source contract to Kachemak Electric Company for the
58 rehabilitation of the electrical/control works for the Fish Grinder Sewage Lift Station in the
59 amount of \$40,000 and authorizes the City Manager to negotiate and execute the appropriate
60 documents.

61
62 PASSED AND ADOPTED by the Homer City Council on this 14th day of August, 2023.

63
64 CITY OF HOMER

65
66 _____
67 KEN CASTNER, MAYOR

68
69 ATTEST:

70
71 _____
72 MELISSA JACOBSEN, MMC, CITY CLERK

73
74 Fiscal Note: FY24 Capital Budget



MEMORANDUM

Resolution 23-077, A Resolution of the City Council of Homer, Alaska Approving a Task Order with RESPEC Company LLC in the Not to Exceed Amount of \$42,000 to Design the Paintbrush Booster Station Upgrades and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: City Council
Date: July 18, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

I. Issue: The purpose of this Memorandum is to recommend the award a Task Order to RESPEC Company LLC (RESPEC) to design renovations to the Paintbrush Booster Station.

II. Background:

The FY24 Capital Budget includes \$250,000 to upgrade the Paintbrush Booster Station. A booster station is a pump that “boosts” the pressure in a water main that is on the low pressure side of a pressure zone. Last winter, the pump in the Paintbrush station failed, leaving over a dozen homes without water. We delivered cases of bottled water to the customers up there and scrambled to fix the problem. The problem was a burned out relay switch, which was so old, we could not get replacement parts. The staff dug in our stashes of old parts that had been salvaged from other repair projects and found a relay switch that had been removed from the waste water treatment plant. It was our lucky day! The relay fit and we were able restore water service. But, this put us on notice that more comprehensive upgrades were needed as soon as possible. That’s why we requested funding in the FY24 Capital Budget.

A local mechanical engineer, employed by RESPEC) helped us scope out and estimate the costs of a more permanent solution. Once we got the project funded, we asked RESPEC to submit a proposal to provide more comprehensive engineering services to implement the permanent solution. They’ve proposed to do this work for the Not to Exceed cost of \$42,000.

III. RECOMMENDATION: That the City Council award a Task Order to RESPEC in the Not To Exceed amount of \$42,000.



STATEMENT OF SERVICES

CITY OF HOMER — BOOSTER PUMP STATION UPGRADES



AUGUST 2023



CITY OF HOMER – BOOSTER PUMP STATION UPGRADES

The City of Homer (CITY) has requested that RESPEC Company, LLC and S&B, Inc. (ENGINEER) provide engineering services to upgrade the Paintbrush potable water booster pump station serving the Homer distribution network. This Statement of Services serves to identify the proposed scope, deliverables, assumptions, owner’s responsibilities, schedule, and fee.

1.0 PROJECT SCOPE SUMMARY

- A. Paintbrush Booster Pump Station
 - a. Replace existing pump skid with like sized variable speed pumps (VFD’s not integral to pump)
 - b. Replace pumping system accessories
 - i. Pressure transmitter on inlet header
 - ii. Pressure gauge on inlet header
 - iii. Pressure transmitter on outlet header
 - iv. Pressure gauge on outlet header
 - v. Isolation valves x4
 - vi. Check Valves x3
 - vii. Pressure Tank x1
 - c. Add level (float) switch in vault for flood detection
 - d. Add temperature sensors in vault for high/low temperature alarms
 - e. Add control panel with cellular telemetry for remote monitoring and alarms
 - i. Pumps (New)
 - 1. High/Low Inlet Pressure
 - 2. High/Low Outlet Pressure
 - 3. Pump Fault
 - 4. Pump Hours
 - ii. Vault
 - 1. High water level (flood)
 - 2. High/Low Temp
 - 3. Station Intrusion
 - 4. Smoke Detection
 - f. Replace power service equipment (meter/main, and panelboard)
 - g. Add surge protection device (Type 2 SPD)

2.0 ENGINEERING REQUIREMENTS

Upon this Agreement becoming effective, the ENGINEER shall perform the tasks:

- / Design development submittal, Pre-final design document submittal, Construction documents submittal
- / RESPEC Project Management
 - » Coordinate project design with RESPEC and S&B engineers to develop a singular complete ready-for-construction design package.
- / Mechanical
 - » Replace booster pumps, inlet and outlet pipe headers, valves, and pressure tank at the Paintbrush BPS

- » Support Electrical and I&C upgrades.

- / Electrical

- » Replace electrical service equipment, panelboard, and booster pumps.
- » Provide surge protection device at panelboard (Type 2 SPD).
- » Support Mechanical and I&C upgrades.
- » Coordinate power service modifications with local utility, HEA.

- / Instrumentation and Controls (S&B Inc.)

- » Support Mechanical and Electrical upgrades and replace booster pumps.
- » Provide cellular telemetry and remote monitoring for alarms.

2.1 65% DESIGN DEVELOPMENT

- / Review as-built drawings and photos of the site to determine existing conditions.
- / Develop design documents to upgrade BPS and replace booster pumps, per Project Scope summary listed above.
 - » Design narrative/ design criteria document
 - » Drawings
 - Mechanical plans
 - Electrical site and vault layout plans, schedules, one-line and details
 - I&C Block Diagrams, Network Diagrams, and Panel Elevations
 - » Mechanical and Electrical Specifications (on the drawings)

2.2 95% PRE-FINAL DESIGN DOCUMENTS

- / Update the design based on comments received from 65% design and further develop for construction.
 - » Design narrative/ design criteria document
 - » Drawings
 - Mechanical plans
 - Electrical site and vault layout plans, schedules, one-line and details
 - I&C Block Diagrams, Network Diagrams, and Panel Elevations
 - » Mechanical and Electrical Specifications (on the drawings)
 - » I&C Specifications
 - 40 61 00 – Control Systems Integration
 - 40 61 10 – Control Narratives (May be provided on Block Diagrams)

2.3 CONSTRUCTION DOCUMENTS

- / Update the design based on comments received from 95% design and finalize design and issue signed Construction Documents.
 - » Design narrative/ design criteria document
 - » Drawings
 - Mechanical plans
 - Electrical site and vault layout plans, schedules, one-line and details
 - I&C Block Diagrams, Network Diagrams, and Panel Elevations
 - » Mechanical and Electrical Specifications (on the drawings)
 - » I&C Specifications
 - 40 61 00 – Control Systems Integration
 - 40 61 10 – Control Narratives (May be provided on Block Diagrams)

3.0 ASSUMPTIONS

1. No demolition plans/drawings. Demo work will be covered via notes and within specifications if needed.
2. Site work is limited to intercepting the underground feeder at the service equipment – no additional site work is anticipated.
3. P&ID's will not be included in the design package.
4. Permitting support and services during construction are excluded from this Statement of Services and can be covered by a separate scope of work that is to be developed at the City's request.

4.0 OWNER RESPONSIBILITIES

1. Provide record drawings for the booster pump station.
2. Drawings in AutoCAD format of the site for use as the Project base plans.
3. Access to booster pump station for on-site investigations as needed.

5.0 SCHEDULE

The schedule for the project is as follows, or to be determined, pending coordination with the OWNER:

- | | |
|-----------------------------------|---|
| 1. Notice-to-Proceed: | TBD |
| 2. 65% Design Development | 10 weeks after NTP |
| 3. 95% Pre-Final Design Documents | 8 weeks after receiving comments on 65% |
| 4. Construction Documents | 3 weeks after receiving comments on 95% |



RESPEC

6.0 METHOD OF PAYMENT

The Consultant will perform the services on a lump sum basis for \$41,819.65. See attachment for additional information.

END OF STATEMENT OF SERVICES



The prices quoted are valid and in effect for 90 days. After 90 days, prices are subject to change in accordance with RESPEC's commercial practices.

Homer - Booster Pump Station Upgrades
08/03/23
SUMMARY

Phase		Mechanical	Electrical	S&B, Inc.	Subconsultant Markup	Total
1	#420 - Design Development (65%)	\$7,590.00	\$4,570.00	\$7,313.30	\$731.33	\$20,204.63
2	#430 - Pre-Final Design (95%)	\$5,820.00	\$3,760.00	\$4,161.38	\$416.14	\$14,157.52
3	#440 - Construction Documents (100%)	\$2,825.00	\$1,305.00	\$3,025.00	\$302.50	\$7,457.50
Subtotal		\$16,235.00	\$9,635.00	\$14,499.68	\$1,449.97	\$41,819.65
Est Tax						\$0.00
Total						\$41,819.65



Phase

#420 - Design Development (65%)	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
Site Visits, Review Record Information, Reference material		4		4	\$680.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		4		4	\$680.00
Project Setup			2	2	\$250.00
Design Analysis, Criteria Narrative		4		4	\$680.00
Drawings - Paintbrush Vault Plan and Sections		4	8	12	\$1,680.00
Drawing - Legend, Notes, Details		2	4	6	\$840.00
Specifications (Sheet specs)		4	2	6	\$930.00
Vendor Coordination		2		2	\$340.00
QA/QC	2	1	1	4	\$705.00
Multi-Discipline Submittal Compiling		4	1	5	\$805.00
Hourly Subtotal	2	29	18	49	
Cost	\$410.00	\$4,930.00	\$2,250.00		\$7,590.00

Phase

#430 - Pre-Final Design (95%)	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		4		4	\$680.00
Design Analysis, Criteria Narrative, Calcs		2		2	\$340.00
Drawings - Paintbrush Vault Plan and Sections		4	6	10	\$1,430.00
Drawing - Legend, Notes, Details		1	1	2	\$295.00
Specifications (Sheet specs)		2	1	3	\$465.00
Vendor Coordination		2		2	\$340.00
Client Review Meeting		1		1	\$170.00
Review Comment Resolution		2	2	4	\$590.00



QA/QC	2	1	1	4	\$705.00
Multi-Discipline Submittal Compiling		4	1	5	\$805.00
Hourly Subtotal	2	23	12	37	
Cost	\$410.00	\$3,910.00	\$1,500.00		\$5,820.00

Phase

#440 - Construction Documents (100%)	Senior Mech Eng	Project Mech Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$205.00	\$170.00	\$125.00		
Task				0	\$0.00
Address review &/or client comments		2	2	4	\$590.00
General Correspondence; Coordination & Meetings (Client, Internal, and Subconsultant)		2		2	\$340.00
Finalize and Stamp Drawings		2	2	4	\$590.00
				0	\$0.00
QA/QC	1	1	1	3	\$500.00
Submittal Compiling		4	1	5	\$805.00
Hourly Subtotal	1	11	6	18	
Cost	\$205.00	\$1,870.00	\$750.00		\$2,825.00

Mechanical Hours	5	63	36	104	
Mechanical Cost	\$1,025.00	\$10,710.00	\$4,500.00		\$16,235.00



Phase

#420 - Design Development (65%)	Lead Elec. Eng	Staff Elec. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$185.00	\$155.00	\$125.00		
Task				0	\$0.00
Review Record Information, Reference material		2		2	\$310.00
General Correspondence; Coordination & Meetings		2		2	\$310.00
Project Setup			1	1	\$125.00
Design Analysis, Criteria Narrative, Calcs		2		2	\$310.00
Drawings - Site and Vault Power, Schedules, Diagrams		4	6	10	\$1,370.00
Drawing - Legend, Notes, Details		2	4	6	\$810.00
Specifications (Sheet specs)		4	1	5	\$745.00
				0	\$0.00
QA/QC	1	1	1	3	\$465.00
Submittal Compiling			1	1	\$125.00
Hourly Subtotal	1	17	14	32	
Cost	\$185.00	\$2,635.00	\$1,750.00		\$4,570.00

Phase

#430 - Pre-Final Design (95%)	Lead Elec. Eng	Staff Elec. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$185.00	\$155.00	\$125.00		
Task				0	\$0.00
General Correspondence; Coordination & Meetings		2		2	\$310.00
HEA & COH Coordination		2		2	\$310.00
Design Analysis, Criteria Narrative, Calcs		2		2	\$310.00
Drawings - Site and Vault Power, Schedules, Diagrams		2	4	6	\$810.00
Drawing - Legend, Notes, Details		1	2	3	\$405.00
Specifications (Sheet specs)		2		2	\$310.00
				0	\$0.00
Client Review Meeting		1		1	\$155.00
Review Comment Resolution		2	2	4	\$560.00
				0	\$0.00
QA/QC	1	1	1	3	\$465.00
Submittal Compiling			1	1	\$125.00
Hourly Subtotal	1	15	10	26	
Cost	\$185.00	\$2,325.00	\$1,250.00		\$3,760.00



Phase

#440 - Construction Documents (100%)

	Lead Elec. Eng	Staff Elec. Eng	Lead Eng Tech	Hourly Subtotal	Cost
Billing Rate	\$185.00	\$155.00	\$125.00		
Task				0	\$0.00
Address review &/or client comments		1	1	2	\$280.00
General Correspondence; Coordination & Meetings		1		1	\$155.00
Finalize and Stamp Drawings		1	1	2	\$280.00
				0	\$0.00
QA/QC	1	1	1	3	\$465.00
Submittal Compiling			1	1	\$125.00
Hourly Subtotal	1	4	4	9	
Cost	\$185.00	\$620.00	\$500.00		\$1,305.00

Electrical Hours	3	36	28	67	
Electrical Cost	\$555.00	\$5,580.00	\$3,500.00		\$9,635.00



S&B inc. 13200 SE 30th St., Beaverton, Washington 98005 (425) 644-1700 FAX (425) 746-9312

August 3, 2023

RESPEC Design Team

via email: Luke Rubalcava [Luke.Rubalcava@respec.com]

Subject: City of Home, AK
Booster Pump Station – Design for Paintbrush
I&C Systems Engineering Services

Dear Design Team:

We are pleased to provide the following scope of work for your review and consideration as you plan for the overall efforts in design for the planned one rehabilitated pressure pump station (Paintbrush) added to the City's water SCADA system. Our scope of work provides control system integration in the form of instrumentation, SCADA system additions, and modifications to the existing SCADA infrastructure. We envision our role as a niche technical resource for your planning and design efforts for the overall automation and control. We provided the control system integration for the City's Water system and are therefore familiar with the current features and requirements of the water system. We bring a knowledge base about the existing control system operation and should minimize your time spent integrating the new facilities with the legacy systems.

S&B proposes to participate with your design team to provide drawings, specifications and attend preliminary design and review meetings as part of the overall control system package for this project. The specifications will include an operating narrative that will describe operation of the control system, narrative may be included on block diagram drawing set. Our control system drawing delivery package will include:

- Control system block diagrams
- Network diagrams
- CSI type Specifications for Control Systems and network connected devices.

Please note that the instrumentation and control system specification will include a paragraph stating:

The I&C and telemetry system scope of work is an addition and modification to the Owner's existing system, which was designed and furnished by S&B, Inc. For compatibility with their comprehensive system, I&C design and control system integration will be provided by the Owner's I&C Consultant/Integrator, S&B, Inc.

Pricing is estimated at least three times during the design process: the first at the 65% submittal, second pre-final design, and final for pre-bid final design drawing and specification benchmarks. The pricing will provide detailed information for field sensors, and SCADA equipment. The scope of work and pricing letter may be included in the bid document if requested by the City.

We are confident that we will successfully work with your selected Engineer and City of Homer design team to meet your expectations for quality and cost efficiency. As part of the collaborative effort in

design, we will allocate time for project conference calls and provide assistance where needed by your design team.

Control System Approach:

The control system will utilize a programmable logic controller (PLC), cellular communication method to the WWTP, instrumentation, and field sensors. The SCADA system will provide control, monitoring and alarms for the following system parameters: Pump operation, pressure, vault flood, station intrusion, smoke detection, and various ancillary conditions as defined by the Design team.

Design Meetings

We anticipate the following meetings with City of Homer staff and pertinent design team members along with the stated output summaries. Meetings will be suitable for online participation using Teams or similar platform. Three group meetings are described below:

Conceptual design meeting for automation system to affirm the level of networked automation devices, size of HMIs, types of PLC IO and processors, etc. The meeting will result with a direction for network topology, automation hardware, automation features and types of instruments we should use for flow, pressure, and analytical measurements. We anticipate 1 hrs of meeting time and 30 minutes to review and approve meeting minutes as output from this work.

A 65% design meeting to review the control system block diagrams and automation system control narratives. We estimate 2 hrs of preparation time to review our design drawings and written document information and prepare questions, 2 hours for meeting discussion / Q&A and 15 minutes to review our meeting minutes and drawing markups.

A pre-final design meeting to review the control system block diagrams and automation system control narratives. We estimate 1 hrs of preparation time to review our design drawings and written document information and prepare questions, 1 hours for meeting discussion / Q&A and 15 minutes to review our meeting minutes and drawing markups.

Final design meeting with project staff to review control narratives, review how system will provide operators and mechanics access to the control of the system. This meeting will review interlocks (hardware and process as applicable), affirm methods and resulting process states (fail-safes) following an event trigger. Staff should estimate 1 hr of prep time, and up to 2 hrs of large group meeting time.

Small group meetings may be requested by the Owner to review 65%, pre-final, and 100% cost estimates of the automation system as prepared by S&B. The design team electrical engineer lead or manager should assume up to 2 hrs for the 65% and up to 1 hour for pre-final and 100% submittals.

Control System Engineering Deliverables

We propose to supply the following deliverables as part of the project:

Pre-Bid Deliverables

Drawings:

Block diagrams provide details of PLC I/O, wiring/cabling, control panel construction. The content of these diagrams will include:

Control Systems general requirements, wiring methods, color standards for display of controlled devices, device installation details.

- Instrument installation details.
- Control System Block Diagrams for Pressure Pump stations.
- Network Diagram
- Panel Elevations: PLC, HMI.

Specifications:

- 40 61 00 Control System Integration / I&C
- 40 61 10 Control Narratives (may be provided on blocks)

Project Assumptions:

Working as a specialty sub-consultant on this project we require a basis of design report (BODR) to begin the control system strategy and design work. We ask that RESPEC provide coordination of drawings, schedules and meetings for interdisciplinary work, as required. For this project work we require working lead times of ten weeks for 65%, and eight weeks for pre-final and three weeks for 100% drawing releases or a mutually agreed upon time schedule. P&ID drawings are not included in our scope of work, however we will provide review of the upper band information related to SCADA integration.

Design Budget Estimate

The budget is organized by deliverable in project origination work, 65%, pre-final, and 100% product deliverables with a not to exceed price of **\$14,499.68** as summarized in the attached table 'Attachment A'. Hourly fees are in accordance with our July 2023 fees that are used by our firm for current work with City of Homer as 'Attachment B'.

Excluded from Design and Estimate

Equipment

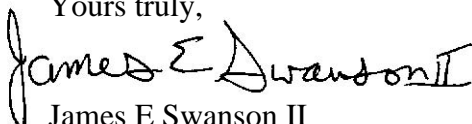
SCADA / RTU Control Panel
Field Sensors and Instrumentation

Services

PLC and SCADA graphic software
Commissioning
Field Startup and Acceptance Testing
System narrative and O&M
As Built / As Commissioned Control System Drawings

Thank you for the opportunity to work with this engineering team.

Yours truly,



James E Swanson II
Vice President
S&B Inc.



13200 SE 30th Street, Bellevue, WA 98005 (425) 644-1700 FAX (425) 746-9312

Attachment "A"

Design Services

City of Homer Pressure Pump Station Design

Provide professional services for I&C portion for Paintbrush Booster Pump Station. Paintbrush is a complete rehabilitation of the station with control and monitoring added into the City's SCADA system. This includes design, engineering, plan set drawings and specifications

Sub-Task 1	Planning, pre-design, and meetings
Sub-Task 2	I&C 65% design - Plans, Specs and Estimate
Sub-Task 3	I&C Pre-Final design - Plans, Specs and Estimates
Sub-Task 4	I&C Final design - Plans, Specs and Estimates

Fee Schedule

	Sub-Task 1	Sub-Task 2	Sub-Task 3	Sub-Task 4	Totals
Principal -RTS	0.00 hrs	0.00 hrs	3.35 hrs	4.00 hrs	7.35 hrs
Principal -JES	10.00 hrs	7.40 hrs	6.70 hrs	4.00 hrs	28.10 hrs
Technician / CAD -EDS	0.00 hrs	14.90 hrs	8.38 hrs	5.00 hrs	28.28 hrs
Office / Support Personnel -DML	2.00 hrs	2.00 hrs	2.00 hrs	1.00 hrs	7.00 hrs
Total hours	12.00 hrs	24.30 hrs	20.43 hrs	14.00 hrs	
Total Fees	\$ 3,000.00	\$ 4,313.30	\$ 4,161.38	\$ 3,025.00	\$ 14,499.68

Delivery Schedule

	Sub-Task 1	Sub-Task 2	Sub-Task 3	Sub-Task 4
50% Design Date		*note S1	*note S1	*note S1
90% Design Date		*note S1	*note S1	*note S1
Final Design Date	*note S1	*note S1	*note S1	*note S1

dates index from notice to proceed:

Project Assumptions

- 1 Design documents will be transmitted in electronic format as pdf
- 2 RESPEC provides BODR as starting basis for block diagram drawing development, P&ID dwgs are not required
- 3 S&B provides 65% and Final drawings and specification releases
- 4 Owner provides preference for control features via scheduled meeting, S&B summarizes with meeting minutes

Schedule Notes

- S1 Dates established by mutual acceptance

Attachment "B" FEE SCHEDULE - PROFESSIONAL SERVICES

July 2023 - June 2024	Standard
Principal -RTS	\$280.00 /hr
Principal -JES	\$280.00 /hr
Senior Engineer - DGT	\$209.00 /hr
Senior Engineer - EHD	\$209.00 /hr
Senior Field Engineer - unfilled	\$209.00 /hr
Engineer / Programmer - RPR	\$181.00 /hr
Engineer / Programmer - unfilled	\$181.00 /hr
SCADA / planner - JRS	\$181.00 /hr
Technician / CAD -EDS	\$137.00 /hr
Technician / CAD II -unfilled	\$137.00 /hr
Office / Support Personnel -DML	\$100.00 /hr
Office / Support Personnel -JAB	\$100.00 /hr
Office / Support Personnel -RKP	\$100.00 /hr
TRAVEL EXPENSES	
AUTO (Up to 100 miles per day)	No Charge
AUTO (Over 100 miles per day)	Per Mile \$ 0.585
AIR TRAVEL	Actual Cost + 10%
OVERNIGHT TRAVEL	Actual Cost + 10%
MATERIALS	
PRINTING	Actual Cost + 10%
OFFICE SUPPLIES, COPIES, Etc.	Generally No Charge
SPECIAL EQUIPMENT AND/OR SERVICES	
EQUIPMENT AND MATERIALS	Actual Cost + 30%
CONTRACTED SERVICES	Actual Cost + 10%

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

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-077**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA
8 APPROVING A CONTRACT WITH RESPEC COMPANY LLC IN THE
9 NOT TO EXCEED AMOUNT OF \$42,000 TO DESIGN THE
10 PAINTBRUSH BOOSTER STATION UPGRADES AND AUTHORIZING
11 THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The FY24 Capital Budget includes \$250,000 to upgrade the Paintbrush
15 Booster Station; and

16
17 WHEREAS, the City asked RESPEC Company LLC (RESPEC), represented by Homer's
18 only professional mechanical engineer, to provide a proposal for designing the Booster Station
19 Upgrades because RESPEC had already consulted with City staff to make emergency repairs
20 when the Booster Station failed last year; and

21
22 WHEREAS, RESPEC proposed to provide more detailed investigations and
23 specifications for new equipment, for the estimated cost of \$41,819.65; and

24
25 NOW THEREFORE BE IT RESOLVED that the Homer City Council hereby authorizes
26 issuance of a Task Order to RESPEC, in the Not to Exceed amount of \$42,000 to prepare provide
27 professional services to help the City upgrade the Paintbrush Booster Station and authorizes
28 the City Manager to negotiate and execute the appropriate documents.

29
30 PASSED AND ADOPTED by the Homer City Council this 14th day of August, 2023.

31
32 CITY OF HOMER

33
34 _____
35 KEN CASTNER, MAYOR

36
37 ATTEST:

38
39 _____
40 MELISSA JACOBSEN, MMC, CITY CLERK

41
42 Fiscal note: FY24 Capital Budget



MEMORANDUM

Resolution 23-078, A Resolution of the City Council of Homer, Alaska Approving a Contract to MacSwain Appraisals LLC in the amount of \$55,200 to Provide Appraisal Services to Support the Kachemak Sponge Project and Authorizing the City Manager to Negotiate and Execute the Appropriate Documents. City Manager/Public Works Director.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: July 10, 2023
From: Janette Keiser, PE, Public Works Director/City Engineer
Through: Rob Dumouchel, City Manager

Issue: The purpose of this Memorandum is to recommend award of a contract for appraisals to support the Kachemak Sponge Green Infrastructure Storm Water Management Project.

I. Background

At its July 24th regular Meeting, the Homer City Council is being asked to accept a grant from NOAA, through the Kachemak Bay National Estuarine Research Reserve (KBNERR), for the Kachemak Sponge Green Infrastructure Storm Water Management Project. This project involves acquisition of 56.49 acres of wetlands to be used for the development of a nature-based wetland treatment system for storm water. Of this, 46.41 acres will be preserved for conservation and as such, eligible for purchase using the NOAA grant.¹ Because federal funds will be used for part of the real estate acquisition, stringent rules apply. First, the property must be appraised and then, those appraisals must be reviewed by another independent appraiser. The subject contract is for the first set of appraisals.

MacSwain Associates LLC (MacSwain) is the company that prepared the appraisals we used to support the grant application in May 2022. Sadly, those appraisals have expired and while useful for background information, cannot be the basis of the property purchased with the NOAA grant. MacSwain has proposed to produce a new set of appraisals for the sum of \$52,600, distributed as follows:

¹ The remainder will be purchased with City funds, allocated in the City's FY24 Capital Budget.

Property	Acreage	Cost for 1 st Appraisal	NOAA Grant Eligible?
Property #1	26.5+ acres	\$13,200	yes
Property #2	2.5 acres	\$ 9,300	no
Property #3	2.5 acres	\$ 9,300	no
Property #4	5.0 acres	\$10,800	no
Property #5	19.91 acres	<u>\$ 9,600</u>	yes
Total Cost of Appraisals	56.41 acres	\$52,200	

In addition, there will be travel expenses of approximately \$3,000 to visit the sites. We request authorization to award a contract to MacSwain Associates LLC in the not to exceed amount of \$55,200, of which \$25,800 would be covered by the NOAA grant.

MacSwain Associates LLC

4401 Business Park Blvd., Suite 22
Anchorage, Alaska 99503
Telephone: 907-561-1965
Facsimile: 907-561-1955
E-mail: s.macswain@macswain.com

July 3, 2023

Janette Keiser, PE
Director of Public Works, City of Homer
3375 Heath Street
Homer, AK 99603

Re: Contract for Appraisal of City of Homer Properties

Dear Ms. Keiser:

MacSwain Associates, LLC will prepare *Appraisal Reports* that analyze the City of Homer properties, as outlined below. The properties are delineated into five separate reports, which will comply with the *Uniform Standards of Professional Appraisal Practice (USPAP)* and *Uniform Standards for Federal Land Acquisitions (UASFLA)*. The purpose of each report is to estimate either market value based on fee simple entitlements. Because the purchase of the properties will be funded by National Estuarine Research Reserve (NERR) grant funds, UASFLA reviews are required, depending on the value conclusions. We are prepared to respond to review comments for the appraisal reports of which the City of Homer obtains reviews.

Engagement terms and conditions applicable to all five reports are as follows. Terms and conditions applicable to only one report follow subsequently in respective order. Should the City of Homer elect to engage MacSwain Associates, LLC, please find the attached invoice for the retainer.

- Client:** City of Homer
- Intended Users:** Client, Kachemak Moose Habitat, Inc., National Oceanic and Atmospheric Administration (NOAA), Review Appraiser
- Intended Use:** Assist the City of Homer with purchasing subject properties to facilitate the Kachemak Sponge Green Infrastructure Project
- Type of Value:** Market value
- Property Rights:** Fee simple estate
- Number of Copies:** PDF of each report, hard copies upon request
- Payment Terms:**
 1. Retainer due upon engagement (1/3 of total fee)
 2. Partial payment due upon submission of draft reports (1/3 of total fee)
 3. Balance due upon final approval of reports (1/3 of total fee plus inspection costs)
- Property Inspections:** Our intent is to inspect all properties at one time. Travel costs will be billed to the City of Homer.

Report 1: Kennedy Parcel – Portion of SW¹/₄ NW¹/₄, Section 14, T6S, R13W, SM

Report Description:

Appraisal Report that estimates the market value of 26.50± acres of the Kennedy Parcel, which excludes the salvage yard and associated improvements on the northwest portion George M. Kennedy’s property

File No:

23-3834

Hypothetical Condition:

Appraised property is legally separated and developable to its highest and best use

Extraordinary Assumption:

Potential contamination on northwest portion of property has not affected appraised land

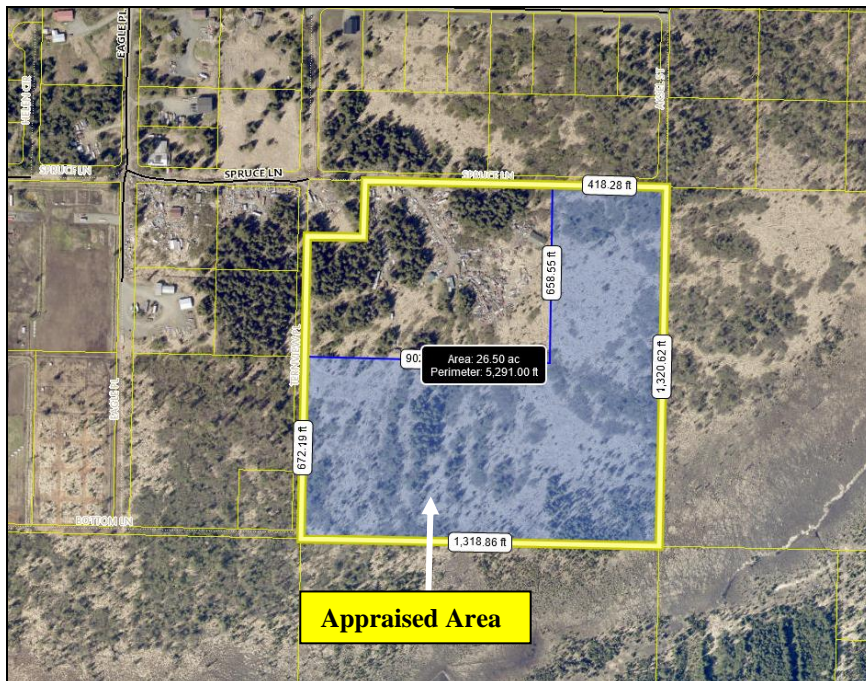
Appraisal Fee:

\$13,200

Completion Date:

Draft report submitted within 90 days from receipt of retainer

Property 1 Parcel Map:



Report 2: ENT Parcel – Government Lot 10, Section 14, T6S, R13W, SM

<u>Report Description:</u>	Appraisal Report that estimates the market value of 2.50± acres owned by ENT Properties, LLC
<u>File No:</u>	23-3835
<u>Hypothetical Conditions:</u>	None
<u>Extraordinary Assumptions:</u>	None
<u>Appraisal Fee:</u>	\$9,300
<u>Completion Date:</u>	Draft report submitted within 90 days from receipt of retainer

Property 2 Parcel Map:



Report 3: Metacenter Parcel – Government Lot 21, Section 14, T6S, R13W, SM

<u>Report Description:</u>	<i>Appraisal Report</i> that estimates the market value of 2.50± acres owned by Metacenter Properties, LLC
<u>File No:</u>	23-3836
<u>Hypothetical Conditions:</u>	None
<u>Extraordinary Assumptions:</u>	None
<u>Appraisal Fee:</u>	\$9,300
<u>Completion Date:</u>	Draft report submitted within 90 days from receipt of retainer

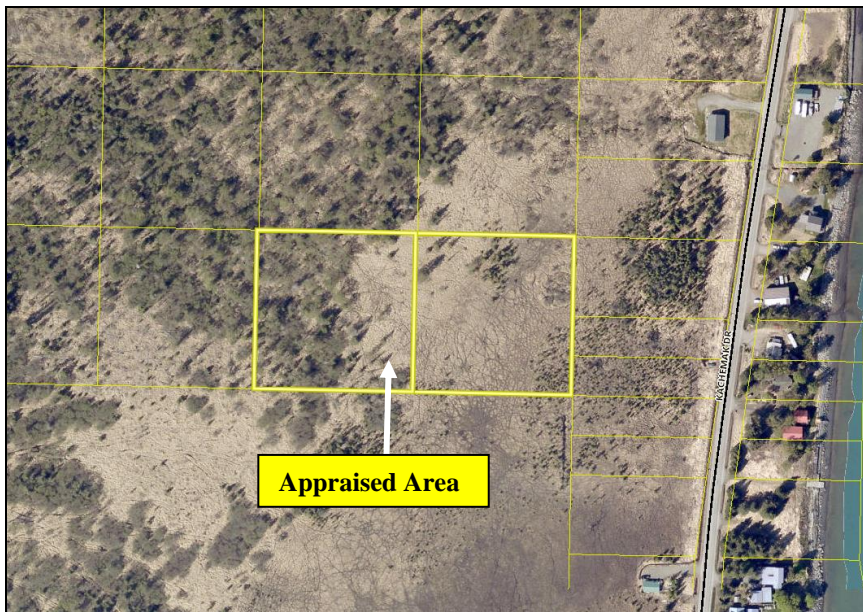
Property 3 Parcel Map:



Report 4: Kenneth & Roseleen Moore Parcel – Government Lots 24 & 25, Section 14, T6S, R13W, SM

<u>Report Description:</u>	<i>Appraisal Report</i> that estimates the market value of 5.00± acres owned by Kenneth and Roseleen Moore Community Property Trust
<u>File No:</u>	23-3837
<u>Hypothetical Conditions:</u>	None
<u>Extraordinary Assumptions:</u>	None
<u>Appraisal Fee:</u>	\$10,800
<u>Completion Date:</u>	Draft report submitted within 90 days from receipt of retainer

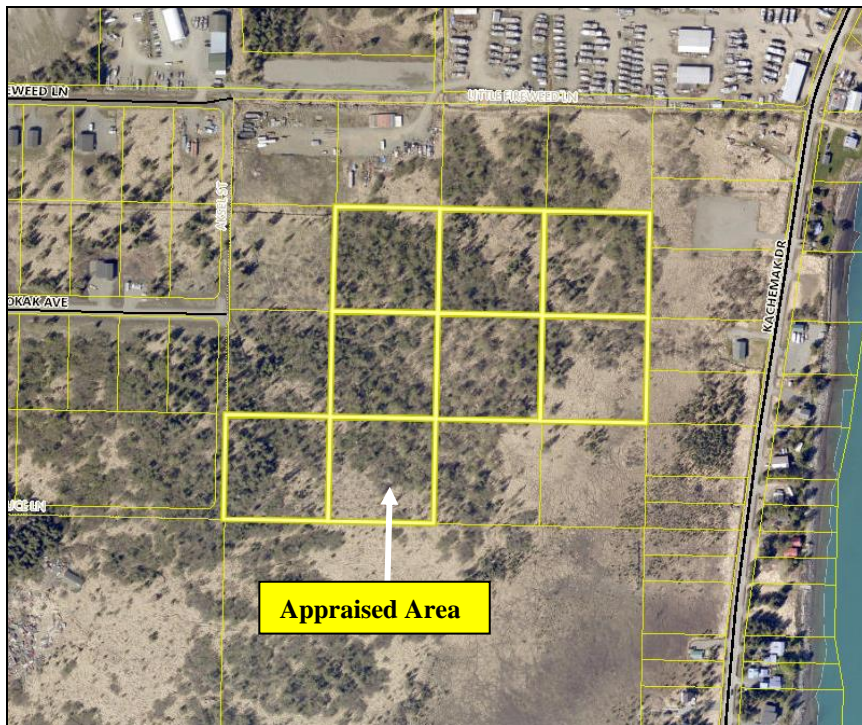
Property 4 Parcel Map:



Report 5: Homer 8 Property – Government Lots 11, 12, 13, 18, 19, 20, 22, & 23, Section 14, T6S, R13W, SM

<u>Report Description:</u>	<i>Appraisal Report</i> that estimates the market value of 19.991± acres owned by the Kenai Peninsula Borough
<u>File No:</u>	23-3838
<u>Hypothetical Conditions:</u>	None
<u>Extraordinary Assumptions:</u>	None
<u>Appraisal Fee:</u>	\$9,600
<u>Completion Date:</u>	Draft report submitted within 90 days from receipt of retainer

Property 5 Parcel Map:



Please forward a signed copy of engagement to our office if the terms and conditions meet your approval. We appreciate the opportunity to submit the proposal. We are available to answer questions or concerns regarding the engagement.

Sincerely,

Steve MacSwain, MAI
MacSwain Associates, LLC

Janette Keiser, PE
City of Homer

Date

Attachment: Retainer Invoice

MacSwain Associates LLC

4401 Business Park Blvd., Suite 22
Anchorage, Alaska 99503
Phone: 907-561-1965
Fax: 907-561-1955
s.macswain@macswain.com

July 3, 2023

Janette Keiser, PE
Director of Public Works, City of Homer
3375 Heath Street
Homer, AK 99603

Re: Appraisal Invoice #1 (Retainer)
City of Homer Appraisal Assignment

Invoice #3

No.	File No.	Appraisal Fee	Retainer	Due
1	23-3834	\$13,200	33%	\$4,400
2	23-3835	\$9,300	33%	\$3,100
3	23-3836	\$9,300	33%	\$3,100
4	23-3837	\$10,800	33%	\$3,600
5	23-3838	\$9,600	33%	\$3,200
Total		\$52,200	33%	\$17,400

Federal Tax ID No: 26-1713529

Steve MacSwain, MAI
Alex Kleinke, Appraiser

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

3 City Manager
4 Public Works Director

5 **RESOLUTION 23-078**

6
7 A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
8 APPROVING A CONTRACT TO MACSWAIN APPRAISALS LLC IN THE
9 AMOUNT OF \$55,200 TO PROVIDE APPRAISAL SERVICES TO
10 SUPPORT THE KACHEMAK SPONGE PROJECT AND AUTHORIZING
11 THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE
12 APPROPRIATE DOCUMENTS.

13
14 WHEREAS, The City Council included funds in the FY 24 Capital Budget to support the
15 Kachemak Sponge Green Infrastructure Storm Water Management Project; and
16

17 WHEREAS, The City has been offered a grant from NOAA, through the Kachemak Bay
18 National Estuarine Research Reserve (KBNERR) which could be used to acquire wetlands to be
19 preserved in conservation and use as part of the Kachemak Sponge wetland treatment system;
20 and
21

22 WHEREAS, In order to acquire the wetlands with federal funds, we need appraisals that
23 comply with the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA), which are
24 more stringent than the more typically used Uniform Standards of Professional Appraisal
25 Practice (USPAP); and
26

27 WHEREAS, MacSwain Associates, LLC, (“MacSwain”) Anchorage, has the necessary
28 credentials and produced the appraisals that supported the NOAA grant application; and
29

30 WHEREAS, MacSwain submitted a proposal to provide a new set of appraisals, for the
31 total contract value not to exceed \$55,200 (\$52,200 for professional services plus \$3,000 for
32 expenses); and
33

34 WHEREAS, This award contingent on the adoption of Ordinance 23-46 and is not final
35 until written notification is received by the firm from the City of Homer.
36

37 NOW, THEREFORE, BE IT RESOLVED that the City Council of Homer, Alaska, awards a
38 contract for professional real estate appraisal services to MacSwain Associates LLC authorizes
39 the City Manager to negotiate and execute the appropriate documents.
40
41

42 PASSED AND ADOPTED by the Homer City Council this 24th day of July, 2023.

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CITY OF HOMER

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KEN CASTNER, MAYOR

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49 ATTEST:

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52 MELISSA JACOBSEN, MMC, CITY CLERK

53

54 Fiscal note: Ordinance 23-46, \$25,800 and FY24 Capital Budget, \$29,400



MEMORANDUM

Resolution 23-79, An Ordinance of the City Council of Homer, Alaska Amending the Fee Schedule by adding Community Recreation participation fees. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: August 7, 2023
From: Mike Illg, Recreation Manager
Through: Rob, Dumouchel, City Manager

Background

The City of Homer Community Recreation division (formerly Community Schools) has been a function of the City of Homer since 2006 through voters' approval via ballot question. Currently Community Recreation charges and collects daily participation fees through many indoor/outdoor educational and recreational programmatic opportunities and special events. The Community Recreation division generates an average of \$35,000-\$40,000 in participation fees annually through the current rates of \$3/adults and \$2/youth for each drop in and class with the exception of miscellaneous fees for special events such as the Mountainfilm Festival, specialized instructional clinics and sponsorship fees (Adult Basketball league). This revenue stream is deposited into the General Fund.

As staff continues to improve services, formalize and digitalize registration/payments and work on an ongoing business plan for a future community recreation center, staff recommends the implementation of "Community Recreation Participation Fees" into the City Fee Schedule. Staff has been reviewing the current participation rates and is proposing to increase the rates from \$3/adults and \$2/youth to \$5/adults and \$3/youth. While it is priority to ensure accessibility and affordability for our local municipal recreation opportunities, our current participation rates have remained the same for at least the last 20 years despite the increasing costs to deliver these services. The estimated additional revenue to the general fund through this increase rate would be \$8,000-\$10,000 based on traditional participation and current available space.

There are three different proposed fees: Drop-In Activities, Contracted Instructor Classes and Special Events. Drop-In Activities are ongoing indoor/outdoor activities that are typically supervised by volunteers and it includes activities such as volleyball, basketball, pickleball, soccer, Frisbee, weight room ping pong, etc. There is no commitment with drop in activities which is why we will offer a single entry, a 10 visit pass, or a 3 month pass. We are also proposing to waive fees for drop in

activities for active service members, and for youth participants for activities held on school district facilities. We will charge youth drop in fees for activities on city owned facilities. The Contracted Instructor Fees are the cost per person for each class they attend as these classes have a designated start and end date. These fees are separate from the contracted instructor fees, ex. Partner Dance class is \$12/person, \$5 to CR and \$7 to the instructor. There is no discount or membership rates with contracted instructor classes. Special Event fees are for one time Community Recreation (no contracted instructors or memberships) special events/activities/series and are determined based upon the estimated cost of the event, activity or production. An example would include the Telluride Mountainfilm Festival for individual ticket sales, Adult Basketball League participation (pay for entire season) or instructional clinics/camps.

At the Parks, Arts, Recreation and Culture Advisory Commission May 18th meeting, PARCAC has reviewed and formally recommended “to increase the usage fees for Community Recreation.”

RECOMMENDATION:

Adopt a resolution amending the City Fee Schedule by adding the Recreation Participation Fees.

- outcomes
 - o where we have been, what we have done
- Changes over time
 - o What may be successful now compared to then
- Options available

Recreational Manager Illg facilitated discussion and responded to questions regarding:

- Previous efforts creating a Recreational Service Area and implementing a Bed Tax
- How the process will be conducted, what will be requested of the Commission so they can be properly prepared and responsive due to the short timeline
 - o Who would be involved in the process
 - o having a roadmap outlining what was done, outcome
- Information available through membership to the Alaska Parks and Recreation so reinventing the wheel was not needed but more of a cut and paste then refining the product
- Homer is the only Community that does not have a Parks and Recreation Department
 - o Wasilla Pool at their High School is actually labeled or has signage stating it is a Community Pool, not School District
 - o Typically, pools are managed by the Municipality
- Mobi-Mats – the Water Trail purchased three of them and these are kept at the Alaskan Coastal Center
 - o Independent Living Center has some also

PUBLIC HEARING(S)

PENDING BUSINESS

9. A. Deaccessioning the Poopdeck Trail Sign Posts - Memorandum PARC 23-015

Vice Chair Lowney introduced the item and reviewed the memorandum.

Commissioner Archibald reported that he has consulted with the Public Works Director who was going to have a contractor review the posts and provide an estimate on whether the posts can be repaired and while reviewing the posts he ran into Councilmember Aderhold and she informed him that the posts are actually on the Library's property and opined that they should provide some input. He recommended postponing to allow the Contractor time to review and get the Library Advisory Board's input too.

Vice Chair Lowney stated that if they postpone this item she only wanted to postpone it for one more meeting. Commissioner Archibald can report back at the June meeting.

The Commission agreed by Consensus to postpone the item to the June meeting.

NEW BUSINESS

10. A. Recreation Fee Schedule Review
Memorandum PARC 23-016

Vice Chair Lowney deferred to Recreation Manager Illg.

Recreation Manager Illg opened by stating that the item is just informational for now, it has been forwarded to Economic Development Manager Engebretsen and the City Manager for their review and input but no response has been received at this time. He continued by stating that as part of a Business Plan for a new Community Center, it would be a requirement to have the fees in the Fee Schedule. There is nothing outlined in city code regarding recreation fees. This is a proposal and is reflective of what has been conducted over the past twenty years. The goal is to ensure affordability and accessibility but charge fees that are not wholly subsidized by the taxpayers. He noted that is the standard practice by recreational facilities across the country to use a cost recovery percentage which is 26% of the operating budget. He believed that was a great target market that should be used moving forward with the potential business plan.

Recreation Manager Illg provided additional information on the value that having recreational software will do including online payment of fees versus the current honor system and actual data tracking of volunteers and participants. He also believed that the public has a right to know the actual costs to offer a community recreation program. He facilitated discussion on the following:

- Fees have increased minimally if at all since the 1980's
- Members of the community are expecting services without payment and that time has come to its end
- Fees have fluctuated between \$3.00 and \$4.00 over the past 20 years
 - o Even lower rates of \$2.00 for students
 - o Participants have paid as much as \$10 to \$15 in other locations
- Special relationships with the School District
 - o Value of relationships and partnerships
- Offering Seasonal memberships and Family memberships
- Scholarships and Waivers
- Costs compared to revenues
 - o Increased CPI for 2022 was 8%
- SPARC and Kevin Bell Ice Arena Rates per person are \$5.00
- No threshold on revenue expected for the Community Recreation program in 20 years
- Economic factor is prohibitive to moving forward

City Clerk Jacobsen advised the Commission that if they want to make a recommendation to increase the fees they could.

Chair Lowney asked if the Commission would like to make a motion on that recommendation.

HARRALD/ARCHIBALD MOVED TO INCREASE THE USAGE FEES FOR COMMUNITY RECREATION.

Further discussion on the impact of increased fees, expectation of the community, and the amount is nominal in comparison to other things, offering waivers and scholarships as appropriate.

Recreation Manager Illg recommended waiting on increasing fees until they receive the software citing a one man operation and capacity to do that now.

Vice Chair Lowney stated that was not the intent of the motion requested the Clerk to read the motion before the Commission.

City Clerk Jacobsen read the motion on the floor, “to increase the usage fees for Community Recreation.”

There was no further discussion.

VOTE: NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

10. B. Letter to the Editor Topics

Vice Chair Lowney asked Commissioner Fair if he had any direction on the topic.

Commissioner Fair stated that he was opened to writing the article but due to being out of town for the past month and sick for the past week he was not up on what is going on around town.

Commissioner Harrald commented that it would be nice to write about Parks and Recreation and bike accessibility or a historical account of our parks or one park to go along with the Guiding Growth conversation that is going on right now.

Vice Chair Lowney suggested going into two sections and the parks are coming to us but they are not quite here yet for us to make a lot of movement on but the trails are and Drawdown is having a tremendous amount of impact on those trails as well. This summer Matt Steffy is putting a huge focus on getting volunteers on to the community trails to bring them up to a specific standard which may be something to recruit more volunteers into that system for maintenance but also write an article about. Another idea would be writing about the Church Groups that Mr. Steffy has organized for a community cleanup. She noted that there were a lot of topics to write about.

Commissioner Fair responded that Commissioner Harrald’s idea about the parks history would be too much for the space allowed of 250 words even if they could pare it down to fit there would not be enough information. But the last two topics he could write 250 words about. The Church groups and the trails which in his opinion makes more sense. he expressed his preference to write about the highlighting the Drawdown’s efforts or the Church volunteer work as both do have a function of encouraging people to get out and help make the whole system better and become part of the solution rather than sideline observers.

Special Events

Ticket fees: Contingent upon the cost of production (ex. film fest,
clinics, league play)

All ages	\$10-\$75
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PASSED AND ADOPTED by the Homer City Council this 14th day of August, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

Fiscal note: Revenue amounts not defined in the FY24/25 budget.



MEMORANDUM

Ordinance 23-43, An Ordinance of the City Council of Homer, Alaska Amending the FY23 Capital Budget by Accepting and Appropriating the FY23 State of Alaska Community Assistance Program Payment in the Amount of \$204,991.19 for Various Capital Projects. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: July 11, 2023
From: Rob Dumouchel, City Manager

Alaska awards funds to the City on an annual basis as part of the Community Assistance Program (CAP). We stopped including these funds as revenue within the budget because they are very inconsistent from year to year, opting instead to put together an ordinance once the funds are received for Council consideration.

This year we received \$204,991.19. Ordinance 23-43 has been structured to pay for a selection of projects that would have otherwise been funded by General Fund CARMA as part of the FY24/25 Capital Budget. The projects include: Upgrading of City Workstations to Microsoft Office 2021; NextGen Firewall; an Upgraded Internet Link for City Hall; Two Ballistic Shields for HPD; a GIS Upgrade; Air Conditioning for the Public Works Server Room; ADA Accessibility Equipment; and Library Chairs. Funding these projects with CAP has the additional benefit of allowing the City to retain a balance of approximately \$500k in the General Fund CARMA account for future use by the Council.

Staff Recommendation: Adopt Ordinance 23-43

**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 23-43

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY ACCEPTING AND APPROPRIATING THE FY23 STATE OF ALASKA COMMUNITY ASSISTANCE PROGRAM PAYMENT IN THE AMOUNT OF \$204,991.19 FOR VARIOUS CAPITAL PROJECTS.

WHEREAS, In FY23 the City of Homer received \$204,991.19 from the Community Assistance Program (CAP) which has not yet been accepted or appropriated; and

WHEREAS, The application for the FY23 Community Assistance Program funds indicated the City of Homer would designate those funds towards ADA Improvements for City facilities; and

WHEREAS, Ultimately it is up to the Council as to where the funds are spent and we are not obligated by the State to follow the original application; and

WHEREAS, The City would benefit from applying Community Assistance Program funds towards select FY24/25 General Fund CARMA projects.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by accepting the FY23 Community Assistance Program payment in the amount of \$204,991.19 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	FY2023 Community Assistance Program	\$204,991.19

Section 2. The Homer City Council hereby amends the FY23 Capital Budget by appropriating the FY23 Community Assistance Program payment in the amount of \$204,991.19 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	Upgrade City Workstations to Microsoft Office 2021	\$40,000.00
151-xxxx	NextGen Firewall	\$50,000.00
151-xxxx	Upgraded Internet Link for City Hall	\$30,000.00
151-xxxx	Two Ballistic Shields	\$6,732.00
151-xxxx	GIS Upgrade	\$16,490.00

43	151-xxxx	Air Conditioning for Public Works Server Room	\$8,000.00
44	151-xxxx	ADA Accessibility Equipment	\$9,739.00
45	151-xxxx	Replace Library Chairs	<u>\$44,030.19</u>
46		Total:	\$204,991.19

47
48 Section 3. This appropriation is intended to pay for the aforementioned items
49 previously included in the FY24/25 Capital Budget under General Fund CARMA.

50
51 Section 4. This ordinance is a budget ordinance only, is not permanent in nature and
52 shall not be codified.

53
54 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____
55 _____, 2020.

56
57 CITY OF HOMER
58
59 _____
60 KEN CASTNER, MAYOR

61
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64 ATTEST:
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66 _____
67 MELISSA JACOBSEN, MMC, CITY CLERK

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69 YES:
70 NO:
71 ABSTAIN:
72 ABSENT:
73
74 First Reading:
75 Public Hearing:
76 Second Reading:
77 Effective Date:

CITY OF HOMER
HOMER, ALASKA

City Manager

ORDINANCE 23-43(S)

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING THE FY23 CAPITAL BUDGET BY ACCEPTING AND APPROPRIATING THE FY23 STATE OF ALASKA COMMUNITY ASSISTANCE PROGRAM PAYMENT IN THE AMOUNT OF \$204,991.19 FOR VARIOUS CAPITAL PROJECTS.

WHEREAS, In FY23 the City of Homer received \$204,991.19 from the Community Assistance Program (CAP) which has not yet been accepted or appropriated; and

WHEREAS, The application for the FY23 Community Assistance Program funds indicated the City of Homer would **likely** designate those funds towards **Americans with Disabilities Act (ADA)** Improvements for City facilities; and

WHEREAS, All ADA projects requested during the FY24/25 Capital Budget cycle were instead funded by Ordinance 23-23(A-3), with the exception of ADA accessibility equipment which is included in this ordinance; and

WHEREAS, Council removed \$204,991.19 worth of projects from Ordinance 23-23(A-3) with the intention of funding them with Community Assistance Program funds instead, a change allowed by the Community Assistance Program; and

WHEREAS, Ultimately it is up to the Council as to where the funds are spent and we are not obligated by the State to follow the original application **It is encouraged to entirely expend the Community Assistance Program funds within FY24 for grant management and administration purposes;** and

WHEREAS, The City would benefit from applying Community Assistance Program funds towards select FY24/25 General Fund CARMA projects **that can be completed within the current fiscal year.**

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. The Homer City Council hereby amends the FY23 Capital Budget by accepting the FY23 Community Assistance Program payment in the amount of \$204,991.19 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	FY2023 Community Assistance Program	\$204,991.19

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Section 2. The Homer City Council hereby amends the FY23 Capital Budget by appropriating the FY23 Community Assistance Program payment in the amount of \$204,991.19 as follows:

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-xxxx	Upgrade City Workstations to Microsoft Office 2021	\$40,000.00
151-xxxx	NextGen Firewall	\$50,000.00
151-xxxx	Upgraded Internet Link for City Hall	\$30,000.00
151-xxxx	Two Ballistic Shields	\$6,732.00
151-xxxx	GIS Upgrade	\$16,490.00
151-xxxx	Air Conditioning for Public Works Server Room	\$8,000.00
151-xxxx	ADA Accessibility Equipment	\$9,739.00
151-xxxx	Replace Library Chairs	<u>\$44,030.19</u>
	Total:	\$204,991.19

Section 3. This appropriation is intended to pay for the aforementioned items previously included in the FY24/25 Capital Budget under General Fund CARMA.

Section 4. This ordinance is a budget ordinance only, is not permanent in nature and shall not be codified.

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

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

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

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

3 City Manager/
4 Public Works Director

5 **ORDINANCE 23-46**

6
7 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
8 AMENDING THE FY24 CAPITAL BUDGET BY ACCEPTING AND
9 APPROPRIATING A SUB-RECIPIENT GRANT FROM THE
10 UNIVERSITY OF ALASKA ANCHORAGE IN THE AMOUNT OF
11 \$1,171,410 FOR THE KACHEMAK SPONGE GREEN
12 INFRASTRUCTURE STORM WATER TREATMENT SYSTEM.
13

14 WHEREAS, the Kachemak Bay National Estuarine Research Reserve (KBNERR) has
15 worked with the City to identify wetlands/peatlands that could be used as a wetland treatment
16 system as part of the City’s Kachemak Sponge Green Infrastructure Storm Water Treatment
17 System and to submit a proposal for a grant to acquire such lands; and
18

19 WHEREAS, The University of Alaska Anchorage (UAA), the fiscal agent for KBNERR, has
20 received a grant from NOAA for the purpose of acquiring wetlands and peatlands to be
21 preserved for conservation in perpetuity as part of the Kachemak Sponge Green Infrastructure
22 Storm Water Treatment System; and
23

24 WHEREAS, The City will be a sub-recipient of the NOAA grant and responsible for
25 conducting the environmental reviews, surveys, appraisals and other services required to
26 support the property acquisition; and
27

28 WHEREAS, The NOAA grant supports one of the projects within the Slope Stability and
29 Erosion Mitigation Program, a Legislative Priority in the 2023-2028 City of Homer Capital
30 Improvement Plan.
31

32 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
33

34 Section 1. The Homer City Council hereby amends the FY24 Capital Budget by
35 accepting and appropriating, as a sub-recipient, a grant from the University of Alaska
36 Anchorage in the amount of \$1,171,410 as follows:
37

<u>Fund</u>	<u>Description</u>	<u>Amount</u>
151-XXXX	University of Alaska Anchorage Grant	\$1,171,410

40
41 Section 2. The City Manager is authorized to execute the appropriate documents.
42

Real Estate Required for Kachemak Sponge

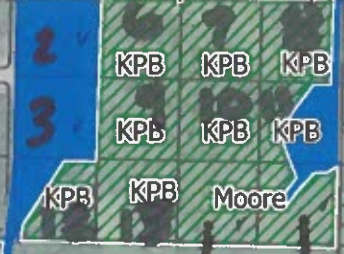
- **Parcel #1.** Currently owned by George M. Kennedy. Original parcel measure 39 acres. We will be using NOAA funds to acquire 30 acres of wetlands, which will be preserved for conservation. The parcel needs to be replatted to carve off the 30-acre piece that will be acquired and preserved for conservation from the nine acres that will not be acquired.
- **Parcel #2.** Parcel measures 2.5 acres. Currently owned by ENT Properties LLC (Bay Weld.) Site of future Retention Pond and storm water works. The NOAA grant will not fund this acquisition since it will contain “constructed works”.
- **Parcel #3.** Parcel measures 2.5 acres. Currently owned by Metacenter Properties, LLC (Josh Wexton). Site of future retention pond and storm water works. The NOAA grant will not fund this acquisition since it will contain “constructed works”.
- **Parcel #4.** Parcel measures 2.5 acres. Currently owned by Kenneth & Roseleen Alaska Community Property Trust. We will be using NOAA funds to acquire this parcel, which will be preserved for conservation.
- **Parcel #5.** Parcel measures 2.5 acres. Currently owned by Kenneth & Roseleen Alaska Community Property Trust. Site of future retention pond and storm water works. The NOAA grant will not fund the portion of this acquisition that will contain “constructed works”. The parcel needs to be replatted to carve off the portions that will contain “constructed works” from the portions that will be preserved.
- **Parcels # 6-10.** These 5 parcels measure 2.49 acres each, for a total of 12.45 acres, currently owned by KPB. We will be using NOAA funds to acquire these parcels, which will be preserved for conservation.
- **Parcels #11 & 12.** These two parcels measure 2.49 acres each, for a total of 4.98 acres, currently owned by the KPB. Sites of future retention pond and storm water works. The NOAA grant will not fund the portion of these parcels, which will contain “constructed works”. The parcels need to be replatted to carve off the portions that will contain “constructed works” from the portions that will be preserved.
- **Parcel #13.** This parcel measures 2.49 acres and are currently owned by KPB. We will be using NOAA funds to acquire this parcel, which will be preserved for conservation.

Total Acquisition:	59.92 acres
Preserved for conservation:	52.34 acres (approximately)
Used for storm water works:	7.58 acres (approximately)

KACHEMAK DRIVE PEATLAND WATER QUALITY IMPROVEMENT PROJECT: PARCELS FOR ACQUISITION AND REPLATTING



These Parcels Recently Acquired By Northern Enterprises Boatyard



NOAA Funded Proposed Replat			Potential Future Acquisition
	Parcel 1 Replat		
	Parcel 2 Replat		
City Funded Acquisition & Replat			





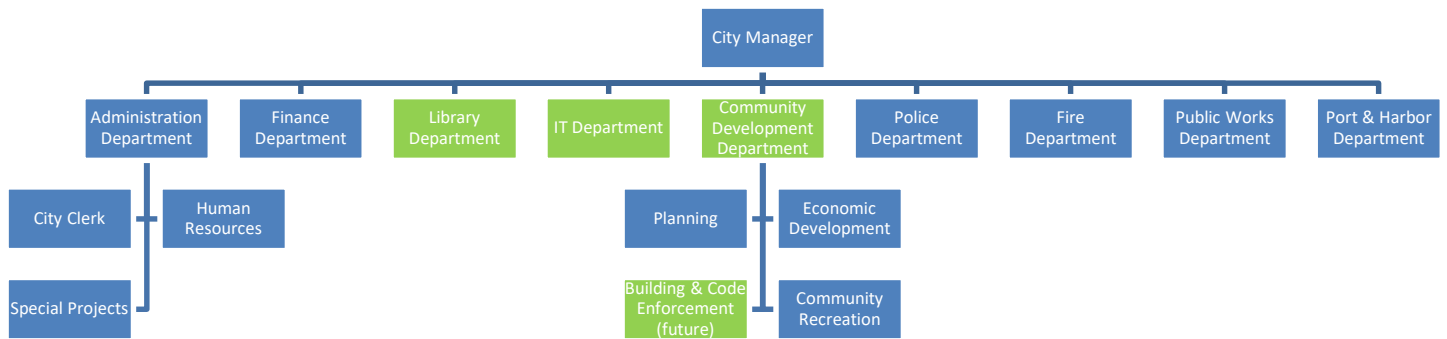
MEMORANDUM

Ordinance 23-49, An Ordinance of the City Council of Homer, Alaska Amending Homer City Code Title 2, Chapters 2.32 Departments and Board, 2.44 Department of Administration, 2.48 Public Library, and Enacting Chapters 2.46 Department of Information Technology and 2.57 Department of Community Development. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: 18 July 2023
From: Rob Dumouchel, City Manager

Since arriving in Homer, I have been looking for opportunities to modify the organization in ways that would better integrate teams, better carry out the will of the Council, provide a more transparent view of City operations, and increase the organization's effectiveness at providing services to the City's residents, businesses, and visitors. Over the last three years I have observed how my staff interacts with each other, how our systems work (or don't work) well with each other, and the gaps between where we are as a City right now and where we're aspiring to be as we go through a phase of growth and transformation as a community. I previewed the general vision back in March 2022 at the Council Visioning work sessions, and I have been piloting the proposed changes in the meantime. There have been some changes over time as I tested out the different combinations of divisions and departments. This memo provides a high level overview of the multiple actions that I am proposing which will require Council approval due to their impact on Homer City Code.

As to why I'm bringing an employee organization issue to the Council, it's because a change in code is required to officially create a department. As City Manager I can hire/fire, move employees from one department to another, and create any number of different reporting hierarchies between employees. What I cannot do without Council is officially create a department, and all of our departments (Administration, Finance, Police, Volunteer Fire, Port & Harbor, and Public Works) are defined in Homer City Code. Regarding the creation of any other departments, at this time, I don't believe that any other present division(s) are ripe for elevation to department status. Therefore, I am bringing forward three departmental proposals: IT, Library, and Community Development.



1 - Proposed organizational structure – green denotes new department or proposed future division

Move #1: Creation of a Library Department and an IT Department

In early 2021, I combined the Library and IT Divisions under the leadership of the Library Director. This has been a very successful experiment. Originally I wanted to spin these Divisions out of the Administration Department and keep them together as a new department. That proposal created some controversy and resistance from the Library Advisory Board. In the time since it was introduced, we've had some significant changes in personnel and culture within the IT Division. At this time I am much more comfortable creating standalone departments for each Division. From a management perspective, I'm still going to keep these Departments closely aligned because of the benefits that can be generated when they work with each other.

Move #2: Creation of a Community Development Department

I believe that Homer is poised for significant growth, development, and redevelopment that will have impacts on daily life in Homer, and we need a future-focused department that can take on the challenges this transformative change will have on the community together.

Creating a Community Development Department will bring together planning, economic development, building & code enforcement, and community recreation under one director. This will help focus development in Homer, while also ensuring quality of life programming is integrated into our community's growth. In anticipation of creating a Community Development Department, I created an Economic Development Division and designated an Economic Development Manager in March 2022. That move has been successful and well received by Council, staff, the Economic Development Commission, and external stakeholders. Some elements housed in the Parks Division related to tasks like park & trail planning, beautification, invasive species mitigation, and volunteer coordination have also transferred into Economic Development. We are beginning to lay the groundwork for the creation of a Building & Code Enforcement Division. The special projects team submitted a grant applications to support the adoption and implementation of a building code within the City and it has been selected for further review by FEMA. Community Recreation will benefit from having a dedicated director and additional staff support from the other divisions within Community Development.

Future consideration: Merge the Finance Department into Administration

The integration of Finance into an Administration Department is a common arrangement in cities across the country that have Administrative Services departments. I've been piloting a framework in which Administration and Finance are much more integrated. It has been successful in some ways and faced challenges in others. I want to continue to dial in that concept before I consider bringing an ordinance to Council that would merge the departments.

Fiscal Considerations: The re-organization plan, as proposed, is expected to create very little direct financial impact. The Human Resources Division, with help from the Finance Department, analyzed the changes and expects that we'll see an impact of approximately \$3500 per year between FY24 and FY25. Where the re-organization has more of a financial benefit is in that it makes each department's budget and spending more transparent while also giving the new department heads increased purchasing authority under the procurement manual which streamlines operations.

Staff Recommendation: Introduce/adopt ordinance creating Library, IT, and Community Development Departments.

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

3 City Manager

4 **ORDINANCE 23-49**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE TITLE 2, CHAPTERS 2.32
8 DEPARTMENTS AND BOARDS, 2.44 DEPARTMENT OF
9 ADMINISTRATION, 2.48 PUBLIC LIBRARY, AND ENACTING
10 CHAPTERS 2.46 DEPARTMENT OF INFORMATION TECHNOLOGY
11 AND 2.57 DEPARTMENT OF COMMUNITY DEVELOPMENT.
12

13 WHEREAS, The City's organizational design changes over time to meet the needs of the
14 Council, the organization, and the administration; and
15

16 WHEREAS, The City Manager has identified a series of modifications to the current
17 organizational design which would result in the creation of a Department of Information
18 Technology, a Department of the Library, and a Department of Community Development.
19

20 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:
21

22 Section 1. Homer City Code Title 2 is hereby amended to read as follows:
23

24 Title 2
25 ADMINISTRATION AND PERSONNEL

26 Chapters:

27 2.04 City Manager

28 2.08 Mayor and Council

29 2.12 City Clerk

30 2.16 City Attorney

31 2.20 City Treasurer

32 2.24 Health Officer

33 2.28 Public Officials and Employees

34 2.32 Departments and Boards

35 2.36 Department of Finance

36 2.40 Department of Port and Harbor

37 2.44 Department of Administration

38 **2.46 Department of Information Technology**

39 2.48 Public Library

40 2.52 Police Department

41 2.53 Fire Department

42 2.56 Department of Public Works

43 **2.57 Department of Community Development**

[**Bold and underlined added.** Deleted language stricken through]

- 44 2.58 Boards and Commissions
- 45 2.60 Parks, Art, Recreation, and Culture Advisory Commission
- 46 2.64 Port and Harbor Advisory Commission
- 47 2.68 *Repealed*
- 48 2.70 Americans with Disabilities Act Advisory Board
- 49 2.72 Planning Commission
- 50 2.76 Economic Development Advisory Commission
- 51 2.78 *Repealed*
- 52 2.80 *Repealed*
- 53 2.84 Public Release of Record
- 54 2.92 Public Records Management
- 55 2.96 *Repealed*

56
57 Section 2. Homer City Code Chapter 2.32 Departments and Boards is hereby amended
58 to read as follows:

59
60 Chapter 2.32
61 DEPARTMENTS AND BOARDS¹

62 Sections:

- 63 2.32.010 Departments – Directors.
- 64 2.32.020 *Repealed.*
- 65 2.32.030 Designation and function of departments.
- 66 2.32.040 Departmental administrative fee schedule.
- 67 Prior legislation: Ords. 1-100.4 and 73-8.

68
69 2.32.010 Departments – Directors.
70 There shall be principal subdivisions of the City government known as departments. Each
71 department shall be headed by the City Manager until such time as the ~~Council~~ **City Manager**
72 shall approve the appointment of a “director” who shall then head the designated department.
73 The director shall be appointed by and be responsible to the City Manager. These departments
74 are the functional units under which all matters of an administrative, organizational or
75 utilitarian nature shall fall and shall be all-inclusive of every City function as defined in this
76 chapter. Each department may be further subdivided into divisions for operational purposes.
77 [Code 1967 § 3-400.1; Code 1981 § 1.40.010].

78
79 2.32.020 Boards and commissions.
80 *Repealed by Ord. 18-38(S). [Ord. 92-30(S)(A), 1992. Code 1967 § 3-400.2; Code 1981 § 1.40.020].*

81
82 2.32.030 Designation and function of departments.
83 The City departments are designated in this section and their functions set forth:

Chapter 2.36 Department of Finance
HCC

[Bold and underlined added. Deleted language stricken through]

Chapter 2.40 HCC	Department of Port and Harbor
Chapter 2.44 HCC	Department of Administration
<u>Chapter 2.46 HCC</u>	<u>Department of Information Technology</u>
Chapter 2.52 HCC	Police Department
Chapter 2.53 HCC	Fire Department
Chapter 2.56 HCC	Department of Public Works
<u>Chapter 2.57 HCC</u>	<u>Department of Community Development</u>

84
85 [Amended by City in August 2017; Ord. 91-7 § 2, 1991; Ord. 85-35 § 2, 1985. Code 1981 §
86 1.40.030].

87
88 2.32.040 Departmental administrative fee schedule.
89 Unless established by ordinance or resolution of the City Council, the director of each
90 department of the City shall have the authority, subject to the approval of the City Manager
91 and ratification by the City Council, to promulgate and maintain an administrative fee
92 schedule for services provided by that department. Fees for identical services shall be uniform
93 throughout all departments. A current copy of the departmental administrative fee schedule
94 shall be available for inspection by any person at the front reception area of the department
95 and at the office of the City Clerk. Unless otherwise provided by ordinance or resolution, all
96 fees collected under this schedule shall be forwarded to the Finance Department for deposit
97 into the general fund. [Ord. 92-07(S)(A), 1992. Code 1981 § 1.40.040].

98
99 ¹ For Alaska Statute provisions authorizing municipalities to establish and prescribe the
100 functions of departments, officers and agencies, see AS 29.35.010.

101
102 Section 3. Homer City Code Chapter 2.44 Department of Administration is hereby
103 amended to read as follows:

104
105 The Department of Administration is created which shall be headed by the City Manager or his
106 designee. Within this Department will be the City Clerk and such other personnel as may be
107 necessary to provide such services as personnel administration; ~~City-wide planning; zoning~~
108 ~~and platting; permitting and inspection; services such as parks, recreation, Community~~

[Bold and underlined added. Deleted language stricken through]

109 ~~Recreation Program, and library programs;~~ administration of the Homer Advisory Planning
110 Commission, the Homer Advisory Parks, ~~Art, and Recreation,~~ **& Culture Advisory** Commission,
111 the City of Homer Port and Harbor Advisory Commission, **Americans With Disabilities Act**
112 **(ADA) Advisory Board** and the Library Advisory Board; major capital projects administration;
113 ~~economic development~~ and City enhancement programs and such other services or programs
114 as designated by the City Manager or requested by the City Council. The Department may be
115 subdivided into divisions with their own supervisors as deemed necessary. [Ord. 10-16 § 1,
116 2010; Ord. 85-35 § 4, 1985. Code 1981 § 1.43.010].

117
118 Section 4. Homer City Code Chapter 2.46 Department of Information Technology is
119 hereby enacted to read as follows:

120
121 **Chapter 2.46**
122 **DEPARTMENT OF INFORMATION TECHNOLOGY**
123

124 **2.46.010 Department of Information Technology.**

125 **The Department of Information Technology is created which shall be headed by the**
126 **Director of Information Technology, also known as the Chief Technical Officer of the City.**
127 **The Director shall be appointed by the City Manager for an indefinite term and shall be**
128 **removable by the City Manager. The Department may be subdivided into divisions with**
129 **their own supervisors as deemed necessary.**

130
131 Section 5. Homer City Code Chapter 2.48 Public Library is hereby amended to read as
132 follows:

133
134 Chapter 2.48
135 PUBLIC LIBRARY¹
136 Sections:

137 **2.48.005 Department of the Library**

- 138 2.48.010 Library functions.
139 2.48.020 Library Director – Appointment.
140 2.48.030 Library Director – Duties.
141 2.48.040 Board – Creation and membership.
142 2.48.050 Library Advisory Board – Powers and duties.
143 2.48.060 Library Advisory Board – Vacancies.
144 2.48.070 Use of library.

145
146 **2.48.005 Department of the Library.**

147 **The Department of the Library is created which shall be headed by the Library Director.**
148 **The Director shall be appointed by the City Manager for an indefinite term and shall be**
149 **removed by the City Manager. The Department may be subdivided into divisions with**
150 **their own supervisors as deemed necessary.**

151

152 2.48.010 Library functions.

153 The major functions of the library are the operation of the Homer Library, including control
154 and supervision of library use, acquisition of library property and other related matters.
155 [Ord. 85-35 § 5, 1985; Ord. 80-2 § 1, 1980. Code 1981 § 1.48.010].

156
157 2.48.020 Library Director – Appointment.

158 The head of the Homer Library is the Library Director, who shall be appointed by the City
159 Manager. **The Library Director must hold a master’s degree in library or information**
160 **science, or other relevant credential, as required for library grant eligibility by the State**
161 **of Alaska** [Ord. 09-28(S) § 1, 2009; Ord. 85-35 § 5, 1985; Ord. 80-2 § 2, 1980. Code 1981
162 § 1.48.020].

163
164 2.48.030 Library Director – Duties.

165 The Library Director of the City shall be responsible for and shall have supervision and control
166 of the library and hold responsibilities as denoted in the job description for the position.
167 [Ord. 09-28(S) § 1, 2009; Ord. 85-35 § 5, 1985; Ord. 80-2 § 3, 1980. Code 1981 § 1.48.030].

168
169 2.48.040 Board – Creation and membership.

170 There is created the City of Homer Library Advisory Board, referred to in this chapter as the
171 Board, which shall act in an advisory capacity to the Library Director and the City. The Board
172 shall consist of seven members comprised as follows:

- 173 a. At least five members of the Board shall reside within the corporate limits of the City.
174 b. Members shall serve for three years with initial appointments to be made for staggered
175 terms as follows: Two one-year terms; two two-year terms; and three three-year terms.
176 c. Members shall serve without compensation. [Ord. 09-28(S) § 1, 2009; Ord. 98-7, 1998;
177 Ord. 95-5, 1995; Ord. 85-35 § 5, 1985; Ord. 80-2 § 4, 1980. Code 1981 § 1.48.040].

178
179 2.48.050 Library Advisory Board – Powers and duties.

180 The Library Advisory Board shall:

- 181 a. Establish operational policies for the library program, and submit same to the City Council
182 for approval. There shall be an annual review of policies and revisions may be recommended
183 by the Board.
184 b. Assist the Librarian in preparation and presentation of the annual budget request to the City
185 Council.
186 c. Adopt bylaws and regulations for internal operations governing the proper and orderly
187 discharge of its responsibilities.
188 d. Make recommendations through the City Manager to the Mayor and City Council concerning
189 the library and its programs.
190 e. Solicit donations of money and/or property for the benefit of the library. Any money
191 donations shall be deposited to the City treasury in a reserve fund designated for public library
192 use. If property, it shall be accepted by deed or other conveyance subject to approval by the
193 City Council. Such property shall be held or disposed of for public library purposes as the
194 Council may direct. The Board may make recommendations for disposition of money or

[Bold and underlined added. Deleted language stricken through]

195 property so received and such recommendations shall be considered and acted upon by the
196 Council. [Ord. 85-35 § 5, 1985; Ord. 80-2 § 5, 1980. Code 1981 § 1.48.050].

197

198 2.48.060 Library Advisory Board – Vacancies.

199 a. In the event of a vacancy on the Library Advisory Board, the Mayor shall appoint a person to
200 fill such vacancy for the unexpired term, subject to confirmation by the City Council.

201 b. If any Library Board member is absent for three consecutive meetings (unless a majority of
202 the other members have previously granted a leave of absence, not to exceed six months), the
203 seat of that member shall be declared vacant and a new member appointed by the Mayor
204 subject to confirmation by the City Council. [Ord. 85-35 § 5, 1985; Ord. 80-2 § 6, 1980. Code 1981
205 § 1.48.060].

206

207

208 2.48.070 Use of library.

209 All persons shall be extended the use of library privileges subject to observing the rules and
210 regulations established for the use thereof. The Library Director may prohibit any person from
211 using the library who willfully or persistently violates any rule or regulation prescribed for the
212 operation of the library. No person shall fail or refuse to leave the library when ordered to do
213 so by the Library Director or other person in charge. [Ord. 09-28(S) § 1, 2009; Ord. 85-35 § 5,
214 1985; Ord. 80-2 § 7, 1980. Code 1981 § 1.48.070].

215

216 Section 6. Homer City Code Chapter 2.57 Department of Community Development is
217 hereby enacted to read as follows:

218

219

Chapter 2.57

220

DEPARTMENT OF COMMUNITY DEVELOPMENT

221

222 **2.57.010 Department of Community Development.**

223 **The Department of Community Development is created which shall be headed by the**
224 **Director of Community Development. The Director shall be appointed by the City**
225 **Manager for an indefinite term and shall be removable by the City Manager. Within this**
226 **Department will be the City Planner and such other personnel as may be necessary to**
227 **provide services such as city-wide planning; zoning and platting; permitting and**
228 **inspection; economic development; City enhancement programs and such other services**
229 **or programs as designated by the City Manager or requested by the City Council; services**
230 **such as parks, and community recreation. The Department may be subdivided into**
231 **divisions with their own supervisors as deemed necessary.**

232

233 Section 7. This Ordinance is of a permanent and general character. and shall be
234 included in the City Code.

235

236 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this ____ day of _____, 2023.

237

[Bold and underlined added. Deleted language stricken through]

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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

www.cityofhomer-ak.gov

Office of the City Manager

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Homer, Alaska 99603

citymanager@cityofhomer-ak.gov

(p) 907-235-8121 x2222

(f) 907-235-3148

Memorandum

TO: Mayor Castner and Homer City Council
FROM: Rob Dumouchel, City Manager
DATE: August 10, 2023
SUBJECT: City Manager's Report for August 14, 2023 Council Meeting

Employee Appreciation BBQ

On August 2nd, a rare sunny day, the City Manager's office hosted an employee appreciation BBQ at City Hall. Staff from all over the City, and a few elected officials, converged on the City Hall for an afternoon of good food and good company. With numerous work sites scattered all over the City, it's uncommon for the whole team to be able to get together like this, but it's always a good time when we can make it happen. A big thank you to Assistant to the City Manager Bella Vaz for coordinating the event!



Visit with DOT Commissioner Anderson

In an effort to address transportation challenges in Alaska's Central Region, Representative Sarah Vance organized a visit with Alaska Department of Transportation and Public Facilities (DOT&PF) Commissioner Ryan Anderson to Homer on July 27. The visit aimed to familiarize the Commissioner with the area's needs and gain firsthand insights. Accompanied by DOT&PF Legislative Liaison/Special Assistant Andy Mills, the delegation met with local officials to discuss projects and plans, including Homer Mayor Ken Castner, Kachemak City Mayor Connie Isenhour, Homer City Councilmember Shelly Erikson, and City of Homer Special Projects Coordinator Jenny Carroll. Key topics included: addressing safety concerns and managing increased traffic on East End Road; evaluating road conditions and ensuring pedestrian safety on Kachemak Drive; exploring stormwater and groundwater management during road construction and the importance of local knowledge; analyzing Homer's Kachemak Sponge project and its significance; and erosion conditions on the Homer Spit.

Alaska Municipal League Summer Conference

At the time of this report's submittal, the AML summer conference is underway. On Wednesday, I led the one-day Alaska Municipal Management Association (AMMA) conference as president of the organization. We had about 25 participants from all over the state and wide ranging discussions covering topics like mental health/manager sustainability, homelessness in Alaska, strategic planning, and the future of generative AI in local government. The rest of the AML programming on Thursday and Friday is focused on legislative topics of statewide interest. The event will also feature a reception hosted by the City, coordinated by AML staff and Assistant to the City Manager Bella Vaz, on Thursday evening.

Finance Funds Overview

Working with the Finance Director, I have sketched out all of the various funds currently in use within the City. In future meetings, what we'd like to do is start working with Council to create policies for these funds. A few funds have existing policy documents, but the vast majority do not. We have approximately 40 to 50 funds to talk about. Some will be easy, some just need to be emptied and deleted, and others will require extended conversation. I anticipate that we'll be ready to get underway with the first of those discussions in September.

Transit Meeting

On August 3rd, I meet with Lisa Reinhart and Brad Parsons from the Southern Kenai Peninsula Transit Coalition (SKPTC) to discuss transit issues in Homer. There are a lot of benefits to enhanced public transportation, but Homer is a particularly tricky place in which to implement such services due to our population density, topography, lack of street parking, etc. We had a very wide ranging discussion about transit from the perspective of the City as a place, as an organization, and as an employer. Brad and Lisa are conducting numerous community interviews and I am very interested to see what findings come from the conversations.

Third Airline Potentially Coming to Homer

The City has been approached by Aleutian Airlines about signing a lease that would allow them the possibility of expanding their flights to include a Homer-Anchorage daily service starting this fall. Staff met with an Aleutian Air representative on July 20th for a walk through of the available terminal space for lease and to discuss options and operations. Aleutian Airlines run Saab 2000 aircraft, which are 50 seat passenger planes with takeoff capabilities that do well on short runways. They're thinking of providing a reliable business travel option, with service in the early morning and again in the evening to facilitate easy daily roundtrips. The collaborative meeting generated some positive ideas on how the available lease space within the Homer airport terminal might fit those plans. The City has received a lease application from the company that is going through internal staff review now and is slotted to be included in the August 28th packet for Council review.

Advisory Body Work Session Scheduling

In March, Council discussed the benefits of conducting off cycle work sessions with boards and commissions to conduct training that primarily addresses roles and responsibilities of advisory bodies, the report structure at Council meetings, recommendations to and from Council, and provide opportunity for questions and discussion. A successful session was scheduled in April with the Port and Harbor Advisory Commission. Sessions still need to be scheduled with the five remaining groups. City Clerk Jacobsen is interested in knowing if Council wants to begin scheduling in September or wait until October after elections, and if the preference to conduct one or two off-cycle work sessions per month.

AMLJIA Meeting

On July 28th I attended an Alaska Municipal League Joint Insurance Agency (AMLJIA) meeting of the board of trustees. As a reminder, I joined the board in 2022 as a member representative and all travel related to participation is paid for by AMLJIA. The big take away from this meeting, and frankly all recent meetings, is that “hard” market conditions continue to persist and will remain for an unknown number of years into the future. Members, like the City of Homer, should prepare for significant increases in the coming years. I think the increases already forecasted into the FY24/25 budget will cover our needs, but the next biennium may see big changes. These market conditions are not unique to Alaska, it is a nationwide phenomenon driven by large losses from fires, hurricanes, etc. One method AMLJIA is exploring to potentially reduce costs is a merger with Alaska Public Entity Insurance (APEI) to expand the pool in Alaska. Those talks are going well, but are a long term play.

WORK SESSION

AGENDA CALENDAR 2023

Council Meeting Dates	4:00 p.m. Worksession Topic
<i>Monday, May 8</i>	
<i>Tuesday, May 22</i>	<i>Coast Guard ws 2 5 COW @ 4</i>
<i>Monday, June 12</i>	<i>2023 City of Homer Salary and Benefits Survey</i>
<i>Monday, June 26</i>	<i>FY24/25 Capital Budget</i>
<i>Monday, July 24</i>	<i>HDR-Homer Harbor Expansion Alternatives Screening and Next Steps.(tentative)</i>
<i>Monday, August 14</i>	<i>HERC – Economic Development Manager & Recreation Manager</i>
<i>Monday, August 28</i>	<i>2024-2029 Capital Improvement Plan & FY25 Legislative Priorities - Special Projects & Communications Coordinator</i>
<i>Monday, September 11</i>	<i>HERC Construction Budget – Economic Development Manager & Recreation Manager</i>
<i>Monday, September 25</i>	
<i>Monday, October 9</i>	
<i>Monday, October 23</i>	
<i>Monday, November 27</i>	<i>Recreation</i>
<i>Monday, December 11</i>	
<i>Monday, December 18 If needed</i>	



MEMORANDUM

Resolution 23-051, A Resolution of the City Council of Homer, Alaska, Amending the Regular Meeting Scheduled for the Planning Commission. City Clerk.

Item Type: Backup Memorandum
Prepared For: Mayor Castner and Homer City Council
Date: July 18, 2023
From: Ryan Foster, AICP, City Planner
Through: Rob Dumouchel, City Manager

At their regular meeting on May 22, 2023 the Homer City Council remanded Resolution 23-051 changing the Planning Commission meeting schedule to once a month to the Planning Commission. At their regular meeting on June 21, 2023 the Planning Commission voted unanimously to withdraw their request in Resolution 23-051 to change the Planning Commission meeting schedule to one meeting a month. The Planning Commission would like to keep the current, two meetings a month schedule, in order to ensure that the workload required of the Planning Commission is balanced and applications and agenda items the Planning Commission reviews are completed in a timely manner.

RECOMMENDATION:

Recommend Denial of Resolution 23-051

ATTACHMENTS:

Unapproved Meeting Minutes for the June 21, 2023 Planning Commission Meeting

glad it was brought back in front of the Commission to discuss and maybe change their decision that was made on that issue.

Commissioner Venuti stated that Mayor Castner brought this ordinance forward along with Council member Lord and commented that at a glance it does appear to be completely anti-conditional use permit and questioned what his concerns were with Conditional Use Permits.

Mayor Castner stated he was trying to achieve, through his urging of development of findings, things that did not require a conditional use permit and making them an allowable use. It was to pick out things that were ordinarily going to be just granted and anything that was not going to be granted, required a conditional use permit with conditions, if you issue a CUP there should be a condition attached to the conditional use permit because the applicant is asking for permission to do something that is not otherwise allowed. The four unit issue was something that he never thought of as a regular sort of action to grant without having a CUP. He continued stating that if you ask for a second dwelling or building, you go through the process and you increase the setback for the second building or something like that, but the four buildings just did not seem to fit, in his opinion. He expressed his opinion on this when the issue was presented to the Commission the first time. Mayor Castner further commented that he believed the conditional use permit process was very handy and provides the ability to create conditions that are totally unique for the lot and for the circumstance.

Chair Smith confirmed that there were no additional questions from the Commission, and offered the floor to the Mayor for additional comments.

Mayor Castner expressed his belief that Council was feeling a bit frustrated on being stuck on certain topics and not achieving desired outcomes. He believed that Council was split with some members thinking that a new Comprehensive Plan was going to solve all the issues and then some members thinking that issues will not be resolved until new code is created. It is reactionary. Mayor Castner agreed that it was not the best planning method, and cited again the frustration of Council now on just how much time is being used without much in the way of progress on cleaning up code, especially when it comes to platting and such. He believed that what was attempted by the Commission in cleaning up conditional use permits was really good, with the exception of the one item being addressed. He commented there was plenty of time for the Commission to work through it.

11. B. Resolution 23-51, A Resolution of the City Council of Homer, Alaska, Amending the Regular Meeting Scheduled for the Planning Commission.

Memorandum PC 23-40 from Acting City Planner as backup

Chair Smith introduced the item by reading of the title and deferred to Acting City Planner Foster.

Acting City Planner Foster reviewed Memorandum PC 23-40 for the Commission stating the recommendations from the Planning Department, elaborating on the analysis that staff could bring forward comparing one meeting versus two meetings on how staff would address work items. he noted that as Staff liaison he is here to facilitate the role of the Commission in reviewing and processing the applications that come before the Commission especially those that require public hearings and quasi-judicial decisions. It is the Commission's decision on whatever schedule that is needed to address the work of the city.

Discussion was facilitated on the following topics:

- Keeping the meeting schedule as is and canceling meetings as needed.
- Moving to once a month meetings would require the Commission to be more conscious of deliberate discussion and not straying off topic.
- Required time limits to review and approve or recommend specific actions and not addressing Borough related items would result in automatic approvals and having enough meetings to complete the required work.
- The Commission will be driving the bus when it comes to a Comprehensive Plan
- Having more worksessions to discuss topics that may require more in-depth consideration such as the issues that are coming forward and not being railroaded into a specific agenda.
- Canceling meetings in the months that are typically slow such as January and February
 - o Review this possibility when the Commission approves the 2024 meeting schedule in October
- Planning Department needing additional staff and requesting or submitting recommendation to Council
- How to improve the efficiency of the Planning department to produce what the Commission requires.
 - o Bi Weekly meetings compresses the time it requires to draft and write a thorough report on action items or discussion items between meetings and sometimes does not provide enough time required.
 - o Planning Staff pays attention to the requirements and deadlines and with complex applications Staff does address the issues that will come about with those projects.
 - o Capacity to address four action items per meeting, the more applications received the less likely that the Staff will be efficiently providing the appropriate and thorough review.
- if the Commission reduces meetings to once per month that would require working into the meeting timelines to allow sufficient review of meeting materials as well. Meetings could actually end up being longer in order to fully address a subject.
 - o Some topics would require more than one meeting
- The Comprehensive Plan is required to be updated every ten years and they did an update in 2018 so they do not really need to update the Comprehensive Plan.
 - o The 2018 Update was actually a technical review and not an update.
- Recommendation to Council to hire a third person, if temporary, for a specific time period such as one or two years in order to complete tasks that were presented as reasons to support the hiring of additional personnel, even temporarily.
- Shifting work from the Planning Staff to the Applicant
 - o Preference to have the applicant sign the bottom of a checklist and have the city review rather than Planning Staff waste valuable time
- The Commission required Asbuilts be submitted on completed projects and staff has very little time for enforcement and question was posed on where the department was in making sure the City received those asbuilts.
 - o All planning staff is aware of the requirement and the asbuilts have been coming in, consideration has to be given that projects are 18 months out and they can be extended for one year.
 - o It is easy now with the software that has been implemented to review and search very quickly who is out of compliance.

- Digitally there are currently 23 asbuilts available, Planning Staff will follow up on this topic for the next regular meeting.
- Establishing priorities
- It is not the Commission's role to analyze all the applicants
- Status of the Comprehensive Plan funding and the Title 21 re-write
 - Should the Commission start reviewing the Comprehensive Plan and Title 21 rewrite
 - Funding is there but what was needed was benchmarks

VENUTI/HIGHLAND MOVED TO RECOMMEND THE PLANNING COMMISSION WITHDRAW THE REQUEST TO CHANGE THE MEETING SCHEDULE AND FORWARD THE RECOMMENDATION TO CITY COUNCIL.

There was no further discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

12. INFORMATIONAL MATERIALS

12. A. City Manager's Report for June 12, 2023

13. COMMENTS OF THE AUDIENCE Members of the audience may address the Commission on any subject. (3 min limit)

14. COMMENTS OF THE STAFF

15. COMMENTS OF THE MAYOR/COUNCIL MEMBERS

Mayor Castner reported on an Ordinance that was referred to the Planning Department regarding Title 22 and platting and it was never brought forward for the consideration of the Planning Commission. This will be on the Council agenda on Monday, June 26th because the time period has elapsed and he will recommend that it be further postponed since he did not believe that it could be approved by Council since the Planning Commission has not reviewed it and they have not held the required Public Hearing. He then cited some issues with the Borough having the final say so and he expressed hope that if fulfilled the Commissioners questions.

Commissioner Venuti stated that they update the Comp Plan every 10 years, so if other entities get involved are they still going to update this Comp Plan?

Mayor Castner is not opposed to spending planning money and having the consultant whom has written just about every comp plan in the state, if they are improving the harbor then it seems that the Spit Comp Plan should be addressed.

CITY OF HOMER
HOMER, ALASKA

City Clerk

RESOLUTION 23-051

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AMENDING THE REGULAR MEETING SCHEDULE FOR THE
PLANNING COMMISSION.

WHEREAS, Pursuant to Homer City Code Section 1.14.020, the City Council annually sets the schedule for regular meetings noting the dates, times and places; and

WHEREAS, City Council adopted the 2023 regular meeting schedules via Resolution 22-085 at their regular meeting on November 28, 2022; and

WHEREAS, The Planning Commission deliberated in depth the proposed reduction of meetings to once per month to effect efficiency in staff and commission capacity at their regular meetings on April 19, 2023 and May 3, 2023; and

WHEREAS, This Resolution does not preclude additional meetings such as emergency meetings, special meetings, worksessions, on an as needed or required basis.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Homer, Alaska that the 2023 meeting schedule for the Planning Commission is amended, as follows:

PLANNING COMMISSION (PC)

					June 7, 21
July 19*	August 2, 16	September 6, 20	October 4, 16**	November 1	December 6

*There will be ~~no a~~ First Regular meeting in July **on the third Wednesday of the month** ~~or Second Regular Meetings in November and December.~~

~~**Second meeting in October will be held on a Monday due to Alaska Day.~~

Planning Commission Regular Meetings are held on the first ~~and third~~ Wednesday of each month at 6:30 p.m.

PASSED AND ADOPTED by the Homer City Council this 22nd day of May, 2023.

CITY OF HOMER

KEN CASTNER, MAYOR

41 ATTEST:

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45 MELISSA JACOBSEN, MMC, CITY CLERK

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47 Fiscal Impact: Advertising of meetings in regular weekly meeting ad and advertising of any
48 additional meetings.